

A Work Session of the Clarence Town Board was held on April 2, 2008 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 9:03 A.M. Members of the Town Board present were Council members Patrick Casilio and Peter DiCostanzo. Councilman Weiss and Councilman Kolber were absent. Councilman Kolber may possibly have a relapse of pneumonia. Other town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Town Engineer Joseph Latona and Highway Superintendent Ted Donner.

**Supervisor Scott Bylewski**

Supervisor Bylewski reminded the Board to submit their checks to the Clarence Bee, the balance is due by April 7<sup>th</sup>.

The Bicentennial Committee is requesting Town Board approval to erect a temporary sign in front of town hall to advertise for the upcoming Bicentennial Ball. This has been done by other non-for-profit organizations for town wide events.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to grant permission to the Bicentennial Committee to place a temporary sign in front of town hall advertising the Bicentennial Ball. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss and Councilman Kolber. Motion carried.

The Town Clerk's office has distributed a list of individuals that have not submitted their annual disclosure form. Supervisor Bylewski asked that Board members contact their appropriate committee members and remind them to submit their disclosure form to the Town Clerk's office.

Kim Karcher has notified the Town that she will be leaving the Clarence Bee.

Supervisor Bylewski reminded the Town Board that the April 9<sup>th</sup> Work Session will begin at 5:30PM.

Supervisor Bylewski was approached by Hans Mobius regarding National Fuel. He is trying to get them to provide gas line service to Salt Road. The line stops at a point on Keller Road. Mr. Mobius is in talks with National Fuel and he asked that the Town begin talks as well. Councilman Casilio will contact National Fuel.

The NYS Department of Transportation is sponsoring a Disadvantaged Business Enterprise (DBE) and Minority/Women's Business Enterprise certification workshop and networking reception. Both events are being held on April 10<sup>th</sup> at the Belle Center in Buffalo. Copies of the letter were circulated to the Town Board.

Bruce Aiken was in to see Supervisor Bylewski regarding the entrance to the bike path at 6305 Transit Road. People are going onto Mr. Aiken's property to access the bike path. Highway Superintendent Ted Donner will install two or three sections of split rail fence on the town right-of-way to prevent anyone from driving off the parking area.

Supervisor Bylewski received the County Comptroller's review of the cost of real property tax assessment in Erie County. Supervisor Bylewski has a copy of the report in his office or it can be reviewed on line.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to grant permission for the Bicentennial/Heritage Days Committee to hold a Heritage Day Parade along Main Street on July 27<sup>th</sup>, 2008. On the question, Supervisor Bylewski said the parade is scheduled to begin at 1PM from the Clarence High School going east to the Clarence Town Park. The appropriate agencies will be notified along with the submission of a highway permit required by the NYS DOT.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss and Councilman Kolber. Motion carried.

The Town Board received an e-mail from Steve Calzi regarding a drainage issue. The situation is being handled by the Town Engineer and the Highway Department. Councilman Casilio will respond to Mr. Calzi e-mail.

Erie County Commissioner of Public Works Gerry Sentz received a request from Marta Carney/Novel Tea to close off part of Goodrich Road from Clarence Center Road to Maple Road on Saturday, May 24<sup>th</sup> for the day. The Clarence Center Community Association would like to host an “Author’s and Artist” Community Street Fair. The event organizers will have detours east to Railroad Street to Maple to Goodrich, Clarence Center and west to Long Street to Maple to Goodrich to Clarence Center Road. Councilman Casilio asked who would be directing traffic and who is responsible if someone gets hurt. The Town Board was concerned with closing off a county road for an entire day. Councilman DiCostanzo suggested moving the event to a side street with less traffic such as Maple to Railroad Street. Town Engineer Latona stated that parking will be an issue as well. It was not clear as to whether Clarence Center VFC has been approached about this event. Highway Superintendent Ted Donner stated that he did not know about this event until he heard from Erie County Highway Department. Supervisor Bylewski stated that the Board is interested in helping out as much as they can but he has a problem with the length of the request. He felt that the event would be better off moved off Goodrich Road onto Maple Street and possible the Bank of Akron parking lot. Supervisor Bylewski will contact Marta Carney and express the concerns of the Board, further discussion and a decision will be made at the April 9<sup>th</sup> Work Session.

Supervisor Bylewski reminded the Board of the joint Town Board/Planning Board meeting. If anyone has any agenda items forward them to the Supervisor’s office.

Supervisor Bylewski stated that he met with the County Executive regarding the town acquiring Beeman Creek Park. Given the size of the park and whether we purchase it or lease it, no matter what we did to acquire the park, it is a Type I Action so it is an automatic coordinated review under SEQRA. We will have to coordinate with the DEC and the Army Corps of Engineers regarding wetlands.

Motion by Supervisor Bylewski, seconded by Councilman Casilio that pursuant to Article 8 of the Environmental Conservation Law, the Town seeks Lead Agency Status and commence a coordinated review of the proposed acquisition, lease or other intermunicipal agreement regarding Beeman Creek Park. The acquisition, sale, lease or annexation or other transfer of 100 or more contiguous acres by a state or local agency is considered a Type I Action under SEQRA and is subject to coordinated review. On the question, Councilman Casilio thinks the acquisition is a good idea however; he has concerns about the acquisition. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss and Councilman Kolber. Motion carried.

#### **Councilman Patrick Casilio**

Councilman Casilio attended the Public Safety meeting on Monday; the committee reiterated and recommended basic first aid training for public safety volunteers. The Public Safety Committee with the backing of law enforcement is also requesting that the park gates be left unlocked and open. Councilman Casilio will talk to Parks Crew Chief John Burns regarding the gates.

Vince Delgato is an instrumental member of the Public Safety Committee; Councilman Casilio asked if there was a way to give him a title to get him appointed to that committee. Supervisor Bylewski stated that Mr. Delgato is listed as an advisor; he does not live in town so he can not be appointed to the committee. There are also two openings on the committee and should be filled before the next meeting.

Councilman Casilio has received concerns regarding employees answering fire calls. He will receive a portable radio that he can listen to the employees ask for permission to go to fire calls.

Councilman Casilio received a letter from NYSEG regarding the removal of all Mercury Vapor lights. NYSEG has offered to change the lights free of charge however the newer lights have a different cost parameter which will affect our annual bill from NYSEG. This is being done County wide, not just in Clarence.

Councilman Casilio requested some type of photo identification card for when he responds to complaints.

#### **Wendel-Duchscherer – Ellen Parker**

Ellen Parker has been helping the Town with grants over the past year and would like to update the Board.

Ellen Parker has previously met with all department heads and found out what their priorities were. She has worked with James Callahan, Joseph Latona and former Supervisor Kathleen Hallock in pursuing grant opportunities whether they were things we went forward with or not. Two full grant applications that were pursued was the Community Development Block Grant which was for ADA improvements at the Legion Hall however the Town did not receive that grant. The other grant was the Economic Development grant for the Roll Road Industrial Park for water lines – the status of that grant is not known yet.

Ms. Parker questioned whether the Town wishes to maintain her services on an “as needed basis”. The Recreational Trails and Parks grant will be coming up. The Transportation Enhancement grants are now available and the town is interested in applying for this grant. Supervisor Bylewski stated that the town is looking for a bike path from Tillman to Beeman Creek Park along Strickler Road. Ms. Parker stated that the situation with getting that grant application done is slightly complicated because it is a County road so we will have to coordinate with the County. The Transportation Enhancement Program is a fairly stringent administration process and Wendel-Duchscherer would like to do a good job of estimating and to date, no design work has been done for this bike path. The preparation of the grant application is going to include a sum for doing that. It will include looking where the drainage soils are, what bridges you have to cross, what the right of way actually is etc. so we don’t come up with any surprises. The grant is an 80/20 match (the Town would receive 80% from the Federal Government. The town would make payment and submit for reimbursement – the grant amount is fixed). Ms. Parker stated that for the estimating work and the grant application process itself would be charged at time and expense and could cost approximately \$10,000. This type of bike path will be more expensive than the paths along the former railroads.

Ms. Parker suggested that an informational meeting be held to inform the public of the propose bike path before the town is totally committed. The grant application is due June 26<sup>th</sup>. The Town Board will have to pass a resolution to authorize the town to enter into a grant application; this is a requirement of the NYS DOT.

Supervisor Bylewski stated that the town is still under contract with Wendel-Duchscherer until September of this year.

Ms. Parker will report back to the Town Board as to the exact cost to write the grant and do the design work. Enough design work will have to be done to make sure the cost estimate is accurate.

The State Parks has available an annual 50/50 match grant for parks development, they also have a Historic Preservation Program under that.

Councilman Casilio inquired as to grants for a water line at Memorial Park and security cameras along the bike path. He is also looking for lights and sidewalks along Main Street from Thompson to Transit Road and if there are any grants available he would be very much interested.

Highway Superintendent Ted Donner would be interested in obtaining a grant to rebuild bridges.

Town Attorney Bengart is interested in any grants as it pertains to security and security cameras.

Town Engineer Latona suggested that Ms. Parker report back as to what grants would be available, how much grant money is available and what the towns share would be.

Councilman DiCostanzo suggested possibly obtaining grant money for the stone wall for the arboretum.

### **Councilman Peter DiCostanzo**

Councilman DiCostanzo has one item to discuss in Executive Session regarding the appointment of an individual and one item regarding a land purchase.

Councilman DiCostanzo forwarded several articles in a Long Island newspaper regarding attorneys in school districts. The attorneys represented several school districts and were receiving pensions from all the districts as well as receiving a salary from their law offices. There was also an article on Special Taxing Districts and the abuse of benefits and salaries.

Councilman DiCostanzo would like to discuss the status of LOSAP in Executive Session.

### **Highway Superintendent Ted Donner**

Councilman Casilio stated that several months ago in the bill pay, there was a \$3,000. repair bill on a \$4,000. Parks Department vehicle. Councilman Casilio asked if the Town could not roll these trucks over faster or lease the trucks. Highway Superintendent Donner stated that the Town turns their vehicles over within a reasonable amount of time however; pickup trucks are held onto for a lot longer because we get them for a reasonable price. Mr. Donner did not feel that we could include these pickup trucks in our vehicle replacement program because the resale value is not there like other town vehicles such as the inspectors vehicles.

Highway Superintended Ted Donner would like to set a bid date for two Sport Utility Vehicles. He had previously gone out to bid last month, he had bid bonds posted on them and no one wanted to post bonds. Mr. Donner further stated that the town is at no risk going out to bid on new vehicles and having no bid bonds. Mr. Donner has been told by dealers in the area that they can beat the State bid price.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a bid date of Tuesday, April 22, 2008 at 10:00 A.M. for the purchase of (2) 4-Door 4-wheel Drive Sport Utility Vehicles. Sealed bids will be accepted in the office of the Clarence Town Clerk and opened at that date and time. On the question, Councilman Casilio suggested the vehicles be white so that in the future, they could possibly be used for security. One vehicle will be used by Assistant Engineer Lavocat and the other by the Supervisor. Upon roll call - Ayes: All; Noes: None. Absent: councilman Weiss and Councilman Kolber. Motion carried.

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 the employment history of individuals, the appointment of an individual; and the employment history of a corporation; § 105(1) H the proposed acquisition or lease of real property; § 105(1) D pending litigation regarding Newhouse Acres and LOSAP. Upon roll call - Ayes: All; Noes: None; Absent: Councilman Weiss and Councilman Kolber. Motion carried.

There being no further business, the Work Session adjourned at 10:22 A.M.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 11:05 A.M. Upon roll call – Ayes: All; Noes; None. Absent: Councilman Weiss and Councilman Kolber. Motion carried. No action taken.