

A Work Session of the Clarence Town Board was held on June 4, 2008 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 9:00 A.M. Members of the Town Board present were Council members Joseph Weiss, Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Other town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Town Engineer Joseph Latona and Director of Administration and Finance Pam Smith.

**Amato, Fox & Company, PC – James Parkes**

Amato, Fox & Company has audited the basic financial statements of the Town of Clarence for the year ended December 31, 2007 and has issued their report. Their responsibility is to plan and perform the audit to obtain reasonable, but not absolute assurance that the basic financial statements are free of material misstatement and are fairly presented in accordance with accounting principles generally accepted in the US.

As part of the audit, they considered the internal control of the Town. Such considerations were solely for the purpose of determining their audit procedures and not to provide any assurance concerning such internal control. As part of obtaining reasonable assurance about whether the Town's basic financial statements are free of material misstatement, they performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts.

Management has the responsibility for selection and use of appropriate accounting policies and has been advised about the appropriateness of accounting policies and their application. No new accounting policies were adopted and the application of significant existing policies was not changed.

Accounting estimates are an integral part of the basic financial statements of management and are based on knowledge and experience about past and current events and assumptions about future events. Amato, Fox & Company has reviewed management's judgment based upon their examination of the evidential matter relating to these estimates and are satisfied that the Town's accounting estimates as of December 31, 2007 are reasonable in light of known circumstances. Examples of some of the more significant items of this nature addressed in the conduct of their audit are: Employee Retirement System expenses, historical or estimated historical cost values on fixed assets and state aid and other accruals.

Mr. Parkes commended the Board for effectively addressing prior years' comments made in his management letter regarding drainage expenditures, capital proceeds borrowing and interfund activity. A review of these areas in 2007 indicates actions taken.

The town has preceded with various implementation steps to comply with GASB-45 in the 2008 financial statements.

**Combined Statement of Revenues, Expenditures and changes in Fund Balances** – the town budgeted to receive anticipated \$9,092,980 and actually received \$10,346,692. This is a conservative way to put a budget together and is good management within the town.

**Combined Statement of Revenues, Expenditures and Changes in Fund Balances** – the town budgeted to spend \$9,720,980. and actually spent \$8,910,869. The town spent under what was budgeted and ended up the year with a *profit* – an excess of revenues over expenditures. This is a conservative position to be in budgeting and good fiscal management for the town. It builds the fund balance and protects the town. State Aid is probably going to be cut in future years and the pressure is on to keep property tax down so it is good for the town to be in this position. Special Revenue Funds are in good position as well, they wound up adding to Fund Balance for the year.

**Summary of the Basic Financial Statements for the fiscal year ended December 31, 2007** – 52% of revenue is coming from Real Property Tax. Federal Aid (FEMA) went down.

**Summary of Expenditures by Functional Area all governmental Funds except Capital Projects for the Fiscal Year December 31, 2007 – 2006 -2007** net difference is not significant.

**Summary of Fund Balances – all governmental funds except Capital Projects for the Year ended December 31, 2007** – there is a positive fund balance up by \$1,216, 894. There was a decrease in Town wide Drainage District of \$5,695.

The town has positive fund balances and is in a very strong financial position using good conservative budgeting.

#### **Town Engineer Joseph Latona**

A public informational meeting was held on June 2<sup>nd</sup> to discuss the proposed Strickler Road bike path. It was suggested that Salt Road be looked at as an alternative route as there would be less homes impacted.

The proposed bike path would run from the West Shore Line (GUI's Lumber) north down Salt Road to the Peanut Line. Town Engineer Latona stated that you could run the path down Salt Road to Strickler to the Heise-Brookhaven sewer.

Supervisor Bylewski stated that there are many places we would like to have bike paths to go through. We want the major bike path routes to connect up to community facilities. There may be spurs that go off of it and into other more scenic areas.

Director of Community Development James Callahan suggested switching the grant using the Heise-Brookhaven sewer line where it dead-ends at Waterford to the Town Hall. We would need to obtain permission from Heise-Brookhaven.

Town Engineer Latona stated that it would be less expensive to run the bike path down both sides of Salt Road because it is wider, there are fewer houses and

would have fewer impacts (driveways, mailboxes etc.). In order to apply for the grant, the owner has to be the applicant which is the County. So the County will once again be on board from the administrative and the application process.

After a lengthy discussion it was decided to schedule a public informational meeting on June 23, 2008 to seek public input on a proposed bike path/shoulder widening on Salt Road from the West Shore Line to the Peanut Line.

#### **Erie County Sewer District #5**

Supervisor Bylewski polled the Board as to any additional questions they may have or comments that should be forwarded to Erie County Sewer District #5 regarding the proposed merger. The County has provided the requested documentation and numbers.

Town Engineer Latona questioned what the Town would be gaining by merging with the County at this point and what is the town giving up. Other than not having to do billing for the sewer, we are not gaining anything. Currently we have complete control around our sewers, if we merge we don't have to bill and we only have two representatives on a five member board. Town Engineer Latona stated that he was not opposed to the merger but with the timing of it, we don't have to rush into something.

Town Attorney Bengart stated that he felt that if all the pieces came together we should continue to pursue it – but not all the pieces have come together such as control over the parallel line and the merger in Amherst and one provider.

Town Engineer Latona further questioned the formula that the County used to spread around the unit charge. There are currently two districts in town that do not pay any charge, there is no user fee and there are two districts that do pay the charge. The two districts that pay the fee are going to be reduced and the other two districts are going to increase substantially. Over all, Town Engineer Latona suggested proceeding cautiously and consider what the Town is gaining if we merge with the County. The issue of sewer debt and redistributing it does not sound like good accounting practices.

The County is proceeding with the merger; they are funding it and are going to proceed with a conclusion as to who should be the provider.

Supervisor Bylewski stated that more the Board has explored the merger; it seems that more issues have come up than existed previously. More pieces of information have come forward that seem to indicate that the Board needs more answers before we can agree to it.

The conclusion and the results of the merger study are pivotal to the Town Board's final decision. It behooves us to wait for the completion and the results of the study.

#### **Beeman Creek Park**

Director of Community Development James Callahan contacted our representative at Erie County Environment and Planning and was informed that the park transfer has been stalled at the County Attorney's office. In terms of our

solicitation we are beyond the 30 days, we can take an action under SEQRA but at this point there is no need to until the County finishes their research. Supervisor Bylewski stated that the entire Legislature approved the park transfer.

Town Attorney Bengart has finished his review of the Parks Master Plan. There are some changes and some questions that Mr. Bengart will discuss with Director of Community Development James Callahan.

Bark in the Park will take place July 19, 2008 at Town Place Park on Goodrich Road.

Town Clerk Nancy Metzger received a reply from Governor David Paterson's office regarding a resolution the Town Board passed on May 14<sup>th</sup> regarding tax assessments on condos.

Parks Crew Chief John Burns has informed Supervisor Bylewski that the County contractor has finished grinding 152 stumps in the Main Street Park. They were ground 18" deep, topsoil and seeded. There are 35 stumps left in the rest of the parks which will also be ground, topsoil and seeded. Also, five trees were planted in the Main Street Park that were donated by various individuals.

Town Engineer Latona gave a follow-up on the Beech Meadow Court drainage issue. Mr. Latona walked the site and took pictures and found out what could be the cause of the problem. He has drafted a letter indicating every item he found, what he discovered, his recommendation and a commentary for three of the issues. Town Attorney Bengart will review the letter and then send it on to all the residents living on Beech Meadow Court. Mr. Latona spoke to William Scott a resident of Beech Meadow Court and explained everything he found on his field walk and how it impacted the area. Mr. Latona will forward contractors names to him to clean out the pipes and retention basin. It will relieve the situation. Councilman Casilio asked if there were any other water sources entering that retention pond now that were not coming in when it was first designed. Town Engineer Latona stated that he did not think this was the case. Town Engineer Latona stated that there is a huge wet land in that area. Councilman Casilio said that should have come into the calculations when this project was first proposed and the street was designed. Theoretically that should have been taken into account. The retention basin is silted in; the silt takes up volume that should be for water. That water, if it could go into the retention basin would relieve the backyard flooding. The design should have included what was tributary to that at the time of design.

Councilman Kolber stated that one of the residents in that area stated that there is another ditch contributing to that retention basin. The ditch does not show up on any town maps. Mr. Latona stated that there is a pond at Lakeside Sod that is tributary to the wet lands.

Councilman Casilio stated that the Town is spending thousands of dollars to fix a drainage problem in Loch Lea because of design flaws. Town Engineer Latona stated that he will send a letter to Pratt & Huth relative to the design of Beech Meadows.

Town Engineer Latona is developing a Storm Water Management Plan that will start managing the ditches on the north and on the west and proceed across town. He is hoping to put together a financial package and a maintenance schedule as well. We have the legal mechanism via the Town Wide Drainage District.

There was a discussion regarding Wenner Road and illegal dumping by the NYS DOT and residents throwing their grass and brush on the town right of way. The Highway Department cleaned the Wenner Road ditch however after inspection the other day; there were more grass clippings and brush from the residents in that area. Town Engineer Latona stated that he has spoken to the residents and it is now under control.

Councilman DiCostanzo thanked Town Engineer Latona for checking the uncapped sewer pipes and Town Attorney Bengart for forwarded a letter to the contractor.

Supervisor Bylewski has several Special Event requests that he will announce at the next Town Board meeting.

Swormville VFC is requesting approval to reduce the entitlement age from 62 to 55 for LOSAP.

### **Councilman Joseph Weiss**

Town Attorney Bengart still has not received a response to his letter to the Army Corps of Engineers regarding drainage work being done by Carmen Cimato in a wetland area off Kraus Road. Mr. Cimato was instructed by the Army Corps of Engineers to fill in the drainage area he created.

Councilman Weiss received several calls from the Clarence Lacrosse Team regarding striping on Sunset Park fields. Councilman Weiss contacted Parks Crew Chief John Burns and it was taken care of.

Councilman DiCostanzo commented that both Clarence Baseball and the Lacrosse teams are doing very well this year.

Motion by Councilman Weiss, seconded by Councilman Kolber Resolved, that Scott A. Bylewski, Supervisor of the Town of Clarence is hereby authorized to sign legal documents on behalf of the Clarence Town Board regarding the Bicentennial grant. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon recommendation from Recreation Director Clifford Trapper, the following are appointed for the 2008 Summer Recreation Program: Specialist at \$16.91/hour – James Ferguson, Erin Fulcher, Greg Riggio, Trevor White, Paul Zoratti. Recreation Specialist at \$15.01/hour Jenna Snyder. Attendants at \$7.56 /hour – Mike Abouraud, Angelyn Delgatto, Angela Esposito, Amanda Harris, Kaitlyn Hein, Jeffery Herendeen, Jamie Krawczyk, Joseph Kruszynski, Craig Levan, Andrew Lex, Jessica Notarius, Kyle Overs, Kristen Swanson, Jessica Tufte. Lifeguards at \$9.41/hour – Carl Anderson, Anthony Bonaventura, Sarah Bzibziak, Robert Davidson, Danielle Esposito, Connor Ferguson, Jamie

Ferguson, Julia Foy, Jay Kaplewicz, Jessica Kowalski, Jillian Kreppel, Jillian Lockwood, Courtney Sugg, Leslie Tunmore, Alex Quenneville, Brett VanGroenwoud. Senior Head Lifeguard at a salary of \$3,247 Jocelyn Hohman. Head Lifeguards at \$10.03/hour Lauren Creighton, Joelle Salvo and Tara Schneider. Upon roll call - Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo contacted Nicki Cervantes at the Buffalo News regarding her article on the garbage referendum. Her article stated that the referendum was ***overwhelmingly defeated***. The vote was lost by only 333 votes (1783 for and 2116 against). Niki was going to run a correction.

### **Councilman Bernard Kolber**

Councilman Kolber would like to move forward with the removal of the water tank on Goodrich Road near the cemetery. Supervisor Bylewski suggested doing a reverse bid. The pump house could be left in place. Town Engineer Latona said that the water tank is empty and can not be reused. His only concern is that we are to keep something there to meet the conditions of Erie County Water Authority. Town Engineer Latona has the file from the Harris Hill water tank. The bid prices are contingent on what the market price is. One of the significant conditions is whether there is lead paint on the tank. Town Engineer Latona will research this further and talk to the contractor.

The Senior Center has requested that the sign that pointed to the Senior Center from Main Street that was taken down during road construction be put back up. Councilman Kolber will check with Highway Superintendent Ted Donner as to the whereabouts of the sign.

The Senior Center is also requesting replacement of the Senior Center bus.

Town Engineer Latona has the opportunity to acquire an engineering intern from the High School at no cost to the town. The student is only 17 years of age but would not be on the payroll and would only work 20 hours per week. The Town Board was in favor of this however, Town Attorney Bengart will work out any legal aspects.

Town Engineer Latona was approached by Sandy Baker wanting the sanitary sewer specifications for Railroad Street and Goodrich Road. She has property at both locations and is having settlement problems with her swimming pool and stone work on Goodrich Road.

### **Councilman Patrick Casilio**

Highway Superintendent Ted Donner has ordered the speed limit signs for Strickler Road near the Middle School.

Councilman Casilio received a check for cameras from Kevin Patterson – Take Back the Path.

Councilman Casilio is meeting with a firm out of Rochester to review the technical aspects of their camera system.

**Councilman Peter DiCostanzo**

The Assessor's Office is currently in the process of doing Assessment Reviews.

The Historic Preservation Committee would like to place a plaque on any home designated a historic property. The Committee does not have a budget and questioned whether the Town could pay for the plaques for one or two houses per year. Supervisor Bylewski suggested the committee come up with the cost of the plaques - this is something that could come out of Planning & Zoning Budget. Councilman Kolber questioned whether we could put a town provided plaque on a private house or should the plaque be placed in the right-of-way. Town Attorney Bengart suggested putting the plaque on a post in the right-of-way. Councilman Weiss commented that it could become a deterrent if the plaques were in the right-of-way.

The Historic Preservation Committee is also questioning how much of a tax exemption a designated house could get. Supervisor Bylewski stated that if a house is designated and receiving historic status, they are getting a tax exemption in that they do not pay General Fund or Highway Fund Taxes. Supervisor Bylewski stated that he could see the establishment of a town grant for home improvements.

The Historic Preservation Committee would like to get National and State Historic Preservation designation for the Clubhouse. Councilman Kolber stated that this was looked at several years ago and there was a negative aspect in that the Clubhouse could not qualify because of all the modifications that were previously done on the building including electrical, air conditioning and window replacements. This also triples the cost of any improvements to the building because any improvement has to be done according to the way it was done when the building was originally constructed.

Supervisor Bylewski stated that he would be in favor of the Historic Preservation Committee pursuing historic designation for the Clubhouse. There could be some concern because of the alterations that have been made.

Town Engineer Latona is meeting with the designer of the sprinkler system for the Clubhouse on Thursday, June 5<sup>th</sup>. A bid date will be set in the near future.

Town Engineer Latona will award the bid for the replacement roof for the Log Cabin at the next Town Board meeting. The roof is being replaced with cedar shakes.

The Historic Preservation Committee is displeased with some of the reports done by Clinton Brown. Councilman DiCostanzo suggested the committee review the contract to see what he was contracted to do.

Councilman DiCostanzo will set a Public Hearing for July 9<sup>th</sup> to consider the designation of 6020 Goodrich Road as a historic structure under the Town of Clarence Historic Preservation Law.

Doug Kohler will submit a formal request to allow camping in the Main Street Park by Civil War enactors during Heritage Days weekend.

Courtney Creenan, the summer intern working in the Planning and Zoning Office has put together a report indicating the number of residential building permits issued from approximately 1958 to present. From 1990 forward a report on all approved subdivisions along with those still in the planning stages and the number of building lots left.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to enter into Executive Session pursuant to § 105(1) H of the Open Meetings Law to discuss the proposed acquisition of real property, but only when publicity would substantially affect the value thereof. Town Attorney Bengart has one Attorney – Client item to discuss as well. Upon roll call - Ayes: All; Noes: None. Motion carried.

The Work Session adjourned at 11:16 A.M.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 11:30 A.M. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

The Work Session reconvened at 11:30 A.M.

There was a short discussion regarding the town parks.

There being no further business, the Work Session adjourned at 11:40 A.M.

Darcy A. Snyder  
Deputy Town Clerk