

A Work Session of the Clarence Town Board was held on June 11, 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 Joseph Weiss, Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Other town officials present were Director of Community Development James Callahan, Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith and Planning Board Chairman Gerald Drinkard.

### **Director of Community Development James Callahan**

#### ***Public Hearings:***

Doodle Bugs 8574 Sheridan Drive

A public hearing is scheduled for 7:45 p.m. Applicant is proposing to develop a day care facility and office park. Total square footage will exceed 30,000 square feet. The proposed site is located on the north side of Sheridan Drive, west of Meadowbrook Road on existing vacant land consisting of 6.8+/- acres in the Restricted Business Zone. The Planning Board has forwarded an approval on the concept plan. Per the Zoning Law, a cumulative total of over 30,000 square feet of structure will require a Special Exception Use Permit.

Nathan Raupp 8575 Roll Road

A public hearing is scheduled for 7:50 p.m. Applicant is proposing to relocate an existing automotive repair operation to a vacant structure on Roll Road. The proposed site is located on the south side of Roll Road, east of Harris Hill Road in an existing structure situated on 4.47+/- acres in the Industrial Business Park Zone. Per the Zoning Law, the Town Board has authority to approve automotive repair operations via a Special Exception Use Permit. Parking and striping of vehicle storage area is required.

Swormville VFC

Swormville VFC is requesting a public referendum to lower the LOSAP entitlement age from 62 to 55 for volunteer firefighter retention purposed at an estimated cost increase of approximately 74%. Director of Administration Pam Smith distributed a handout with information obtained from VFIS regarding the census for each fire company. Supervisor Bylewski stated that we are looking at a 74% increase in Swormville LOSAP budget which would amount to approximately 13% increase in their tax rate based on the ***present budgeted numbers*** and assessed values. When you look at the numbers for East Amherst VFC (the only other company that has done this) it does not appear that it made any significant impact on recruitment and retention of members. Councilman Casilio stated that the Town is looking at an \$80,000 annual increase in Swormville VFC budget.

#### ***Formal agenda items:***

Newhouse Acres LLC

Applicant is proposing an Incentive Lot Subdivision maintaining at least 25% of the overall parcel as open space. The proposed site is located on the west side of Newhouse Road, north of Roll Road on existing vacant land consisting of 56+ acres in the Residential Single-Family Zone. Per the Zoning Law, the Town Board has authority to approve density yield and to approve the Incentive Lot

Development. The Planning Board has forwarded a recommendation on a density yield of **sixty** 15,000 square foot minimum lots under an Incentive Lot Design. *Councilman Casilio will recuse himself from discussion; his family home is adjacent to this proposed development.*

Culligan Auto Place 8129 Main Street

Applicant is seeking a building permit for a small addition to the Porsche showroom. The proposed site is located on the south side of Main Street, east of Transit Road at existing automotive sales operation located in the Commercial Zone. All setbacks and other zoning requirements are met. Per the Zoning Law, the Town Board has authority to approve building permits in the Commercial Zone as to architectural style and functional plan. ***(Applicant asked to be removed from the agenda).***

Arthur Fuerst 9450 Main Street

Applicant is seeking a permit for outside dining as depicted on site plan. The previously approved drive-thru coffee shop is located on approximately 1 acre in the Commercial Zone. A public hearing will be required to consider the request. *Councilman Casilio will recuse himself from discussion of this project.*

John Clancy 10255 Clarence Center Road

Applicant is seeking a permit to demolish existing dwelling unit and to construct a new home on the property. The existing single-family residential use dwelling is located on the southeast corner of Clarence Center and Strickler Road in the Agricultural Rural Residential Zone. Per the Demolition Law, demolition of a structure older than 50 years is a Type I Action under SEQRA. Construction of a new home prior to removal of old home will require a variance.

Hans Mobius 6879 Salt Road

Applicant is seeking a permit to demolish existing historic farm house over 50 years old located in the Agricultural Zone. The structure is located on the east side of Salt Road, north of County Road. Preservation opportunities should be thoroughly researched. Per the Demolition Law, demolition of a structure older than 50 years is a Type I Action under SEQRA.

Open Space Design/Incentive Lot Design overlay amendments to the Zoning Law  
The Planning Board has forwarded a proposed amendment to the Zoning Law, detailing provisions for reviewing and approving Incentive Lot Subdivision designs as a part of the Open Space Design overlay. A public hearing will be required to consider the amendments as presented.

***Work Session for consideration on June 25, 2008:***

Felber's Building Supply 5555 Transit Road

Applicant is seeking a permit to renovate the front façade of building with brick or stone. The proposed site is located on the east side of Transit Road, south of Roll Road.

St. Mary's Church Swormville

Applicant is seeking Development Plan approval for proposed church facility.

**Supervisor Scott Bylewski**

Supervisor Bylewski along with Town Engineer Latona met with County Executive Collins for the quarterly meeting regarding Economic Development. The Town of Clarence was singled out positively on several items. Supervisor Bylewski also received an update on Tonawanda Creek Road; the County is hoping to begin reconstruction either late summer or early fall. There was also some discussion regarding Six Sigma.

Supervisor Bylewski will announce the two motions made at the June 4<sup>th</sup> Work Session regarding the Bicentennial grant as well as the summer Recreational and Life Guard appointments.

Supervisor Bylewski received a thank you letter from the Buffalo Niagara Convention & Visitors Bureau for loaning them three computers.

Supervisor Bylewski will announce that the Town of Clarence received our audit. We did not have any material weaknesses. The Buffalo News reported on the audit done in the Town of Amherst. It was pointed out that Amherst has not sent out its sewer bills and had not billed the Town of Clarence or Erie County. Supervisor Bylewski stated that Clarence has requested for the last couple of years a "mock bill" that all parties had agreed upon, we have yet to receive it.

Former Town Justice William Waible has closed out his Justice Court checking account, the money has been submitted to the town.

Supervisor Bylewski will announce the public informational meeting scheduled for June 23 at 7:00 PM to seek public input on a proposed bike path/shoulder widening on Salt Road. The County is in favor of this project however, there is another TEP grant that they are pursuing.

Town Historian Mark Woodward met with Supervisor Bylewski. They discussed end of the year Bicentennial activities at the Town Park Clubhouse. They are considering a "First Night" family friendly event for New Years Eve.

The administrative staff for Erie County SD#5 is pushing for them to start running the clock for their public comment period on the County side. In talking with our staff, Supervisor Bylewski will inform them that we still need to get our own legal answers taken care of regarding the debt service for the various districts.

Supervisor Bylewski commented on an article in the Buffalo News regarding a former Clarence resident that moved to Lancaster.

Supervisor Bylewski will re-do the motion requesting legislation to alienate certain parkland relative to 10687 Main Street. The reason being is the State Legislature made an error.

Youth Director Dawn Kinney has resigned from the Recreation Advisory Committee.

Supervisor Bylewski will read a Proclamation announcing the Kathleen Hallock conference room.

Town Clerk Nancy Metzger is requesting a transfer of funds for uprights and braces for shelving units in the vault at Building & Engineering Department.

Supervisor Bylewski has several Block Party requests and Special Events to announce.

Supervisor Bylewski has one item to discuss in Executive Session regarding current litigation relative to the library.

### **Councilman Joseph Weiss**

Councilman Weiss talked to a resident on Roxbury that had been concerned about the traffic from DASH'S Market. The resident stated that so far there have not been any problems and he is pleased with the way the supermarket is handling the traffic.

Councilman DiCostanzo stated that he visited DASH'S on a Saturday morning and it was announced over the PA system that anyone parked along Roxbury had to move their vehicle. Another announcement came over the PA system that if you just had to move your vehicle off Roxbury to please see the manager at the front desk. They seem to be handling any traffic concerns.

The Youth Board met last night and interviewed several student candidates. Councilman Weiss will make those appointments in two weeks.

Recreation Director Chris Trapper is going to tie the Nature Center in with the Recreation Program.

Councilman Weiss will announce that the Town is still accepting donations for Day in the Park.

Councilman Weiss had a discussion with Highway Superintendent Ted Donner about the price of asphalt. The price changes on a weekly basis because of the cost of oil. With global warming, the cost of fuel, the cost of asphalt and the cost to replace storm receivers etc. Councilman Weiss would like the Town Board to once again consider the establishment of a town wide garbage district.

Highway Superintendent Donner is also requesting the appointment of part-time seasonal help in the Highway Department.

Highway Superintendent Ted Donner is requesting that the 2007 Ford Taurus (T-9 Assessor's car) be declared surplus.

Councilman Weiss will make a motion awarding the reroofing proposal to RGGT, LLC to reroof the log cabin in the amount of \$9,998.00 in accordance with their proposal dated April 14, 2008. Meeting House Board member Jon Conlin has selected the shingles and will meet with Town Engineer Latona at the preconstruction meeting on Monday. The project should be complete by Heritage Days.

Councilman Weiss will make a motion requesting Erie County Water Authority install a fire hydrant in front of 8910 Sheridan Drive for the Turf Doctor.

Town Engineer Latona is also recommending retaining David Arojona in the Engineering Department as a non-paid intern for six weeks at a maximum of 20 hours per week.

Upon recommendation of Town Engineer Joseph Latona, Councilman Weiss will appoint Mike Sabbotis as summer help in the Engineering Department.

### **Councilman Bernard Kolber**

Councilman Kolber has left a message with Professor Samina Raja and will pursue this further.

After attending the Zoning Board of Appeals meeting last night, Councilman Kolber stated that any project that requires land use action should have a sign posted for an adequate period of time and suggested a 30 day posting. This will give adequate notification to people who may be out of town. Land use changes affect not only the surrounding neighbors but the entire neighborhood. Director of Community Development James Callahan stated that this is not a state requirement and 30 days would be unreasonable under many circumstances. Councilman Kolber stated that when you take an action that permanently changes someone's property there should be adequate notification and posting of that. Councilman Kolber spoke to Highway Superintendent Donner about getting additional signs ordered; he will further review this with Town Attorney Bengart to discuss the details.

The bocce ball court is being constructed at the Senior Center.

Councilman Kolber will make an appointment to the Community Residence Committee.

Thompson Road was repaved several years ago and is scheduled to be oiled and stoned this summer. Since this is a highly traveled road, Councilman Kolber would like to inquire as to whether the County could repave the road. Town Engineer Latona stated that the road improvements have been scheduled and budgeted for the County. Councilman Kolber stated that repaving would create a much more durable surface for the amount of traffic. Supervisor Bylewski suggested Councilman Kolber send a letter to Erie County.

The Town Lacrosse Team has grown over the last several years, and many kids are being turned away. Councilman Kolber suggested developing funding or a stipend to help the town lacrosse team set up a house league program. They have a limited number of playing fields and Councilman Kolber suggested they use the Thompson Road site. Supervisor Bylewski recommended that Councilman Kolber ask the lacrosse team coach to submit a proposal and work with the Sport's Coalition.

### **Councilman Patrick Casilio**

Councilman Casilio has one item to discuss in Executive Session regarding matters leading to the discipline of a particular person.

Councilman Casilio asked that Voucher #38253 for towing of the Assessor's car be pulled from the bill pay. After reviewing the breakdown of the bill, Councilman Casilio is asking for more clarification on a \$700. towing bill.

Councilman Casilio had a brief discussion with Supervisor Bylewski relative to the Parks Department purchasing all their auto parts from a store in Alden when we have several auto part stores located within a closer proximity to the Parks Department. Councilman Casilio will research this further.

Councilman Casilio questioned the proposed sewing center on Main Street that backs up to Nottingham. He was concerned with parking. The main concern is the rear entrance on to Nottingham. Director of Community Development James Callahan stated that the ZBA reviewed this project and the project is conditioned on the creation of a landscape barrier on Nottingham Terrace.

Councilman Casilio received a complaint regarding vehicles at the high school that are blocking fire hydrants. Councilman Casilio notified the NYS Police and asked them to verify this and ticket anyone in violation.

Public Safety Volunteers have received their identification badges and will begin patrolling the bike paths.

Councilman Casilio has received numerous speeding complaints. Highway Superintendent Ted Donner will locate the speed trailer on Strickler Road.

The Volunteer Fire Companies are trying to set up a date for budget discussions.

Clarence Center VFD has presented to the Town of Clarence a fireman statue representing their 100 year anniversary.

Swormville VFC will present their request for change in LOSAP this evening. Councilman Casilio did not feel there were any advantages to lowering the age to 55 as far as keeping people active, it will allow you to get out sooner. Supervisor Bylewski stated that the reduction in age is not necessarily a recruitment and retention tool by itself.

Councilman Casilio stated that he is a fireman in Clarence Fire District and they have a LOSAP program. He further stated that he would have been out 15 years ago if it wasn't for LOSAP not because of the money but because it is a goal of his. He does not see any advantages of lowering the age limit to 55.

The Fire Chief's Association has requested a special meeting with the town's LOSAP representative to review the Length of Service Award Program and to see where their money is being invested. Councilman Casilio requested they submit an agenda for the Board to review so the proper information can be prepared. A meeting date will then be scheduled. The President of Swormville VFC has questioned how the money was being invested and would like to be able to pick and choose where their money is being invested. Councilman Casilio stated that it is the Town's responsibility - as it should be. If the program does not pay for itself, the Town has to subsidize the program.

The Morlando Committee is on-going. Councilman Casilio is looking into the possibility of grant money. He is looking into obtaining prices for the pillars on Nottingham Terrace next to the drycleaners.

Highway Superintendent Ted Donner is replacing the historical marker on Nottingham Terrace and Main Street.

Councilman Casilio will meet with Town Engineer Latona to discuss sidewalks on Main Street.

Councilman Casilio and Senior Building Inspector David Metzger will review the status of several buildings in Clarence Hollow.

Councilman Casilio and Assistant Planner Brad Packard will meet to verify several used cars for sale throughout the town.

Councilman Casilio met with a consulting company regarding security cameras. They will provide a demo setup to determine how the cameras work. The antenna at Building and Engineering Department is very conducive to receiving signals from all over town.

Clarence Hollow filled forty flower pots and has asked the Parks Department to water them again this year. The Town Board was in agreement with this. Councilman Weiss will notify Parks Crew Chief John Burns.

### **Councilman Peter DiCostanzo**

Councilman DiCostanzo will set a public hearing for July 9<sup>th</sup>, 2008 at 7:50 PM to consider the designation of 6020 Goodrich Road as a historic structure under the Town of Clarence Historic Preservation Law.

Doug Kohler is requesting approval for a Civil War reenactment company to set up in the Main Street Town Park during Heritage Days weekend.

The Historical Society talked about memberships and all the mailings they do, the cost of postage and how members do not pay their dues etc. Councilman DiCostanzo suggested setting up an e-mail list. They could then contact members via the internet to remind them of upcoming events and meeting dates etc. New members could provide their e-mail address on their enrollment application.

Councilman DiCostanzo suggested that any Town Board member that has extra time on a Tuesday morning at 9AM should attend the Planning Board Executive Committee meeting to sit in on the discussions regarding the proposed Spaulding Green development.

Councilman DiCostanzo has received several complaints regarding speeding on Keller Road. He suggested the speed trailer be set up there as well.

Councilman DiCostanzo has one item to discuss in Executive Session regarding the employment history of a particular individual.

Councilman DiCostanzo noted Senior Building Inspector David Metzger picture on the front page of the Clarence Bee. Members of the Hazardous Materials Response Team of the Clarence Fire Company took part in a simulated fire and chemical spill at Greatbatch Inc.

### **Town Assessor Christine Fusco**

Christine Fusco gave an update on how the assessment review process is going. The tentative roll was filed May 23<sup>rd</sup>. A handout was distributed, however those numbers did not reflect the Assessment Review Boards decisions as the board is not done meeting yet. A total of 4,234 assessment notices were mailed out. This did not include any new construction or construction changes. Christine did 327 informal reviews through her office and the Assessment Review Board had 160 applications. There were 104 actual hearings the rest were non-hearings. The non-hearings also included any Article 7 proceedings that are carried over from the year before.

The 2008 tentative totals are \$93,000,000. across the board for all schools. Last year there was \$184,000,000 put on. Last year all the commercial properties were reassessed. In 2006 \$166,000,000 were put on. Christine stated that we are looking at a more stabilizing economy. New construction is down.

Christine Fusco spoke with School Business Administrator Richard Mancuso today. A tax payer spoke to Mr. Mancuso directly and asked how much of an increase of his assessment was accounted for in the budget totals. Mr. Mancuso replied "none". The school does their budget, and then they get the Town's final numbers. Mr. Mancuso stated that there was a zero increase in the levy last year to this year. Councilman Casilio stated that there was no increase because property values went up 10%. Mr. Mancuso assured Christine Fusco that the tax rate per thousand will be going down this year.

Councilman Casilio stated that Mr. Mancuso states that there will be no increase however he is getting \$4,000,000 - \$5,000,000. more this year because of assessment increases and state aid.

Mr. Mancuso stated that the major increase in state aid they received this year plus the increase in sales tax revenue allowed them to not raise the levy. Christine Fusco then asked what the school is doing with the tax rate when they get her number of increased assessments. Mr. Mancuso stated that "the tax rate will go down."

Christine Fusco stated that there were 20 sales in Spaulding Lake and 17 of those sales sold for more than what they were assessed for – those were sales from two years ago. There a still a lot of sales out there so we will see what the market brings next year. What Christine is seeing now is a normal market as compared to several years ago when there were bidding wars and houses were selling way above market value.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to §105 (1) D of the Open Meetings Law to discuss current litigation regarding the library, § 105(1) F discipline of a particular person

and the employment history of an individual. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 7:24 P.M.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:40 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, June 11, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:42 P.M. Pledge to the flag was led by Councilman Joseph Weiss, followed by a prayer given by Father Yetter of St. Mary's Catholic Church.

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, Planner Brad Packard, Building Inspector David Metzger and Planning Board Chairman Gerald Drinkard.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held May 28, 2008 as received. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said it is their practice and policy to announce motions that were made at the Wednesday morning work sessions. The following were made at the June 4, 2008 meeting:

A motion authorizing the Supervisor to sign grant documents relating to the Bicentennial.

Recreation staff and life guard appointments were made. A listing of those appointed is in the minutes of the June 4, 2008 meeting.

Supervisor Bylewski said he received a letter from the Buffalo Niagara Convention & Visitors Bureau thanking us for the loan of three computers.

Supervisor Bylewski said the Town Board received an audit review during the previous work session. It was a favorable audit with comments on how effectively the Town Board has addressed previous year's comments. The Town has positive fund balances and is in a strong financial position using conservative budgeting.

By way of comparison, since people seem to compare us with Amherst, the Buffalo News stated that they had a number of significant deficiencies that were considered a material weakness.

Supervisor Bylewski said as long as he has been on the Board, we have never received an audit that identified a material weakness in the Town.

The article also stated that Supervisor Mohan had issues with the sewer bills which have been an ongoing contention with the Town of Clarence and Erie County Sewer. He is deliberately delaying sending out the bills because he believes that Clarence and Erie County Sewer owe them more money. We have been dealing with this issue for a number of years and have yet to receive a satisfactory resolution. We thought we had an agreement three years ago with Amherst to send a mock bill based upon an agreed rate. We are still waiting.

Supervisor Bylewski said a public input session was held last week regarding seeking a grant for a proposed bike path along Strickler Road. The result of that meeting was to look at an alternative of establishing a bike path or making shoulder improvements along Salt Road. Another input session is set for June 23, 2008 at 7:00 p.m. at the Town Hall Auditorium.

Supervisor Bylewski said he attended a meeting yesterday of town supervisors, city and village mayors and the county executive. The subject of Tonawanda Creek Road came up and the work is being pursued by the County along with FEMA funding. The DEC is reviewing the application and the hope is that work begins in late summer, early fall.

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

Resolved, that the Clarence Town Board, pursuant to Article IX of the Constitution, requests the enactment of Senate Bill S.8189A and Assembly Bill A.11024A, entitled "An Act to allow the Town of Clarence, Erie County, New York to alienate of certain parkland in the Town of Clarence;" and be it further

Resolved, that it hereby declared that a necessity exists for the enactment of such legislation and that the facts establishing such necessity are as follows: The local government does not have the power to enact such legislation by local law.

On the question, Supervisor Bylewski said we had previously moved to authorize the sale of this property. The information was sent to the State legislators and there was an error in the bill resulting in us having to adopt this motion again.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to accept, with regret, the resignation of Dawn Kinney from the Recreation Advisory Committee. On the question, Supervisor Bylewski said Dawn is the Executive Director of our Youth Bureau and conflicts have come up that she does not feel she can effectively do both. She will be missed on this committee. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said anyone interested in serving on the Recreation Advisory Committee should submit an application by July 11, 2008.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adopt the following proclamation:

WHEREAS, KATHLEEN HALLOCK retired from the Town of Clarence on December 31, 2007, after 22 years of dedicated service; and

WHEREAS, KATHLEEN HALLOCK began her career with the Town on January 1, 1986, appointed as Bookkeeper, serving in that position until December 31, 1993, was elected to the Office of Receiver of Taxes and Assessments in November of 1993, serving in that capacity from January of 1994 through December 31, 2001; and

WHEREAS, KATHLEEN HALLOCK successfully ran for the office of Supervisor in 2001, served for two terms, and was the first Supervisor elected to a four year term; and

WHEREAS, KATHLEEN HALLOCK with her hands-on approach, determination, keen business sense, positive attitude, strength of character and endless energy, achieved many of her goals during her tenure as Supervisor from 2002 to 2007, and retired leaving the Town in excellent fiscal state with the highest bond rating for a Town its size; and

WHEREAS, the Clarence Town Board commends KATHLEEN HALLOCK for all she has accomplished for the Town of Clarence within the scope of 22 years as a dedicated employee and elected official.

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board recognizes KATHLEEN HALLOCK for her many years of devoted service to the Town of Clarence by proudly dedicating the West Hall Conference Room, the office where she served as the Receiver of Taxes and Assessment for eight years, and hereby Proclaims that her former office be named the KATHLEEN HALLOCK CONFERENCE ROOM.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to approve the following transfer of funds in the Town Clerk accounts in the General Fund: \$50 from A1410.479 Other Unclassified to A1410.220 Office Equipment. On the question, Supervisor Bylewski said this is to purchase uprights and braces for additional shelving in the vault at the Building & Engineering Department. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to grant approval for a Block Party to be held June 29, 2008 on Lantana Drive common area from 4:00 to 9:00 p.m. On the question, Supervisor Bylewski said all appropriate agencies will be notified for all of these types of events. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant approval for a Block Party to be held on July 4, 2008 on Garrock Road between Clearview Drive and Red Tail Run from 1:00 to 11:00 p.m. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant approval for the 2<sup>nd</sup> Annual Take Back the Path 5K event to be held August 20, 2008 from 7:00 to 11:00 p.m. This event will also involve the Clarence Center Fire Company grounds. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve the annual Labor Day Parade through Clarence Center on September 1, 2008 from 12:30 to 2:00 p.m. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to declare the 2007 Ford Taurus, VIN #1FAFP53U07A129545 as surplus. On the question, Councilman Weiss said this car was in an accident. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo that upon recommendation by Highway Supt. Ted Donner, the following be appointed as part time seasonal help in the Highway Department at the budgeted rate of pay effective June 16, 2008: Justin Andzel, Aaron Andzel and Cale Switzer. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to award the contract for reroofing the log cabin in the amount of \$9,998 to RGGT, LLC in accordance with their proposal dated April 14, 2008. On the question, Councilman Weiss said the log cabin has been leaking for quite a while. The cost is a little more due to the historic restoration. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that the Town of Clarence requests Erie County Water Authority to install a fire hydrant in front of 8910 Sheridan Drive for the Turf Doctor. The Town agrees to pay the annual fire hydrant maintenance fee to Erie County Water Authority subject to the terms and conditions of an agreement between the Turf Doctor and the Town of Clarence and execution of said agreement by the parties. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to hire Mike Sabbotis as summer help in the Engineering Department effective 6/23/08 at \$10 per hour. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Supervisor Bylewski to retain David Arojona in the Engineering Department as a non-paid intern for six weeks at a maximum of 20 hours per week. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said a letter was received from Rick DiVita of Clarence Girls Softball commending the Parks Department for the outstanding job they are doing taking care of the ball diamonds.

Councilman Weiss said the Youth Board met last night to interview potential new student members. He will bring their recommendations for appointment to the next Town Board meeting.

Councilman Weiss said he met with Chip Trapper from the Recreation Department and they are going to include Nature Center activities in their program to get kids more in tune to nature.

Councilman Weiss said they are still accepting donations for Day in the Park. They can be turned in to Karen Jurek at the supervisor's office. The event will be held July 5<sup>th</sup> with more new activities planned for this year.

Councilman Weiss congratulated Peter DiCostanzo and Tim Pazda for their endorsements for Town Councilman, and Mike Powers and David Donahue for their endorsements for Town Justice.

Motion by Councilman Kolber, seconded by Supervisor Bylewski to appoint Jeff Wang to the Community Residences Committee with term to expire 12/31/08. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said a bocce ball court is being installed at the Senior Center at the request of the members. It should be completed soon.

Motion by Councilman Kolber, seconded by Councilman Weiss to authorize the Clarence Supervisor to write a letter to Erie County Executive Chris Collins and Erie County Highway Department to request that Thompson Road be paved rather than oiled and chipped. On the question, Councilman Kolber said the road was paved about 5 years ago and has just fallen apart.

It has heavy traffic and to do it properly, it should be paved. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said he has received a request from a resident about a Town lacrosse program. He is involved in a travel team and has had to turn down about 50 kids who would like to play. He puts this out to parents or coaches to spearhead something. We should help facilitate this as we do with other sports.

Councilman Casilio said the volunteer bike path patrols will begin going out tomorrow night. They have completed their training and are equipped with identification and radios and are ready to go.

Councilman Casilio said we have a lot of complaints about speeding on certain roads. The traffic and speed trailer is now in front of Clarence Center Elementary School after receiving a letter. It will be moved around to different locations.

Motion by Councilman Casilio, seconded by Councilman Kolber to appoint Liz Eyrick to the Public Safety Committee with term to expire 12/31/08. On the question, Councilman Casilio said she is a certified EMT instructor and a 20-year volunteer fireman and he believes she will be a great asset to this committee. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio said they will be setting up meetings to review fire company budgets in August. Some have signed 3-year agreements. Swormville Fire Company is here tonight to make a request to lower the eligibility for LOSAP.

The Clarence/Newstead Fire Chiefs Association requested a review of the LOSAP program. They would like to meet at an evening meeting to discuss this further.

Councilman Casilio said the Morlando Committee is getting prices to replace the pillars at the Nottingham Terrace entrance.

The Engineering Department is doing a survey of sidewalks on Main Street that are in need of repair.

Councilman Casilio said he met with a video camera contractor regarding cameras for the bike trails. He will set up a demo for us to look at.

Kevin Patterson turned over a check for \$8,000 that was raised at the event he held last year for bike path safety.

Councilman Casilio said the Parks Department will soon be going into Harris Hill to repair the street lights. The paperwork for the easements is all set to allow them to go in and bury the wiring. It should take about a week.

Councilman Casilio said in talking with Highway Supt. Ted Donner, he will be moving the traffic/speed trailer around to various locations and placing it for a week at each place.

Councilman Casilio said he has received more complaints about the parking on Main Street in front of the high school. The NYSDOT has come up with a plan that they will be moving on in the near future.

Councilman Casilio said the Clarence Hollow Association has installed flower pots along Main Street. The Parks Department will water them.

Councilman Casilio said that Clarence Center Fire Company just celebrated their 100 years of service to the community. They presented a trophy marking the 100 years for display at the town hall.

Councilman DiCostanzo said that as a result of a tip from a resident about an open cap along the sewer line, Town Engineer Joseph Latona went out and found that there were more. A letter was sent to Erie County Sewer and they have been taken care of.

Councilman DiCostanzo received a request from Doug Kohler of the Historical Society to allow the reenactment group to camp in the park during Heritage Days. They have an antique cannon that they do not want to leave unattended. He will make a motion in this regard at the next meeting.

Councilman DiCostanzo said the Planning Board is working on quite a huge project, Spaulding Greens. There are a lot of issues involved and he thanked Jim Callahan and Jerry Drinkard for handling this very well. Anyone interested in this project should stop in to a Planning Board meeting. It is amazing to him that there were only about four people besides the members at the last meeting. This is going to be a huge project for the Town.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to set a Public Hearing for July 9, 2008 at 7:50 P.M. to consider the designation of 6021 Goodrich Road, also known as the Pickering house, as an historical structure under the Town of Clarence Historic Preservation Law. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said Flora Leamer is very good about letting people know what is going on around Town. If you do not want to drive far, there is plenty to do including Day in the Park, chicken barbeques, concerts, Taste of Clarence, and so on. He has made copies of the events and put them in the back of the room for anyone interested.

Supervisor Bylewski thanked all of the department heads in attendance for being here.

Supervisor Bylewski said two items are removed from the agenda at the applicants requests. One is item 15 - Culligan Auto Place for an addition and item 18 – Hans Mobius for a demolition permit.

A Public Hearing was held to consider a Special Exception Use Permit for cumulative structures over 30,000 sq. ft. at 8574 Sheridan Drive. James Callahan said the location is the north side of Sheridan Drive, west of Meadowbrook Road consisting of 6.8 +/- acres in the Restricted Business Zone. The applicant is proposing a day care center and office park. Since the day care center exceeds 10,000 sq. ft., a Special Exception Use Permit is required. The Zoning Law states that a Special Exception Use Permit is required for a structure over 10,000 sq. ft. or accumulative structures over 30,000 sq. ft.

Bob Blood, landscape architect and Anthony Insinna, president of Doodle Bugs were present. Mr. Blood said this is a prototype building for Doodle Bugs developed over many years. They have modified the façade to go with the character of other buildings in the town. It will also be the core business on this site. The parking lot lighting will be changed to a more historic looking. Stone walls will line the entranceway.

Councilman Weiss said the stone walls all along the property line would look really nice. Mr. Insinna said they will go as far as they can within their budget. They do include a significant amount of landscaping in their projects.

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.

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

Be It Resolved that the Clarence Town Board, after a public hearing duly held on June 11, 2008 and after all interested parties being heard, grants a Special Exception Use Permit to the applicant, Doodle Bugs, for the construction of a 10,000 + foot structure for a day care facility and office park located at 8574 Sheridan Drive subject to the following conditions: 1. Commercial open space fees. 2. Per the concept plan recommended by the Planning Board.

On the question, Councilman Kolber suggested Landscape Committee approval. James Callahan said that is part of another approval as the project moves forward. Councilman Weiss said he would really like to see the stone fence. Mr. Insinna said he will try to do as much of it as he can. Councilman Casilio reminded him that it is a fill site and they should be aware of that.

Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider the request for a Temporary Conditional Permit for an automotive repair shop at 8575 Roll Road. James Callahan said the location is the south side of Roll Road, east of Harris Hill Road in an existing vacant structure on 4.47 +/- acres in the Industrial Business Park Zone.

Nathan Raupp was present.

Supervisor Bylewski asked that all comments made at prior meetings also be carried forward.

With no one speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Kolber to close the Public Hearing. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Kolber and Supervisor Bylewski; Noes: None. Recuse: Councilman Weiss. Motion carried.

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

Be It Resolved that the Clarence Town Board, after a public hearing duly held on June 11, 2008, and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, Nathan Raupp, for an automotive repair shop in the vacant structure at 8575 Roll Road subject to the following conditions: 1. Paving and striping of vehicle storage area required. 2. Temporary Conditional Permit is for a period of one year. 3. Limit of 10 cars for overnight storage. 4. No cars on display for sale.

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

Swormville Vol. Fire Co. requests a public referendum to lower the LOSAP entitlement age from 62 to 55 for volunteer firefighter retention purposes at an estimated cost increase of approximately 74%.

Al Weiser, director, past president and 23-year member; David Ryer, Fire Police Captain and 21-year member; Robert Linde, Board of Directors and 31-year member; David Stengel, Vice President and 30-year member; Garry Daigler, past chief and 44-year member; Garry Daigler, Jr., 20-year member, Edward Thompson, past chief and 28-year member, John Veneski, past chief, past president and 40-year member, John Gaulocher, president, and 38-year member were all present.

Supervisor Bylewski said they received the letter requesting a referendum and also information from VFIS.

Al Weiser said they would like to give the residents of Swormville the opportunity to vote in a referendum to reduce the entitlement age from 62 to 55. If the Town Board consents, a referendum would be held at the same time for the Amherst residents in their district.

LOSAP is the Length of Service Award Program. It was formed in the 1980's to address the issues of attracting new members and retaining current members. Swormville adopted the program in 1990. With today's life styles and added time away from families, it is difficult to attract new members.

Mr. Weiser said during the first year, a new member is required to go to 40% of the calls, monthly drills, new firefighter orientations, work details, a course that takes about six 8-hour days, and first aide training. In order to be able to drive a fire truck there are course you have take on driving and operating the pumps properly. There is also in-house training.

Mr. Weiser said it is important to attract and maintain skilled members to keep them successful. Junior members are able to join at 16 years old with limited responsibilities.

The fire company had discussed this matter in 2002 and it was voted down. The new building was in progress. Over the last two years they have been working on it again and it was approved by the fire company to move forward. Swormville is the last fire company in Amherst to lower the age.

Mr. Weiser respectfully requested, on behalf of the Swormville Fire Company, to hold a referendum in the near future to lower the LOSAP retirement age from 62 to 55.

Supervisor Bylewski said the Town requested some information. Based on the costs, using the numbers for this year, the rate would go up from \$1.14 to 1.29. It would not take effect until next year and the numbers would go up given the ages of the members. We used the budget. In looking at it preliminarily, it does not look as though it has been working as a recruitment or retention tool. He would like to know if they can get any information that shows that lowering the age has been effective in other districts. He would like that information to help in his decision. It makes it more difficult when looking at the costs. This would be a 13% increase to the rate and we have generally been trying to keep within the cost of living increases.

Councilman Casilio thanked them for coming out. He has also been a fireman for 32 years. He believes without the program he would have gone exempt many years ago. He believes it would be about an \$80,000 increase to Swormville's budget next year. The rest of the companies could also come forward.

Councilman Weiss said the numbers do not show that it works as a recruitment and retention tool. He suggested selling their chief cars; invest in an annuity and self fund the program.

Al Weiser said the chief vehicles are first responder emergency vehicles, EMT equipped and are first on the scene. The Town of Amherst is willing to do it and is waiting to see what Clarence is doing.

Councilman Kolber said he does appreciate the chief's cars out there.

Councilman Weiss said he fully appreciates the men, but when we have churches closing, GM cutting the wages of their workers, the high price of gas and citizens are deciding between food and prescriptions, he cannot see these budgets increasing like this.

Councilman Kolber said the costs are lower than if we had paid firemen.

John Veneski said he feels that it is a good tool that we need. We cannot compare ourselves to the auto industry. It does not make sense to him to sell equipment so that they can have members.

Councilman Casilio said he understands what those vehicles provide.

Councilman DiCostanzo asked if the LOSAP is paid by the Town. Supervisor Bylewski said it is paid through the taxes and the Town acts as the administrator of the program.

John Gaulocher said this program began 18 years ago and the cost is going to go down in another two years.

Supervisor Bylewski said the Town Board is also dealing with some LOSAP litigation, which they have to consider in the overall scheme of things in considering costs.

John Gaulocher said there are some members of the Town Board that are quite opinionated and he believes that it is a decision of the voters. They are just asking for permission to allow for that.

Councilman DiCostanzo said he remembers growing up that firehouses were small two-bay structures and now they are about 7 bays with \$4 million worth of equipment. He believes they do a great job and would rather see the money go to the members than equipment.

Councilman Weiss said we have to do more in looking at how the money is spent and not continue doing things the same way. He talks to commissioners from other districts and if this went countywide, they would not know what to do with all of the equipment. He thinks the members themselves are great but the economics are not. There is equipment beyond the need.

Councilman Casilio said he disagrees with 12 fires per year. He knows what his own fire company does every year. Mr. Weiser said 95% of their calls are EMS.

Councilman Weiss said they should be working with the ambulance companies and looking at that angle. We have to think out of box and working in a different manner.

Mr. Weiser said the discussion is always going on. All of their insurance claims were because of the old building. They had to do something.

Councilman Casilio said the public expects a certain level of protection.

Supervisor Bylewski said we are talking about LOSAP and issues have come up. The Town Board commends Swormville for the grants that they obtain. He asked that they go back to their Board and get some answers regarding how this is being used as a recruitment and retention tool.

Newhouse Acres, LLC requests a Density Yield Determination for proposed incentive lot design subdivision.

Councilman Casilio said he is recusing himself from any discussion on this matter because he owns property next to this site on Newhouse Road.

James Callahan said the location is the west side of Newhouse Road, north of Roll Road consisting of 55+ acres in the Residential Single-Family Zone. The applicant is proposing an Incentive Lot Subdivision. The Planning Board has forwarded a recommendation of 60 lots.

Supervisor Bylewski said a letter was received from Sean Hopkins today stating that they are in agreement with the recommendation.

Peter Sorgi, attorney, Leanne Voit, engineer and Fred Cimato were present. Mr. Sorgi said they are just asking for confirmation of the recommendation.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to approve Density Yield Determination for proposed incentive lot design subdivision, known as Newhouse Acres, LLC, in accordance with the agreed upon 60 lots. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

Item 15, Culligan Auto Place request for a Building Permit and Architectural Approval for an addition to existing automotive sales facility at 8135 Main Street was removed from the agenda at the applicant's request.

Arthur Fuerst requests a Public Hearing to consider a Temporary Conditional Permit for outside dining at 9450 Main Street. James Callahan said the location is the northwest corner of

Main Street and Goodrich Road consisting of previously approved coffee shop/drive-thru on approximately one acre in the Commercial Zone.

Councilman Casilio said he will recuse himself from this discussion and decision.

Arthur Fuerst was present.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set a Public Hearing for June 25, 2008 at 7:45 P.M. to consider a Temporary Conditional Permit for outside dining at 9450 Main Street. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

John Clancey requests a Demolition Permit for a structure greater than 50 years old at 10255 Clarence Center Road. James Callahan said the location is the southeast corner of Clarence Center and Strickler Roads consisting of an existing single-family residential home in the Agricultural Rural Residential Zone. The applicant is seeking to demolish the existing dwelling and construct a new home. This is a Type I Action under SEQRA.

John Clancey said he was here representing his father who would like to demolish the house and construct a new one on the site.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to refer the request by John Clancey for a Demolition Permit for a structure greater than 50 years old at 10255 Clarence Center Road to the TEQR Committee for further review. The Historic Preservation Commission will also take in informal look. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to table the request by Hans Mobius for a Demolition Permit for a home older than 50 years old at 6879 Salt Road until the applicant is available. Upon roll call – Ayes: All; Noes: None. Motion carried.

Zoning Law - To consider open space design/incentive lot design overlay amendments. James Callahan said the Planning Board has forwarded a proposed amendment detailing provisions for reviewing and approving Incentive Lot Subdivision Designs as a part of the Open Space Design Overlay.

Motion by Casilio, seconded by Councilman Kolber to set a Public Hearing for July 9, 2008 at 7:45 p.m. to consider the proposed amendment to the Zoning Law detailing provisions for reviewing and approving Incentive Lot Subdivision Designs as a part of the Open Space Design Overlay. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to approve the following: Clubhouse Applications - A. Girl Scouts – June 26, 2008; B. Clarence Sr. Citizens, Inc. – Oct. 24, 2008; Legion Hall Applications - A. Jack & Luanne Leo – July 12, 2008; B. Carol Penhollow – July 26, 2008; C. Patti Hill – Aug. 23, 2008. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and approval by the Town Board, the following bills of June 12, 2008 are approved for payment: General Fund - \$166,644.24; Highway Fund - \$26,055.92; Water District - \$46,375.21; Sewer Districts - \$170.69; and Capital Fund - \$1,565.00 for a total amount of \$240,811.06. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

James Blum wanted to encourage the Town Board to continue to look carefully how money gets spent. This is a good opportunity to establish a way of going about evaluating all kinds of expenditures in the Town.

Councilman Casilio said we are dedicated to saving on costs for the taxpayer.

Councilman DiCostanzo said in regard to the fire company issue, could this be part of a bigger negotiation when the budget is discussed. Supervisor Bylewski said it can be and they have been to a degree.

There being no further business, Supervisor Bylewski adjourned the meeting at 9:15 P.M.

Nancy C. Metzger  
Town Clerk