

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

Supervisor Scott Bylewski called the meeting to order at 9:02 A.M. Members of the Town Board present were Council members Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Councilman Weiss was absent. 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.

Joseph Floss – PERMA

Joseph Floss introduced the Town's executive representative and membership services representative from PERMA. The Town has been with PERMA for three years.

Highway Superintendent Ted Donner has attended a seminar sponsored by PERMA and has taken advantage of their wellness program.

PERMA was formed in 1982 as an alternative for the rising cost of Workers Compensation. PERMA is a not-for-profit association that manages a self-insured pool providing workers' compensation and other related coverage to public employers in NY State. PERMA is governed by seven mayors and supervisors whose communities belong to PERMA.

PERMA is renowned for their Safety Program and their Claims Management Program. There are approximately 470 municipalities that belong to PERMA. Every time there is a claim, you have a Claims Team that is assigned to the Town of Clarence that becomes involved. The team consists of a RN, a case analyst and the loss control consultant Pete Archbold. Programs are set up to reduce claims. Once there is a claim, the RN (patient activist) and the case analyst are involved immediately with the injured employee by telephone. In the case of a catastrophic injury, the RN will go to the hospital. She is involved with the medical staff of the medical provider of the injured employee. She will make sure your injured employee is getting medical care in a timely, professional manner and has appropriate treatment to get that employee back to work as soon as they can. These components are important with keeping workers' compensation costs at bay. The town can not prevent every loss from occurring but if the losses are managed well and properly, not only are the injured employees taken care of in a better fashion, they are back to work more quickly and psychology that is better for them.

The Town of Clarence has been with PERMA for three years and since then has been doing very well with loss experiences and has been working well with loss control consultant Pete Archbold.

A wellness initiative was formed three years ago. Five patient advocates (registered nurses) have been responsible in forming this wellness program in the work place and educating about diabetes, weight loss and the psychological aspects of a wellness program.

Highway Superintendent Ted Donner attended a regional meeting in East Aurora regarding PERMA wellness program. Two patient advocates (registered nurses) came out and met with Ted and his department and now the town has a wellness program through Mr. Donner to prevent injuries and to get employees thinking more about wellness in the work place.

Councilman Casilio requested a semi-annual claims review from PERMA. The loss data is sent to the town quarterly. PERMAView is a new service for PERMA members enabling you to access coverage information, claims data, and claims reports directly from the PERMA website at www.perma.org.

There are countless videos and safety program presentations specific to whatever situation the town is looking for. Supervisor Bylewski suggested a safety presentation for seasonal employees for use of power equipment and tools.

Joe Floss stated that the Town's NYS DBL benefits renewed on July 1, 2008. Like workers' compensation, there is a direct correlation in regard to the safety initiatives the town has taken. A lower rate has been negotiated and is 15% lower than last year. The department heads and the employees are to be congratulated for exercising safety practices.

Town Engineer Joseph Latona

Town Engineer Latona presented a Stormwater Maintenance/Conveyance Program Development. He has worked closely with Highway Superintendent Donner on this. This will be an on going study with a three phased approach. The first phase has just begun. A town wide map has been obtained showing enough information that the Highway Department and the Engineering Department will start mapping and designating ditches in the entire northern half of the town.

The legal department will need to be involved when we designate because at some point in time we need to establish whether we have an easement or if these are privately owned. We will have to establish the mechanism by which the town will try to clean out the ditches. Certain criteria will have to be established such as the size of the ditch, is it overgrown and to differentiate between a ditch and a swale etc. In conjunction with that are the culvert pipes. Currently there are three people locating, marking and measuring culverts. Information is also being gathered as to the material the culvert is made out of, the slope and length etc. Some of the culverts are heavily silted in that the invert can not be located. The Engineering Department will coordinate with the Highway Department to dig these out.

Town Engineer Latona found documents which a consultant did approximately 30 years ago relative to storm water management. When an aerial was done of the town they only flew with minimal accuracy. Everything to the south is somewhat accurate and plotted showing culvert size and capacity. The ground work is done however, this must to be updated.

Supervisor Bylewski stated that Phase One will be done in conjunction with GIS mapping of it. Town Engineer suggested linking this information to the flood zone.

The next phase would be to develop Ditch and Culvert Unit Cleaning Cost and Productivity. The Highway Department will have to establish costs per lineal foot to clean a ditch, to clean a culvert pipe and the length of time needed to do that.

The third phase will be to develop Annual Desired Maintenance Budget and Schedule. A certain amount of money will be allocated per year for ditch and culvert pipe cleaning.

Town Engineer Latona stated that he is looking into the extension of sewers in Clarence Hollow from Ransom Road to Boyd, east on Boyd Road to Schurr Road. The DEC has indicated that route has the most pollution which is why Town Engineer Latona is pursuing it. In conjunction with that, Mr. Latona has technical concerns of where the Ransom Road sewers stopped and whether or not he can get up the hill underneath Ransom Creek and the culvert without a lift station. We have the money in the sewer district budget. A preliminary sewer study must be done to evaluate whether or not he will need a lift station because that will significantly impact the budget.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to authorize Donald Gallo Consulting Engineer PC to do the Ransom Road Sanitary Sewer Extension Feasibility Study at a fee not to exceed \$5,750. to be paid from Capital Project #55 in accordance with his proposal dated June 26, 2008. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Town Engineer Latona received proposals to re-roof the log cabin. The lowest proposal came in at \$9,998.00. awarded to RGGT LLC. Subsequent to that Jon Conlin has requested that the felt paper be taken out. The manufacturers of the cedar shake shingles recommend felt paper underneath. The singles will sit on barn board however; Mr. Conlin would like firing strips on top of that at an

additional cost of \$3,000. Supervisor Bylewski stated that he is comfortable with proceeding with the recommendations of the Cedar Shake and Shingle Bureau specifications and what ever warranty comes with it. Town Engineer Latona stated that the warranty is only good if you have a certified installer install the shake shingles. There is no one in WNY that is certified because no one uses this type of shingle.

There was discussion regarding the water tank on Goodrich Road at the former Water Department facility. The bid award to dismantle the Harris Hill water take was \$8,800. The Goodrich Road water tank will cost between \$4,500 - \$5,000. to tear down. If the pipe valves and fittings are removed, there will be more storage in the pump room; this will be included in the bid. Supervisor Bylewski stated that he would like to do a "reverse bid" and have the contractor pay the town for the scrap material. Iron and steel scrap has gone up 32% in the last month. Town Engineer Latona will report back to the Board with bid specs.

UB Professor Samina Raja contacted Town Engineer Latona; Mr. Latona suggested the Town Board request a draft report from her.

Town Engineer Latona did an inventory of the Main Street sidewalks, the cost to install and/or replace is significant. A resident contacted Mr. Latona regarding the sidewalks on the north side of Main Street from Westwood to Harris Hill Road. The sidewalks are littered with road wash. Brushing the sidewalks would make them passable however; the town does not have the equipment or manpower. Councilman Casilio suggesting contacting NYS DOT and have them clear the walks. Town Engineer Latona stated that NYS DOT will say it is the Town's responsibility. We have a town ordinance that says sidewalks are the homeowner's responsibility. Town Engineer Latona stated that his concern is that if the Town takes care of this problem, we are setting precedence.

Town Attorney Bengart and Town Engineer Latona will meet with a representative to discuss solar power.

Councilman Kolber stated that after the Gypsum Mines closed, it was said that there were no maps of the mines. Councilman Kolber met someone who was the chief foreman and surveyor of the mines who provided him with maps that were updated in 1964. Councilman Kolber will forward a copy of the map to the Town of Amherst. Councilman DiCostanzo will forward a copy to the Historical Society.

Supervisor Scott Bylewski

Supervisor Bylewski received a petition from the residents of Green Valley Drive opposing the proposed Spaulding Green Road connecting Green Valley Drive.

Supervisor Bylewski announced that Justice Court has new window hours. The office hours remain at 8:30 AM – 4:30PM. However, effective June 30th, the window hours are 9AM – 4PM.

The Engineering Office has sent out the Request for Qualifications for the design and construction administration for the proposed Clarence Community Center.

Supervisor Bylewski, Director of Community James Callahan and Town Engineer Latona will meet with representatives from Buffalo Crushed Stone to discuss a possible bike path.

The new health insurance cards have been mailed out however, the retirees cards were hand delivered to our Accounting Office. Pam Smith called the retirees and asked if they wanted their cards mailed to them or if they wanted to pick them up.

The Town Attorney is requesting an insurance policy from the Clarence Center Community Association for their annual Bark in the Park event. Town Attorney Bengart stated that when this event was first introduced to the town last year, he was under the impression that it was a town sponsored event. He has since found out that the Clarence Center Community Association sponsors the event and the Town has no insurance for such an event. Further, the association is

charging vendors to come on to town property to be part of the event. Town Attorney Bengart spoke to the chairwoman of the event and she informed him that if she has to pay for insurance, they may have to cancel the event. Dogs are typically not allowed in the park and this is the one event that the Town allows dogs. The Town is exposing itself to a huge liability.

Councilman Bernard Kolber

The Meeting House Board met and discussed re-roofing the log cabin. The log cabin needs wood chinking and white washing. Jon Conlin will do a training presentation to show how this should be done. Councilman Kolber suggested tying this in with architecture students from the University at Buffalo or possibly high school students. Councilman DiCostanzo suggested contacting Eagle Scouts that may be looking for a project.

Town Engineer Latona stated that the Historical Museum roof is leaking. This has been an on-going problem.

The Meeting House Board has questioned their duties as a board. Their by-laws indicate they are to be liaison between the Historical Society and historical facilities in the town however, they are never consulted. They will be requesting a meeting with the Town Board. Supervisor Bylewski stated that it's a question of how active the Meeting House Board wants to be. Some of the members on the board have stated that they want to step back from their position on the board. The Clubhouse was a major focus for the Meeting House Board however; an ad-hoc committee formed on its own to handle the clubhouse restoration. Councilman Kolber stated that the Meeting House Board would like to be involved with the clubhouse restoration project but they were never consulted.

Councilman Patrick Casilio

The Public Safety Committee met on June 30th and requested the grass be mowed along the bike trails. Councilman Casilio will contact Highway Superintendent Ted Donner.

Supervisor Bylewski sent an e-mail to Public Safety Committee Chairman David Elia several months ago regarding the annual survey of safety conditions along the bike paths. The e-mail was sent to Town Attorney Bengart for review as well.

The Public Safety Committee is again requesting basic first aid training for volunteers.

The Public Safety Committee will continue dialog relative to off-hour patrols, no decisions were made.

Rock Oaks Homeowners Association is in the beginning stages of forming a Neighborhood Watch Program.

Transit Road is going to be all concrete; NYS DOT is getting ready to do a lane shift. It will be eight lanes wide by time it gets down to Wehrle Drive and Transit Road. The road construction project will go on for approximately two years. All the dirt underneath the concrete may be trucked out. Town Engineer Latona stated that Cappizzi was going to call him when they got to that stage.

Councilman Casilio is working with the NYS DOT about the installation of a street light underneath the bridge at Transit Road and Sheridan Drive. NYS DOT would install the light and NYSEG will energize it. With the construction of the new hotel, there is going to be an increase in foot traffic.

Councilman Peter DiCostanzo

Dash's Market has erected a beautiful sign however there are two trees that block the sign and the owner of the new liquor store is requesting the trees be removed and replanted elsewhere. Planning Board Chairman is meeting with the owners of the property and will propose a stone wall, several smaller trees and some plantings similar to Walgreens landscape design. Councilman Casilio suggested the ditch be filled in as well. The owner of the plaza has been very cooperative and willing to work with the Town.

Councilman DiCostanzo is still working out the details relative to the Civil War re-enactment that will take place at the Main Street Park during Heritage Days.

Town Engineer Joseph Latona sent out an RFQ to study the feasibility of a Community Center. Several groups (Senior Center, Youth and Recreation Department) have been approached as to their wants and needs. This is a work in progress and could be several years down the road.

Milherst Construction will be doing archeological work at the Spaulding Green site north of the cemetery.

Supervisor Bylewski stated that there has been an issue that has come up where certain individuals have called multiple department's requesting the same information. Valuable town time is taken up. In the future when this situation arises refer the individuals back to the Supervisor's office. A lot of time is being spent on issues that have not been addressed or is just hearsay.

Town Attorney Bengart has not received any insurance binders for Day in the Park or Heritage Days. It is up to the individuals running the event to be sure we receive the binder and forward it to the Town Clerk's office who will then forward copies to the Town Attorney's office.

An article appeared in the June 29th edition of the Buffalo News regarding "public employees throughout Erie County and beyond take taxpayer-provided cars, trucks or sport utility vehicles – fueled with taxpayer provided gasoline to and from work. These workers usually keep the vehicles at home on weekends as well." The Town of Clarence was not mentioned in the article. Supervisor Bylewski stated that the Town's Organizational minutes specify who is authorized to take a town owned vehicle home. The building inspectors are authorized to take their vehicles home however they do not. Councilman DiCostanzo stated that maybe the reason why the Town of Clarence was not mentioned in the article is because town employees do not abuse this privilege.

Town Attorney Steven Bengart

Town Attorney Bengart received notice from the Army Corps of Engineers regarding the restoration activities C & F Land Development has conducted as a result of the unauthorized activities which they performed in wetlands located on the parcel east of Herr Road and north of the bike path in the Town of Clarence. Based on the information submitted regarding the activities performed and a June 4, 2008 site visit, it has been determined that the restoration activities performed on the subject parcel are satisfactory.

The flooding situation on Beach Meadow Court has been resolved by the residents in that neighborhood. Basically it was a matter of cleaning debris out of the receivers.

There being no further business, the Work Session adjourned at 10:47 A.M.

Darcy A. Snyder
Deputy Town Clerk