

A Work Session of the Clarence Town Board was held on October 22, 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, Assistant Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Director of Administration and Finance Pam Smith, Senior Building Inspector David Metzger, Planning Board Chairman Gerald Drinkard and Confidential Secretary to the Supervisor Karen Jurek.

#### **Clarence Center VFD**

Terry Dickinson Jr. President and David Case Chief representing Clarence Center VFD were present to discuss their budget request. Supervisor Bylewski stated that their budgeted amount for last year was \$739,400. Clarence Center VFC is requesting \$762,300. which is what Supervisor Bylewski put into the 2009 Tentative Budget – when you add LOSAP to the budgeted amount, the total amount to be raised by taxation is \$873,041. This is an overall 3% increase over last year's budget. Councilman DiCostanzo questioned Clarence Center reserve line item of \$186,000 for vehicle replacement in 2010. Supervisor Bylewski stated that he met with an ISO representative, he will be going throughout the town to update the ratings for insurance purposes. The Board is also looking into a Shared Municipal Services Initiative grant in conjunction with that, a consultant with expertise in fire services will take a look at the level of service coming out of each fire department to determine if we have enough, too much or not enough. What Councilman DiCostanzo is talking about is if there are too many vehicles, then what do we do with the surplus.

Councilman Weiss questioned if the picnic revenue of \$244,737. and the picnic expenses of \$154,922 were accurate numbers. Terry Dickinson stated that to the best of his knowledge, the numbers were correct.

Terry Dickinson stated that their Capital Building Fund is not adequate for any future projects.

The total number of structural fires in 2007 was 5 for a total of 26 fires, total alarms 382.

#### **Harris Hill VFC**

Larry Nieciepозeski President, Garry Soehner Treasurer and Ron Kamholz, Assistant Chief representing Harris Hill VFC were present to discuss their 2009 budget request. Last years approved budget request exclusive of LOSAP was \$745,585. This years request is \$756,402 with LOSAP. The amount to be raised by taxation is \$841,189 for an overall decrease of 1.3%.

Councilman Weiss asked how many structural fires Harris Hill had last year. Mr. Kamholz stated that they had approximately nine structural fires, one major fire the rest were minor. Supervisor Bylewski stated that according to Amherst Fire Control for the 2007 calendar year Harris Hill Fire Company had 4 structural fires, 47 total fires for a total of 673 alarms.

Councilman Weiss stated that as an elected official, his concern is that we have a tremendous amount of equipment and buildings. The cost to operate these buildings with utilities is costing upwards of \$50,000 a year to fight 20 structural fires when many of the calls are for first aid. The role of fire fighting is diminishing, the role for first aid is increasing Councilman Weiss is questioning how we address expending tax payer money for all this fire fighting equipment when things are changing in the community.

Supervisor Bylewski again stated that an ISO representative will be looking at every fire protection district in the town over the next year. The town is also

looking into a Shared Municipal Service grant to have someone who is experienced with fire service evaluate the overall town. The Town Board would like to keep an open dialogue with the fire departments.

Councilman DiCostanzo stated that in their budget request, Harris Hill VFC has a reserve for vehicle replacement of \$84,000 which appears that they are building up the reserve to spend money on equipment but also in their budget request is approximately \$100,000 of debt service on current equipment that the town would be paying for. If you are borrowing money to buy the equipment and the taxpayers are paying the debt service on those trucks why do we have to reserve for the future to buy the trucks. As of March 31, 2008 Harris Hill VFC had \$1.7 million in investments on the books. Councilman DiCostanzo stated that it would seem to him that if you were buying a piece of equipment you would take it from the investment account. The town provides almost the entire budget account each year other than the earnings on the investments, one would think that you would dip into the investment account to help pay for some of the equipment. Councilman DiCostanzo stated that he did not understand why we are accumulating so much money in the fire department accounts if the town is funding their budget every year.

Gary Soehner stated that those amounts are coming down through the proposals for the next couple of years as some of the loans are coming to an end. They fund all their own purchases such as the chief's car or for other smaller vehicles; they do not borrow money for those.

Councilman Weise stated that the Town of Perinton has four fire departments. The cost for fire protection from the four fire companies is under \$2,000,000 – Perinton has a population of 48,000. The Town of Clarence fire protection budget is over \$2,000,000 and we have a community of approximately 28,000.

Councilman Weiss stressed that he has no problem with our volunteer firemen. He has concerns with the amount of equipment and the structures we have for the fighting of fires. He further said that we have to address the emergency calls and staff for that. Again, Councilman Weiss stated that he has no problem with our volunteers and he is willing to increase some type of funding to attract and retain them but he feels the amount of equipment is out of line and the cost of maintenance and upkeep of the fire halls is out of line.

### **Rapids VFC**

A representative from Rapids VFC was present to discuss their proposed budget request of \$40,810. Supervisor Bylewski put \$38,588 in the Tentative Budget for Rapids VFC which is a 5% increase over the prior total appropriations. Rapids had two structural fires in the Town of Clarence last year and averaged approximately 3 – 4 first aid calls a month in the Town of Clarence. Rapids VFC have 3 pumper trucks, 2 ambulances, and a rescue truck. The fire chief does not have a vehicle.

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

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

A public hearing is scheduled for 8:00 PM to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Clarence.

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

Clay Ertel 8196 County Road

Applicant is seeking to demolish the existing home for future residential development. The proposed site is located on the north side of County Road, east of Stahley Road in the Swormville TND. The existing residential structure is greater than 50 years old. Per the Demolition Law, the demolition of a structure greater than 50 years old is considered a Type I Action under SEQRA and TEQR.

Michael McHugh 10335 Clarence Center Road

Applicant is seeking approval to split the property to create an additional residential building lot in conformance with zoning. The proposed site is located on the south side of Clarence Center Road, east of Strickler Road on existing residential property consisting of 26+/- acres in the Agriculture Rural Residential Zone. Per the Subdivision Law, the Town Board has authority to approve minor subdivisions to create new residential lots.

Aegis Development/Dan Furmanek 8230 County Road

Applicant is seeking Concept Approval on a 35-lot Open Space Design subdivision. The proposed site is located on the north side of County Road, east of Stahley Road on existing vacant land consisting of 19+ acres in the Swormville TND. Proposed Open Space Design Subdivision was originally introduced to the Town Board on 12-20-06. A density yield of 35 units was established on 2-17-07. A Negative Declaration under SEQRA was issued on 5-28-08. The Planning Board has forwarded a recommendation on the Concept Plan with conditions. Per the Subdivision Law, the Town Board has final authority to approve Concept Plans after a required public hearing.

S & S Construction/Mark Stover 9065 Wolcott Road

Applicant is proposing to add a second story to create an in-law apartment on existing ranch home. The proposed site is situated on the south side of Wolcott Road, west of Goodrich Road in an existing single-family residence located in the Agriculture Flood Zone. Per the Zoning Law, the Town Board has authority to approve secondary living units via a Special Exception Use Permit.

Towne BMW/Mini 8215 Main Street

Applicant would like to display a faux Mini-Cooper on the roof of the existing showroom/service area. The proposed site is located on the south side of Main Street, east of Transit Road at existing automotive sales facility located in the commercial zone. A previously issued building permit conditioned construction on removal of a roof display. The previous condition as established by the Town Board would need to be amended. Councilman Casilio expressed his concern about setting precedence.

***Work Session items for consideration November 5, 2008:***

Donald Steinwachs/Metzger Engineering north side of County Rd., west of Heise Road  
Applicant is requesting Development Plan approval on a proposed 4-Lot Open Development Area. The proposed site is situated on the north side of County Road, west of Heise Road on existing vacant land consisting of 28.9 acres in the Agriculture Rural Residential Zone. Per the Subdivision Law, the Town Board has final authority to approve Open Development areas. The Planning Board has forwarded a recommendation with conditions.

Kulback's Construction east side of Transit Rd., south of Highland Farms

Applicant is seeking approval to clear the land in advance of any projects. The existing vacant land is located in the Major Arterial and Residential Zone. A request to amend the Master Plan 2015 Future Land Use Map is under consideration for this property. The proposed site is identified in a commercial classification along the Transit Road frontage with residential areas to the rear to be buffered. Per the Clearing, Filling and Grading Law, the Town Board has authority to approve clearing permits. Town Engineer Latona stated that historically, we have not approved this type of a request unless the applicant has applied for a permit. Councilman Weiss stated that this clearing request could impact drainage in the area.

Northbrook Meadows Subdivision

Applicant is seeking referral to the Planning Board to consider the proposed subdivision design. The proposed site is located on the north side of Greiner Road, east of Shimerville Road on existing vacant land consisting of 120+/- acres in the Residential Single-Family Zone. Under a previous review, the Town Board

denied a proposed Incentive Lot Subdivision Design on the property. Per the Zoning Law, the Town Board has authority to review open space and incentive lot designs after thorough review.

Stockmohr Building Supply Co., Inc. 8645 Roll Road  
Applicant is requesting approval to construct an additional accessory structure to the rear of the property. The proposed site is located on the south side of Roll Road, east of Harris Hill Road in the Industrial Business Park Zone.

**Supervisor Scott Bylewski**

Supervisor Bylewski received the Lean Six Sigma Proposal from UB. He has forwarded it to several departments to see if it meets our goals.

A budget meeting is scheduled for October 23, 2008 at 2:00 PM.

Once again Supervisor Bylewski asked that each Town Board member review their committee vacancies and act upon them.

Supervisor Bylewski will appoint Dave D'Amato to fill the vacancy of Joseph Thoman on the Ethics Board. This appointment will be made at the next Town Board meeting.

Professor Samina Raja met with the Town Board and presented the Fiscal Impact Report – the Town is holding true with our Master Plan many of the projections put forward have been carried out. Councilman Weiss commented that he would have liked to see the school component included in this report.

Trick or Treat night is October 31<sup>st</sup>, 2008 from 5PM – 8PM.

Supervisor Bylewski will make a motion approving the request for Nancy Meyer, Marilyn Taton and Mary Zimmerman to attend a Data Base Management System training.

Supervisor Bylewski will set a Public Hearing for November 5<sup>th</sup> at 7:45 PM to consider the Preliminary Budget and Special District Assessment Rolls for the Town of Clarence for the year 2009.

Supervisor Bylewski will make a motion to create two positions: Payroll Clerk regular part-time and Accountant regular part time. Both positions are competitive Civil Service positions.

Supervisor Bylewski will make a motion to increase the appropriation to the publicity fund in an amount in excess of twenty-five thousand dollars and not to exceed fifty-thousand dollars.

Supervisor Bylewski has two items to discuss in Executive Session regarding employment history of individuals.

**Councilman Joseph Weiss**

Councilman Weiss will make a motion to set a Public Hearing on November 24, 2008 at 7:00 PM to consider the establishment of a Garbage District. The establishment of the proposed district will be of no cost to the Town since no improvements will be constructed or acquired. The district will be established only to provide refuse and garbage collection and disposal service. The District shall be paid by the assessment, levy and collection of special assessments upon the several lots and parcel of lands within the proposed District.

Highway Superintendent Ted Donner is requesting approval to hire Joseph Braunscheidel as a part time seasonal consultant to assist in the fall maintenance and winterization of our traffic signals.

Highway Superintendent Donner has several requests that Councilman Weiss will report on.

Youth Director Dawn Kinney is recommending the appointment of Ms. Kellie Jeffery as Youth Program Coordinator.

Councilman Weiss will appoint Lynn Merckel to the Conservation Advisory Board and Anthony Bylewski to the Senior Center Board at the November 5<sup>th</sup> Town Board meeting.

Councilman Weiss has one item to discuss in Executive Session.

#### **Councilman Bernard Kolber**

After the scheduled public hearing this evening, Councilman Kolber will make a motion authorizing Supervisor Bylewski to sign, submit and execute a contract with the Erie County Community Development Block Grant for handicapped accessible renovations, including the parking lot to the Town owned American Legion building located at 5850 Goodrich Road and for Rural Transit Service for 2009-2010.

Councilman Kolber will announce a vacancy on the Zoning Board of Appeals. To date, one application for has been submitted for the vacancy on the board and one application for the chairman position.

#### **Councilman Patrick Casilio**

Councilman Casilio stated that there is an opening on the Avoidable Alarms Committee.

The Public Safety Committee has forwarded their Operating Procedure to the Town Attorney for review and comment.

Supervisor Bylewski will set up a meeting with Joe Floss and the various fire departments to discuss LOSAP. Councilman Casilio asked that the meeting be scheduled for the evening so that more firemen can attend.

Currently the Morlando Committee is in the fundraising stage. Councilman Casilio thanked Highway Superintendent Ted Donner and Parks Crew Chief John Burns for the work they did on Nottingham Terrace.

Town Attorney Bengart has reviewed the security camera contract.

Councilman Casilio is reviewing additional requests for street lights.

Twin City Ambulance services the Town of Clarence, they do not expect any problems if Rural Metro goes out on strike.

Councilman Casilio and Senior Building Inspector David Metzger have taken pictures of twenty-one distressed buildings in Clarence Hollow area. The Clarence Hollow Association has asked for copies of the photos so they can try and help expedite getting the areas cleaned up.

Councilman Casilio thanked Councilman Weiss for the 2008 Day in the Park budget report.

Councilman Casilio contacted Grand Island about enforcement of their Noise Ordinance and was informed that they do not use a decibel meter.

Councilman Weiss will announce the resignation of Todd Norris from the Conservation Committee.

**Councilman Peter DiCostanzo**

The TEQR Committee is recommending the Town Seek Lead Agency Status on the proposed Newhouse Acres Subdivision located on the west side of Newhouse Road between Roll Road and Clarence Center Road.

The TEQR Committee is recommending the Town seek Lead Agency Status on the proposed Stoneridge Estates Subdivision located on the south side of Stage Road and east of Ransom Road.

Councilman DiCostanzo has one item to discuss in Executive Session regarding the employment history of a corporation and one Attorney-Client item to discuss.

Councilman DiCostanzo stated that if the Board is voting to set another public hearing for the creation of a garbage district he is not in favor of it. Councilman DiCostanzo would like to provide the residents with a summary of the information the Town Board received when speaking with the various disposal companies and then put it to a vote. Councilman Weiss stated that his resolution is the next step in the process after the 30 day comment period. The Town Board can either vote for or against it.

**Town Engineer Joseph Latona**

Town Engineer Latona stated that there was one bidder for the solar panel system for the Town Hall. Solar Liberty Energy Systems, Inc. submitted their bid in the amount of \$42,323.00. If the Board is interested, this would require a 9 ½ year pay-back if you take in the design cost and the \$42,000. This also includes a NYSERTA Grant so that is a net cost to the town. The NYSERTA Grant is in the amount of \$144,680. The bid award to Solar Liberty Energy Systems is subject to Town Attorney review and approval of the agreement and receipt of NYSERTA grant. The Town Board must award the bid and enter into a contract with Solar Liberty Energy Systems, Inc. so that the contractor can apply to NYSERDA for the grant. This will not take place until next April with 50% down and 50% upon completion. Supervisor Bylewski and Town Engineer Latona have discussed putting this through the Capital Improvement Program.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to § 105 (1) F of the Open Meetings Law to discuss the employment history of a particular person(s) and the employment history of a corporation. On the question, Gerald Drinkard and James Callahan were asked to stay for Executive Session. Upon roll call – Ayes: All: Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 7:15 P.M.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:30 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, October 22, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:34 P.M. Pledge to the flag was led by Councilman Bernard Kolber, followed by a moment of silence in honor of our service men and women.

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 Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona and Building Inspector David Metzger.

Supervisor Bylewski said the Town Clerk's office has been extremely busy with tax collection and the minutes are not available. He thanked the Town Clerk's office for all the work they do during this busy time.

Supervisor Bylewski announced that there are vacancies available on the various boards. The list is available on the website. Applications can be downloaded from the website or picked up at the Supervisor's office.

He will appoint David D'Amato to fill a vacancy on the Ethics Board at the next meeting.

Supervisor Bylewski said the Board had a meeting last week with Samina Raja from the University of Buffalo who helped us with our fiscal impact study. This was an update to the impact study that was done for Master Plan 2015. It was good to note, that a lot of the things we have done as a result of the Master Plan being enacted such as the laws put into place, we have been living up to Master Plan 2015. The update that she did brought that out in the numbers by the type of growth we have had both residentially and commercially to achieve the controlled growth strategy to preserve our rural and historic character. Copies are available in the Planning Department.

Supervisor Bylewski read the public notice announcing the 30 – Day Period for Inclusion of Lands into an Agricultural District for 2008. The Erie County Legislature designated November 1<sup>st</sup> through November 30<sup>th</sup> as the annual 30-day period during which land owners may submit requests for the inclusion of predominantly viable agricultural land within an existing certified agricultural district per the New York State Agriculture and Markets Law Section 303-b.

Applications are available in the Supervisor, Clerk's and Assessor's offices and will be accepted in the office of the Erie County Department of Environment and Planning, Room 1063, 95 Franklin Street, Buffalo, NY 14202.

If you have any questions, please contact ECDEP Planner John Opalka at 858-6229.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to grant permission for Nancy Meyer, Marilyn Taton and Mary Zimmerman to attend data base management system training on Wednesday October 29, 2008 at the 8<sup>th</sup> District Training Center in Buffalo with reasonable and necessary expenses paid by the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss set a public hearing for Wednesday, November 5, 2008 at 7:45 P.M. to consider the Preliminary Budget and Special District Assessment Rolls for the Town of Clarence for the year 2009. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to create the position of Payroll Clerk RPT (Competitive). On the question, Supervisor Bylewski said this is being done for Civil Service purposes and the position is competitive. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to create the position of Accountant RPT (Competitive). On the question, Supervisor Bylewski said this is being done for Civil Service purposes and the position is competitive. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

WHEREAS, the Town of Clarence has established a publicity fund; and

WHEREAS, the appropriation of said fund is expected to exceed the statutory amount of \$25,000; and

WHEREAS, New York State Town Law section 64(14) provides that the appropriation may be increased subject to a permissive referendum.

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board, as per the provisions of New York State Town Law section 64(14), increases the appropriation to the publicity fund in an amount in excess of twenty-five thousand dollars and not to exceed fifty-thousand dollars, said change in the appropriation is subject to a permissive referendum.

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

Motion by Councilman Weiss, seconded by Councilman Casilio to award the bid for two 10-Foot Dump Bodies Installed to Valley Fab and Equipment, they being the lowest responsible bidder at their bid of \$15,950.00. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to declare the following as a surplus vehicle: 2005 Ford Taurus, VIN #1FAFP53U15A297031. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to set a Bid Date of November 4, 2008 at 10:00 A.M. for the sale of the following surplus vehicles: 2005 Ford Taurus, VIN #1FAFP53U15A297031, minimum bid of \$6,200; and 2005 Dodge Caravan, VIN #1D4GP21R95B124754, minimum bid of \$4,500. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to award the bid for the sale of the following surplus vehicles to Cataldo Scarantine, being the highest responsible bidder as follows: \$6,333.33 for 2005 Ford Taurus, VIN #1FAFP53U35A297032; and \$3,777.77 for 1998 Ford Van, VIN #1FBSS31LXWHA60069. On the question, Councilman Weiss said this is part of the vehicle replacement program for the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon recommendation by Highway Supt. Ted Donner, Joseph Braunschidel be hired as part-time seasonal consultant to assist in the fall maintenance and winterization of our traffic signals at a rate of \$55 per hour to be paid from the Signs and Signal Account. He will work approximately 8 hours per weather permitting. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon the recommendation of the Executive Director of the Clarence Youth Board, the Clarence Town Board appoints Kellie M. Jeffery to the position of Program Coordinator, Youth Board, RPT, provisionally, subject to a six month probationary period, a Civil Service Exam and compliance with the Town of Clarence residency requirements per Chapter 39, Article II of the Code of the Town of Clarence, at the budgeted rate of pay, The appointment is effective as of November 1, 2008. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said that Dawn Kinney, Director of the Youth Bureau forwarded a communication regarding the NYS Dropout Prevention Summit that was held supporting Youth Bureaus at the State level in hope that there is funding available for the next fiscal year.

Councilman Weiss said that at the next meeting he will appoint Lynn Merkel to the Conservation Advisory Council to replace Steve Murtaugh and Tony Bylewski to the Senior Center Board of Directors to replace Sandra Baker.

Councilman Weiss said we have been going back and forth on the garbage district issue. There was an input meeting held and an opportunity for residents to submit written comment. There were more people in favor of the district from the written response. The Town Board met with the three largest vendors. He believes it is a good thing to do for the Town with less cost for the residents, fewer trucks on the roads and less affects to the global warming problems.

There are 18 towns in Erie County who have a district now. As part of the process, Councilman Weiss said the next step is to set a public hearing.

Motion by Councilman Weiss to set a Public Hearing for November 24, 2008 at 7:00 P.M. to consider the proposed establishment of the Clarence Refuse and Garbage District to provide refuse and garbage collection through an award to the lowest responsible bidder with the expense of the establishment and operation and maintenance of the District to be paid by the assessment, levy and collection of special assessments upon the parcels of land within the proposed District. Motion lost due to lack of a second.

Town Attorney Steven Bengart said that based on this, people who wish to go forward either in favor of or against establishment of a district would have to obtain enough signatures to petition for a referendum to be held.

Councilman Weiss thanked Earl Norris for his service on the Conservation Advisory Council. He was a wealth of knowledge.

Supervisor Bylewski announced that at the last meeting held regarding the budget, the Town Board also made a motion to apply for a farmland protection grant.

Councilman Weiss said as a reminder, Saturday night is the Halloween Party at the Large Pavilion in the Main Street Park. He thanked the Youth Bureau and Parks Department for all the work they have done. He also thanked Kelly Schultz for his donations.

Motion by Councilman Kolber, seconded by Councilman Casilio to award the bid for the Solar Panel System for the Clarence Town Hall to Solar Liberty Energy Systems, Inc. at their bid of \$42,323, subject to Town Attorney review and approval of the agreement and inclusive of approval for and receipt of grant money. On the question, Councilman Kolber said this is something he has been working on for a while and hopefully we will see a savings as energy costs rise. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber thanked Darlene Feinen, Executive Director of the Chamber of Commerce for being here.

Councilman Kolber announced that there is an opening on the Community Residences Committee for anyone interested.

Councilman Casilio announced that there is an opening on the Avoidable Alarm Committee. The applicant cannot be a fireman or in the police service. Applications are available from the website or at the Town Hall.

Councilman Casilio said they have been talking to the Chief's Association about a LOSAP review meeting some evening so that more people could attend. He is looking at possibly sometime in December or January to bring in our LOSAP representative to see how we are doing with the program.

Councilman Casilio thanked the Highway and Parks Departments for the work they did on the Nottingham Terrace entrance. The committee is raising funds to replace the pillars that were there for many years.

Councilman Casilio said the contract for the security cameras has been finalized. The first area to have cameras installed will be Meadowlakes Park and the bike path. He will be meeting with the representative from the company next week.

Councilman Casilio said he has received requests for street lights and stop signs that will be reviewed. Two gas lights will be replaced in the Willow Brook area.

Councilman Casilio said Rural Metro is under contract negotiations with the City of Buffalo. They are still working and we are not having any problems with our service from Twin City Ambulance. We should keep an eye on that situation.

Councilman DiCostanzo reported on the single-family dwelling statistics for September 2008. There were 20 building permits issued in subdivisions and 31 issued outside of subdivisions for a total of 51. As a comparison, there were 88 permits issued in September 2007 and 97 permits issued in September of 2006.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law and the recommendation of the TEQR Committee, the Clarence Town Board seeks Lead Agency Status and commences a coordinated review among involved agencies on the proposed Newhouse Acres Subdivision located on the west side of Newhouse Road between Roll Road and Clarence Center Road. This Type I Action involves all approvals necessary to complete a 60 unit Incentive Lot Design Subdivision. On the question, Councilman Casilio said he will recuse himself as this property is next to his father's property on Newhouse Road. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss, Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and the recommendations of the TEQR Committee, the Clarence Town Board seeks Lead Agency Status and commences a coordinated review among involved agencies on the proposed Stoneridge Estates Subdivision, located on the south side of Stage Road and east of Ransom Road. This Type I Action involves all approvals necessary to complete a 19 lot Open Development Area. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said Roy Jordan complemented Al Schultz of the Planning Board on the diligent job he does in telling applicants what they need to consider when bringing in a project.

Councilman DiCostanzo said they went to the Spoth Farm last Friday to celebrate the closing of the development rights to their property. They were very humble people and thankful to the Town.

Supervisor Bylewski added that they were also part of the Farm Tour and were most appreciative of the Town's efforts to celebrate the Bicentennial and to preserve our rural and historic character.

Supervisor Bylewski thanked all department heads present for attending.

#### Public Participation

Rene Desai said she did not understand the garbage thing. She asked if they assume more people want a garbage district than not. Also, people could have a referendum in favor or against. We already had a referendum.

Councilman Weiss explained that we had a motion to establish a public hearing as required in the process. There was no second to the motion and it died there. People in favor or against could petition for a referendum if they want to.

Rene Desai said so it is done unless someone comes forward with a petition. Councilman Weiss said that is correct.

A Public Hearing was held to consider entering into a contract in the amount of \$762,300 with Clarence Center Vol. Fire Company for fire protection for 2009.

Terry Dickinson, Jr. President of Clarence Center Vol. Fire Company said as they approach the end of their 100<sup>th</sup> year of service, they are proud to be entering into another contract with the Town in order to perform their essential service to the residents of their district in a safe and efficient manner.

Supervisor Bylewski said the Town Board has met with the fire company previously. They have also met with a representative from ISO and are going to pursue having a consultant evaluate the level of service we have in the Town. The Board will pursue a shared municipal services grant toward hiring a consultant. Consultants that are being considered have 20 to 40 years of fire protection service and work in the industry.

Supervisor Bylewski said the contract amount for 2009 is \$762,300 and with the LOSAP brings it to \$873,041 for a tax rate of a little more than 99¢ per \$1,000 of assessed value. Last year was \$739,400 with a tax rate of \$1.01.

Councilman Casilio said the last ISO survey in Clarence Center was done in 1996. Harris Hill may have had a review in the late 1990's. Both of these areas are a different place today with the additional development that has taken place. He is in favor of the ISO review.

Terry Dickinson said they would also be interested in what they have to say. He stated, once again, that they would like to be represented in all meetings.

Councilman Casilio said ISO reviews fire fighting and not first aid. He does not know how we will address that part of it.

Councilman Kolber said the faster the response, the better the chance is to save lives.

Terry Dickinson said they did hope to have an open dialog with Councilman Weiss, but he walked out of the meeting after 10 minutes. They are willing to meet with him any time to discuss issues. All they ask for is open dialog in hopes that they can perform to the satisfaction of the Town Board, but mostly for people that they protect.

Councilman Weiss said he has no problem about the job that the firemen do. He believes they do a great job. He would not have a problem with more dollars toward LOSAP for them because they do a tremendous job. He just believes that we are over-equipped and over-built for the number of fires per year. It is the largest area of costs that we can do something about as a town. All we are hearing is that everywhere people are trying to reduce costs. We have to look at first aid and how that is going to be handled going forward. He does not think three chief's trucks are necessary.

Terry Dickinson said they tried to explain that every chief vehicle in the Amherst dispatch that is equipped with a EUD can respond to any call. He understands the concerns and issues, but would like an open dialog where they can respond and explain what they do.

Councilman DiCostanzo said he is concerned about the reserve for vehicle replacement. If a recommendation comes from the ISO review that we can do things more efficiently and cheaper, then he is all for it. He can see increasing the recreation line because they do deserve something, but if we can slow down on the equipment he is all for it.

Terry Dickinson said they struggle with rising costs of everything. At the same time, they strive to give their members the best equipment they can. They will not sacrifice safety.

Councilman Weiss said as you see we are building fewer homes and the infrastructure is falling on the backs of the people. The rates may not be going up, but the assessments have and many people are struggling.

Terry said they have not had any major equipment purchases in a while. The Hovercraft and snowmobile were from donations.

Councilman Weiss said he has been to some of the Buffalo fire houses and they have only one truck, not to say they could not use more for the area they cover. That is what you have to look at.

Terry said he is a Buffalo Fireman and along with that one truck is a million in manpower. That should be a consideration too. The City has improved their equipment over the last 10 years.

Councilman Weiss said you get a different story when speaking to firemen one-on-one. Terry said there are different levels of service that they perform. All he asks is that there be continuing dialog regarding concerns.

Councilman Casilio said we cannot compare to the City of Buffalo or even Amherst.

Supervisor Bylewski said there are two more hearings and at the close of all three, there will be a motion to enter into the contracts. He thanked representatives from Swormville and East Amherst Fire Companies for attending tonight. They have entered into three year contracts and do not have a hearing tonight.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman DiCostanzo to close the Public Hearing. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Haring was held to consider entering into a contract in the amount of \$756,402 with Harris Hill Vol. Fire Company for fire protection for 2009.

Lawrence Niecepозeski, President and Garry Soehner, Treasurer were present.

Supervisor Bylewski said the 2009 contract request is \$756,402, which is about 1.5% over last year. The tax rate decreases from \$1.15 to just under \$1.09 per \$1,000 of assessed value.

Mr. Niecepозeski said Councilman Weiss made a comment in the work session about consolidating and getting rid of equipment. He does not understand how he could make that statement.

Councilman Weiss said he has spoken with a number of guys in the Amherst fire districts and the County and they have said if we consolidated some of the districts, we would not know what to do with all of the equipment. It was from a fire commissioner. He said he has no fight with the firemen; it is with the fiscal responsibility at the top.

Mr. Niecepозeski said a good percentage of their costs have gone down. The negative comments have to stop if he wants respect from the members of this district.

Supervisor Bylewski said we hope to get a shared municipal grant to evaluate our fire districts and obtain objectivity and flush out some of these discussions.

Mr. Soehner said much of their training has been focusing on mass casualties and disaster preparedness. He said he does not think anyone believes they were overstaffed during the October storm when they acted as a shelter.

Councilman Weiss said they did not need seven trucks to do it either.

Mr. Soehner said when they are trying to be prepared for everything; he cannot see any fire departments being closed in this Town.

Councilman Kolber said he was there during the October storm and the guys were absolutely exhausted going from call to call.

Mr. Soehner said generally the support from the residents of the Town and the Town Board is outstanding and they appreciate that.

Councilman Weiss said he supports the men 100%.

Councilman Casilio said the fire companies are not meant to be a shelter and since that time, the Town Board has moved forward to turn the senior center into a shelter. It is equipped with a generator and the proper supplies that would be needed, along with a volunteer base to man it.

Councilman DiCostanzo said if it comes in from the ISO study that we do not need as much equipment, he would hope that in future years the requests would come down.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Kolber to close the public hearing. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider entering into a contract in the amount of \$38,588 with Rapids Vol. Fire Company for fire protection for 2009.

Supervisor Bylewski said a representative was here and asked to stay, however he has left. The increase that was requested was \$40,810 but he did not feel it was appropriate due to the size. He proposes an increase from \$36,750 to \$38,588, which is a 5% increase. The tax rate would be 68¢/\$1,000.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Kolber to close the public hearing. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that after public hearings duly held on October 22, 2008 and after all interested parties having been heard, the Clarence Town Board agrees to enter into contracts with the following fire companies for fire protection in the Town of Clarence for the year 2009:

|   |           |
|---|-----------|
| Clarence Center Volunteer Fire Company in the amount of | \$762,300 |
| Harris Hill Volunteer Fire Company in the amount of     | \$756,402 |
| Rapids Volunteer Fire Company in the amount of          | \$ 38,588 |

On the question, Councilman Weiss said he will be voting no on this because he feels that he has a fiduciary responsibility to the people of the Town to have the fire companies look internally to see what they can do. We have people trying to decide between prescription drugs and rent. They need to look at their budgets.

Councilman Kolber said he would rather work with the fire companies and the ISO to achieve this in a positive way. The fire companies are actively seeking new members. They put a lot of hours in. If we had to hire a paid fire company, it would be millions of dollars. They are not replacing equipment every five years. He does not want to discourage firefighters.

Councilman Weiss said he thinks the firemen do a terrific job. He is talking about fiscal responsibility. He would pay them more and give them other things rather than extra trucks.

Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Kolber and Supervisor Bylewski; Noes: Councilman Weiss. Motion carried.

A Public Hearing was held to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Clarence.

James Callahan, Director of Community Development said that as a member of the Erie County Consortium of local governments, the Town of Clarence has potential access to funding through the Community Development Block Grant Program. The program provides money that will benefit low to moderate income persons. The purpose of this hearing is to solicit public input for potential projects that would meet the statutory requirement.

Supervisor Bylewski said we have been unsuccessful in the past, but he would like to have considered again, for handicap accessible renovations, including the parking lot to the Town owned American Legion building at 5850 Goodrich Road.

He also encourages entering into an agreement with the Rural Transit Service for 2009 – 2010 as part of the Community Development Block Grant Fund.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Kolber to close the public hearing.

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

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

WHEREAS, the Clarence Town Board is desirous to provide services to low and moderate income persons who reside in the Town of Clarence; and

WHEREAS, the Clarence Town Board set a public hearing for October 22, 2008 at 8:00 p.m. to provide an opportunity for public input to the citizens of the Town to express community development and housing needs and possible projects that would benefit low and moderate income persons residing in the Town; and

WHEREAS, the Clarence Town Board will consider and submit all projects that qualify for the Erie County Community Development Block Grant program for ECCDBG funds.

NOW THEREFORE BE IT

RESOLVED, that a meeting of the Clarence Town Board duly convened on Wednesday, October 22, 2008, a public hearing was held, and after all interested parties having been heard, the Clarence Town Board hereby authorizes Scott A. Bylewski, Supervisor of the Town of Clarence, Erie County, New York, to sign, submit and execute a contract with the Erie County Community Development Block Grant (ECCDBG) for the following projects upon approval of ECCDB:

1. Handicapped accessible renovations, including the parking lot, to the Town owned American Legion building located at 5850 Goodrich Road in the Town of Clarence;
2. Rural Transit Service for 2009-2010.

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

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

WHEREAS, Rural Transit Service, Inc. provides transportation services to eligible, low and moderate income persons who reside in the Towns of Clarence, Newstead and Village of Akron; and

WHEREAS, the Clarence Town Board continues its support of Rural Transit Service, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board, at this duly convened meeting, hereby authorizes Supervisor Scott A. Bylewski to sign onto the Rural Transit Service, Inc. for the 2009-2010 Community Development Block Grant year.

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

Clayt Ertel requests a Demolition Permit for a structure older than 50 years at 8196 County Road.

James Callahan said the location is the north side of County Road, east of Stahley Road in the Swormville Traditional Neighborhood District. The demolition is considered a Type I Action under the TEQR Law. A coordinated review is required to determine the environmental significance of the action.

Clayt Ertel was present representing the property owner. It is a derelict building and they would like to demolish it in the spring. He had Hank Brodowski of the Historic Preservation Committee look at it to see if what he thought was correct. It still has to go before his committee for review. It also must go to the TEQR Committee for review.

Mr. Ertel said the owner is under contract to sell the 3.7 acres. The buyer would like to build a few homes on the property. The property on Stahley is a separate piece, which is separated by a wetland area.

Motion by Councilman Bylewski, seconded by Councilman Casilio to refer the request for a Demolition Permit for a structure older than 50 years at 8196 County Road to the TEQR Committee and the Historic Preservation Committee for review. Upon roll call – Ayes: All; Noes: None. Motion carried.

Michael McHugh requests Minor Subdivision Approval to create one additional residential building lot at 10335 Clarence Center Road. James Callahan said the location is the south side of Clarence Center Road, east of Strickler Road in the Agricultural Rural Residential Zone. The additional lot would be in conformance with land use and zoning regulations.

The applicant was not present.

Motion by Councilman Kolber, seconded by Councilman Weiss to table the request until the applicant is available. Upon roll call – Ayes: All; Noes: None. Motion carried.

AEGIS Development/Furmanek requests Concept Approval for a proposed Open Space Design Subdivision at 8230 County Road. James Callahan said the property consists of approximately 19+ acres in the Swormville Traditional Neighborhood District. The density yield of 35 lots was approved in February of 2007 and a Negative Declaration was issued in May 2008. The Planning Board forwarded a recommendation for approval with conditions.

Chris Cardillo, attorney representing Mr. Furmanek was present. The Planning Board has done a comprehensive review and they are asking to have a public hearing scheduled.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set a Public Hearing for November 19, 2008 at 7:55 P.M. to consider a proposed Open Space Design Subdivision at 8230 County Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

S & S Construction requests a Public Hearing to consider a Special Exception Use Permit for a secondary living unit at 9065 Wolcott Road. James Callahan said the location is the south side of Wolcott, west of Goodrich Road in the Agricultural Flood Zone.

Sandy Henderson, owner and her mother Carol LaJoy were present. Ms. Henderson said she is aware and will comply with the conditions of a secondary living unit.

Motion by Councilman Bylewski, seconded by Councilman Kolber to set a Public Hearing for November 19, 2008 at 7:45 P.M. to consider the request for a Special Exception Use Permit for a secondary living unit at 9065 Wolcott Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Towne BMW/Mini requests an amendment to conditions established at a previous Building Permit and Architectural Approval to allow a vehicle display on the roof at 8215 Main Street. James Callahan said the location is on the south side of Main Street, east of Transit Road consisting of an existing auto sales operation in the Commercial Zone.

Frank Downing, president said they do not see a direct action with the building permit and the Mini on the roof. Removal of the display would have a financial affect on them. The manufacturers make them buy displays as part of the deal. It helps them in sales. They have never had any complaints. It is a unique display.

Councilman Weiss said we could have every dealership asking to have a vehicle on the roof. We have had national companies come in and say the franchise demands certain things that we have not approved.

James Callahan said this cannot be considered as a sign. It would not meet the conditions of the Sign Law and would set a precedence that you do not want. Special Exception Use Permits are done with car dealers because of the outside displays.

Councilman Kolber said he would be more comfortable with a Temporary Conditional Permit. Councilman Casilio agreed.

Motion Councilman Kolber, seconded by Councilman Weiss to set a Public Hearing for November 19, 2008 at 7:50 P.M. to consider the display of a replica of a vehicle on the roof at 8215 Main Street. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to grant approval of the following: Clubhouse Applications – A. Garden Friends of Clarence – Dec. 2, 2008; B. Clarence Bicentennial Committee – Dec. 31, 2008; C. Girl Scout Troop 591 – Monthly meetings for 2009; D. Boy Scout Troop 93 – March 22, 2009; E. Clarence Kiwanis Club – April 11, 2008; Legion Hall Applications – A. Nehzat Goshtasb – Oct. 29, 2008; B. Irene Toloue - Jan. 17, 2009; C. Susan Payne – Feb. 7 & March 28, 2009; D. Kimberly Cirillo – May 2, 2009; and E. Nancy Riester – May 9, 2009. On the question, Supervisor Bylewski said the Bicentennial Committee will be holding the final celebration on Dec. 31, 2008 including fireworks, refreshments and live entertainment. More information will be coming. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bill of October 6, 2008 is approved for payment: General Fund - \$400. On the question, Supervisor Bylewski said the reason for the odd bill pay

is that a conference came up for some individuals who needed to attend their continuing education. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of October 16, 2008 are approved for payment: General Fund - \$138,103.13; Highway Fund - \$50,550.39; Water District - \$33,894.29; Drainage District - \$2,172.30; Lighting Districts - \$1,145.87; Sewer Districts - \$3,437.50; Capital Fund - \$75,066.74; and Trust & Agency 203 - \$1,467.37 for a total amount of \$305,837.59. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Councilman Weiss said when we have contentious discussions, it has nothing to do with people; it has to do with fiscal issues. He does not have a problem with the members of the fire companies and he does not want to be painted in a position that he does. He has no problem with the members; he has problems with the financial aspects. He wants that clarified. Nobody likes to change, but we are looking at critical times in this country. We have to look at it.

Councilman Kolber said he is chasing them away by making them feel they are not appreciated. Councilman Weiss said he is not talking about the men at all.

Councilman Kolber said at a meeting with Swormville Fire Company, they went line by line to explain their expenses and Councilman Weiss was not there.

Supervisor Bylewski said there will be further discussions and the ISO review to look at this in the future.

Darlene Feinen asked what is LOSAP. Supervisor Bylewski said it is Length of Service Award Program for firemen. If they reach a certain level of service each year, they can participate in the program. It is basically a retirement benefit that firemen are eligible for depending on the number of years of service and the points earned.

Councilman Casilio said he believes the ISO review will clear up a lot of the questions.

Michael McHugh arrived at 9:10 P.M.

James Callahan said Mr. McHugh requests Minor Subdivision Approval to create one additional residential building lot at 10335 Clarence Center Road. The location is the south side of Clarence Center Road, east of Strickler Road in the Agricultural Rural Residential Zone. The additional lot would be in conformance with land use and zoning regulations.

Mr. McHugh said his daughter is getting married and he wants to give her a lot to build a house. He has three daughters and he is saving a lot for each of them.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law, the Clarence Town Board issues a Negative Declaration on the proposed McHugh Subdivision creating one additional residential building lot at 10335 Clarence Center Road. After review of the application and prepared EAF, by the Town Board, it is determined that the proposed action is consistent with the adopted Master Plan 2015 and will not have a significant impact upon the environment. A copy of the short EAF and application are on file. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

Resolved, that the Clarence Town Board grants Minor Subdivision approval for one additional residential building lot to the applicant, Michael McHugh, for the property located at 10335 Clarence Center Road subject to the following conditions: 1. Open space and recreation fees. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 9:16 P.M.

Nancy C. Metzger  
Town Clerk