

A Work Session of the Clarence Town Board was held on December 17, 2008 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 5:30 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 and Planning Board Chairman Gerald Drinkard.

Joseph Floss – LOSP

Dave Wyrwas, president of VSIF and Kathy Sibol, local marketing representative for LOSAP could not attend tonight's meeting because of flight delays. Joseph Floss stated that his role is to work for the governing body that being the Town Board. He has been involved with the LOSAP since 1991 and is currently the retail servicing broker for VFIS that provides the LOSAP program. His role is to work with the LOSAP representatives on being certain that they receive the renewal paperwork on a prompt basis, assist them in fulfilling the obligation that the legislation has to certify the point system and to post that in the fire departments and at town hall. Mr. Floss also assists with filling out annuity paperwork for those entitled members and addresses any concerns regarding their receipt of their monthly benefit. The benefit is prescribed for the most part as a \$20 entitlement up to 30 years of service. The most that any firefighter in Clarence can receive is \$600. The plans vary somewhat. East Amherst sought and received a reduction in their entitlement age from 62 to 55. Clarence Center VFC has a different life insurance benefit. Harris Hill, Swormville and East Amherst VFC have a \$25,000 life insurance benefit – Clarence Center has a \$10,000 life insurance benefit.

In 1991, VFIS would not sell a LOSAP plan without a life benefit. They are a very conservative company, the way they viewed it is if there was a fatality or two or three and the funds were not there, the governing body (Town Board) which is the fiduciary would have to find a way to fund that benefit. So if a death occurs (there were four death claims paid out of this plan) the greater of the accrued benefit or the death benefit is paid. VFIS does not require that life insurance be continued, that simply is a business decision. It is a benefit to the firefighters but it is a cost as well.

For the record, Councilman Casilio announced that he is a volunteer fireman in Clarence Fire District #1. Clarence Fire District #1 has their own program and has nothing to do with this program. Mr. Floss stated that he does not know the perimeter of Clarence Fire District #1 LOSAP plan.

VFIS does charge an annual fee. All the plans have recently been amended to include *Prospective Post Entitlement Benefits*. For plans that have that feature, VFIS typically charges a fee of \$2,000 a year to service your plan to make sure that it is actuarially sound and to provide annuities etc. plus \$12 per active member. Two years ago, Mr. Floss negotiated that fee down to half so it is now \$1,000 per fire department plus \$12 per firefighter.

The assets of all the accounts of the four fire departments (East Amherst, Harris Hill, Swormville and Clarence Center) currently is at \$1,692,685. There was a question as to whether or not they are fully funded – the funding ratios all accounts are not fully funded because of the change to post entitlement in 2006. Clarence Center is 84% funded, Harris Hill is 93% funded, Swormville is 66% funded and East Amherst is 52% funded – further affected because of the decrease in entitlement age to 55. This is being corrected over the years by lowering of interest rate assumptions etc. Mr. Floss stated that he is not the actuary; he is the retail agent here to service the fire departments and answer any questions.

There was a question regarding interest rates that were earned. VFIS takes a very conservative approach, they use fixed annuities. The interest rates being paid by Connecticut General:

9/01/95 – 12/31/97	5.25%
1/01/98 – 12/31/98	5.15%
1/01/99 – 10/12/99	4.95%

October 1999, the annuity holder changed to Hartford Life:

10/12/99 – 9/30/00	5.05%
10/01/00 – 9/30/01	5.50%
10/01/01- 12/01/03	5.55%
12/01/03 – 7/01/05	5.20%
7/01/05 – 6/01/08	4.85%
6/01/08 – Present	4.60%

The group annuity contract is different from what you would buy individually in that deposits can be made at any time with no fees. There is liquidity; most fixed annuities don't have liquidity when you buy them as an individual so withdrawals can be made at anytime for benefit distribution. Withdrawals are made at book value without penalty, no market value adjustment and no additional fees. There is a guarantee backed by the strength of the Hartford of principal and accrued interest. Check issuance service is provided at no additional fees. Tax reporting form service is provided at no additional fees. Investments are made by the specialists at the Hartford.

There was a question regarding investment policy. Mr. Floss stated that some local municipalities that neighbor Clarence have an investment policy because they invest in mutual funds and other stocks however there is none here, it is fixed annuities.

Councilman Casilio stated that the Town Board reviews the LOSAP program with Mr. Floss and the insurance company yearly. At the suggestion of the Fire Chief's Association, from now on the meetings should be conducted in the evening so more firemen can attend. Mr. Floss stated that VFIS will be happy to come back when the weather is better. This is a forum that should be conducted each year where we open up the process to the firefighters and the public.

Councilman Weiss asked whether there was some type of insurance policy that could be purchased to protect the investments for the firemen. Mr. Floss will defer that question to VFIS and get back to the board at a later time.

Councilman Casilio stated that at a time when everyone is losing money in the stock market, the firemen's investments are making 4.60%.

John Gaulocher from Swormville VFC stated he has sat in on several meetings in the Town of Amherst. What he learned from these meetings was that they have \$5.5 million dollars of their funds - \$2.9 million was earning 1 ½% and there target is 6% anything less than that, the town has to reimburse. State Law indicates that these pension funds have to be funded 75%. In Long Island the pension funds are funded 10% and this is a concern of the firemen. They just want to make sure everything is above board. Amherst did not have a printed investment policy but because of his efforts, they now have a printed policy.

Town of Amherst Councilman Mark Manna is a trustee of a multi-employer pension fund so he knows how a pension fund should work specifically defined benefit plans as opposed to a defined contribution plan. Of the five million dollars that was in the pension fund in Amherst – over the years that fund was virtually been ignored. There was not a lot of accountability as to what they were invested in and there was no communication between the town, the residents and the fire service individuals. Mr. Manna, the Amherst Comptroller and Amherst Town Attorney formed an Investment Committee and came up with an investment policy. They put out an RFQ (request for qualifications) to manage this program. They were with these investors for several years and felt they

owed it to the taxpayers to see what other professionals vision would be for this program and what they thought they should earn on their investments. Whatever we don't earn on our investments, the taxpayers have to pay the difference. The goal with investing money is to have the money work for you and have less taxpayer dollars fund it. The Town of Amherst has an investment policy but since the Town of Clarence is invested in annuities we don't have a policy. Because the Town of Clarence shares a mutual concern with East Amherst VFC and Swormville VFC, Mr. Manna suggested Clarence Town Board send out an RFQ and interview other companies that deal with LOSAP programs or programs of this nature and let them express to the Board what their vision might be. It would be good to get another perspective and another point of view on this program.

Councilman Casilio stated that he is aware that Amherst was more aggressive with their investments and asked Mr. Manna if they had a losing year. Clarence policy has been between five and six percent and we have been pretty consistent – today we are getting 4.8%. Mr. Manna stated that the Town of Amherst just changed investors this year however, the change over is not 100% complete. There are some CD's that they are invested in that they did not want to take out early and lose money on. Amherst has been hit by the down-turn in the market like most other places however because they had very little exposure to the stock market, their losses were minimized. Amherst did not have a *losing year* however they have had some years that were not as good as other years – their expected rate of return is about 6 ½%. They are going to be down around 4% and the taxpayers will have to pick up that added expense. Amherst just changed their vesting and passed a resolution to go to referendum to add a five year minimum vesting. Amherst is the only municipality in NY with a partial credit. If you worked one year, you received one quarter of the \$20 benefit which is \$4. If you worked two years it was \$8. They were tracking people for 20 – 30 years paying them a \$4, \$8 or \$12 benefit for twenty or thirty years. They are hoping with this 5 year vesting, it will increase the amount of money in the fund, raise your expected rate of return and therefore lessen the amount the taxpayers have to pay at the end of the year.

Mr. Manna stated that his reason for coming before the Town Board was to suggest that in the interest of fairness the Town of Clarence put out a RFQ to see what other programs are out there and listen to what someone else has to offer.

Supervisor Bylewski stated that he would be interested in obtaining a copy of the Town of Amherst RFQ for the Town Board to review to see if it would be appropriate in our discussions to go ahead and use that as a model assuming that is what the Board decides to do.

Mr. Manna stated that when the Town of Amherst put out their RFQ, numerous investment groups contacted them. Amherst was looking for a firm that was familiar with the program, which would diversify their investments, insulate them from a downturn in the market and be able to capture a high end return.

Councilman DiCostanzo asked how the Town of Amherst was down only 4%. Mr. Manna stated that they do not have a lot of exposure to the stock market. They have CD's which they are constantly rolling over and reinvesting. They have bought gold when it was down, now it is up. They meet with their actuary and he explains what is coming due and what it made and what he wants to roll it over into. Mr. Manna further stated that he would be willing to set up a meeting with their investor or actuary and have him show the Town of Clarence exactly what the Town of Amherst is invested in.

Dan Loudenslager from Clarence Center VFC stated that he turned 62 in June. His policy stated that at age 62 he will start collecting "X" number of dollars. He understands that you don't start collecting until your anniversary year but he loses six months of his retirement because of his birthday. He starts collecting in March but they only retro-pay back to January 1st. Joe Floss stated that Mr.

Loudenslager has a valid point and he has spoken to him about it. Section six of each one of the adoption agreements stated that entitlement age is 62 with one year of Plan participation. Members will begin receiving benefit on Plan anniversary following attainment of entitlement age. Subsequent Plan years the member will begin receiving benefit on the Plan anniversary following attainment of entitlement. What Mr. Loudenslager is saying is that even though he turned 62 he is not starting to collect the first of the month right after, he is waiting all the way until March 1st.

Mr. Loudenslager stated that he can understand the starting of collection on the anniversary of the policy. He has a problem with the fact that they only pay back to January 1st and not pay back until June – so he is losing six months of his retirement. Mr. Floss said that the Plan states it is retroactive to January 1st *members will begin receiving benefits on Plan anniversary following attainment of entitlement age with payment retroactive to January.* The Town Board is empowered to make that change to the plan document. Supervisor Bylewski stated that the Board will research this to see if it can be straightened out.

Al Weiser from Swormville VFC stated that he was confused as to why East Amherst VFC was half funded through the lower entitlement age of 55 and how would this affect them. Mr. Floss stated that it changes the actuary charts completely in that members are going to start collecting their benefits seven years earlier than had been actuarially accounted for since the plan started. They had a lot of payouts that were not expected much earlier. Swormville VFC is 66% funded and they are in the process of lowering their entitlement age which will change their actuary charts as well.

Mr. Floss stated that VFIS has been here a number of times and have provided both the firemen and the town board with estimates. You can change all the variables and it is going to change the funding. They are happy to provide this service and there is no additional cost for them to run the estimates. Given the amount of work involved in this, Supervisor Bylewski stated that the request come from the fire company so we do not have individual fire personnel coming in asking about different variables.

Supervisor Bylewski stated that more information will become available in the near future regarding the Shared Municipal Services Grant now called A Local Government Efficiency Grant to consider studying the levels of service in the town.

Director of Community Development – James Callahan

Public Hearings:

A public hearing is scheduled for 7:45 PM to consider the designation of the Schmidt residence located at 10847 Main Street as a Local Historic Landmark as forwarded by the Historic Preservation Commission.

A public hearing is scheduled for 7:50 PM to consider the designation of the Light residence located at 10525 Clarence Center Road as a Local Historic Landmark as forwarded by the Historic Preservation Commission.

A public hearing is scheduled for 7:55 PM to consider the designation of the Orchid Ledge Estate located at 4830 Thompson Road as a Local Historic Landmark as forwarded by the Historic Preservation Commission.

Formal agenda items:

West-Herr Toyota 8129 Main Street

Applicant is requesting a building permit and architectural approval to renovate existing facilities. The proposed site is located on the south side of Main Street, east of Transit Road at existing automotive sales/service operation located in the Commercial Zone. Per the Zoning Law, the Town Board has authority to

approve building permits in the Commercial Zone as to architectural style and functional plan. All setbacks and use permits are in order.

Dan Gersig-east side of Salt Road, south of Rapids Road

Applicant is proposing to split off one residential building lot in conformance with zoning and flood plain regulations. The existing vacant land is located on the east side of Salt Road, south of Rapids Road and consists of 27+/- acres in the Agricultural Flood Zone within the density flood way. Per the Subdivision Law, the Town Board has authority to approve minor subdivisions. A Flood Plain Development Permit will be required.

Steven Andres 10837 Main Street

Applicant is seeking approval to renovate old structure (former Mazia's Pizza) to create a new commercial structure for office/residential uses. The existing commercial structure is located on the south side of Main Street, west of Schurr Road on .26 acres in the Clarence Hollow TND. Per the Zoning Law, the Town Board has authority to approve uses in the TND as to functional plan and architectural style. Review and approval by the Community Character Protection Board will be required per the Clarence Hollow overlay.

Clarence Bi-centennial Committee

The Clarence Bi-Centennial Committee is requesting approval for a Fireworks Permit for December 31, 2008. All required paperwork has been submitted.

Work Session items:

Clayt Ertel 8225 Tonawanda Creek Road

Applicant is seeking approval to split one residential building lot from the parent parcel. The existing farmland with farmstead consists of 109+/- acres in the Agriculture Flood Zone and is located within the density flood way. Per the Subdivision Law, the Town Board has authority to approve minor subdivisions.

Mary Feeney 9155 Main Street

Applicant is seeking approval to open an automotive sales operation that must include a display area for three vehicles. The proposed site is located on the south side of Main Street, west of Sheridan/Thompson intersection. The existing commercial building is located on 1+/- acres in the Commercial Zone. Per the Zoning Law, the Town Board has authority to approve automotive sales operations via a Special Exception Use Permit or a Temporary Conditional Permit.

Motion by Supervisor Bylewski, seconded by Councilman Bernard Kolber to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss pending litigation Marinaccio vs. Town of Clarence. On the question, Town Engineer Joseph Latona was asked to remain for the Executive Session. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Bernard Kolber to adjourn the Executive Session at 6:35 PM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

The Work Session resumed at 6:35 PM.

Supervisor Scott Bylewski

A pre-organizational meeting is scheduled for Thursday, December 18th. Councilman DiCostanzo will not be able to attend the meeting but forwarded his comments to the Supervisor.

Supervisor Bylewski received a retirement letter from Grace Shear effective January 1, 2009.

Anyone planning on attending the NYS Association of Towns Conference should contact Karen Jurek as soon as possible to discuss reservations.

The Town received our mortgage tax check. It was more than was budgeted for but \$50,000 less than Dresher & Malecki was estimating.

Our Bond Anticipation Notes went out to bid. The successful bidder was JP Morgan Chase at their rate of 2.230%.

The Town received 2000 free copies of The Legislative Gazette. There is an article regarding the Town of Clarence Bi-centennial on page 24 – 25.

There was a Bee Heard in the Clarence Bee requesting the posting of town employee's salaries. Supervisor Bylewski stated that the entire town budget is posted on our website for anyone to review.

The National Kidney Foundation of WNY is declaring March 12, 2009 as World Kidney Day.

Local Government Efficiency Grant Program (formerly called Shared Municipal Services Initiative). A resolution has been prepared but will not be acted upon tonight because there is some language in the resolution that Supervisor Bylewski would like to make the fire companies aware of before the Town Board acts on it. We need to get Clarence Fire District on board with doing a similar resolution in order to obtain the grant money because it is for shared municipal services. The town would bear the cost for the study. Supervisor Bylewski will send a copy of the resolution to the fire chiefs so they are aware of it.

Based on comments Supervisor Bylewski has received regarding Lean Six Sigma, Supervisor Bylewski and Town Attorney Bengart have been in discussions with the University at Buffalo and have obtained an updated contract. He will be looking at training several people however the number of green belts would be reduced during this phase. If any Board member has any interest, they are asked to contact Supervisor Bylewski. The Board agreed to pursue the Lean Six Sigma and Supervisor Bylewski has been authorized to go ahead with it.

Supervisor Bylewski will make a motion to abolish the position of Bookkeeper effective December 31, 2008 at close of business.

Supervisor Bylewski has several line item transfers to make.

Supervisor Bylewski will appoint Robin Sendlebeck as Payroll Clerk RPT, provisional at the 2009 budgeted rate of pay, effective January 5, 2009. Nancy R. Olivieri will be appointed as Accountant RPT, provisional at the 2009 budgeted rate of pay effective January 5, 2009.

Supervisor Bylewski has one item to discuss in Executive Session regarding the employment history of a particular person.

Councilman Joseph Weiss

Parks Crew Chief John Burns, Highway Superintendent Ted Donner and Youth Director Dawn Kinney are requesting several budget line item transfers.

Councilman Weiss has several announcements regarding the Bi-centennial and Winterfest.

Youth Bureau member Holly Zaffranieri contacted Councilman Weiss on Saturday requesting he go to Harris Hill School to observe how the Winter Recreation Program (floor hockey program) is not fulfilling the needs of the town. When Councilman Weiss arrived at the school, there were many kids in the halls because a draft was going on to set up the program. Mrs. Zaffranieri child is in 7th or 8th grade and this program is for 4th, 5th & 6th graders. Mrs. Zaffranieri child and three other boys who are older and had been in the program before however this program is designed for the younger children. If there are other 7th and 8th graders who want to play floor hockey, they should be at Harris Hill School on

January 10th, 2009 and the school will open another gym for the older boys but the program is not going to be extended for just three or four kids. You have got to have the numbers to run these programs.

Mrs. Zaffranieri has also requested the town construct an outdoor ice rink. Councilman Weiss stated that he would like to make an ice rink available to Clarence residents however he has several reservations about this. Our weather fluctuates, the cost of water to groom the ice, the lavatories in the parks are closed up for the winter. Who will monitor/supervise the ice rink? Hockey will not be permitted but who will supervisor this to make sure of it.

Supervisor Bylewski stated that he is all for an ice rink and we have tried it in the past however the weather is a big factor.

Councilman Casilio stated that he spoke with Parks Crew Chief John Burns and he said the easiest place to set up an ice rink would be at the Main Street Park on the tennis courts. He would like to set up a rink without the vinyl liner because when the ice gets soft the liner gets torn up. Water is available to groom the rink and at times the Clubhouse is open so skaters could use the lavatories in the Clubhouse. This rink would not be used for shooting hockey pucks, it would be for recreational skating. Meadowlakes Park would be a difficult venue for him to maintain.

Town Attorney Bengart stated that if the Board decides to move forward with the ice skating rink, a sign must be constructed stating "no hockey" and "skaters use the rink at their own risk."

Councilman Weiss also indicated that the Parks Department closes at 3:30PM.

Supervisor Bylewski suggested the Parks Department move forward with the construction of the ice rink and see what happens.

Councilman Bernard Kolber

Councilman Kolber will make a motion authorizing the Supervisor to execute an agreement between Solar Liberty Systems, Inc. and the Town of Clarence for a solar panel system for the Town Hall, subject to review and approval by the Town Attorney.

Councilman Patrick Casilio

The gas lights for Willow Brook are being ordered through the Parks Department. There has also been a request to rebuild the entrance way and charging it back to the residents in the lighting district.

Councilman Casilio is working on the installation of video poles that Clarence Rotary is funding for the video camera project.

Councilman Peter DiCostanzo

Councilman DiCostanzo has a correction to the Work Session minutes of December 3rd.

The TEQR Committee is recommending the Clarence Town Board seek Lead Agency Status on the proposed Milherst Construction office/shop/warehouse facility for a construction company on 15+/- acres in the Industrial Business Zone.

Councilman DiCostanzo met with Mark Manna and Pat Cippola regarding a crossing guard at Transit Middle School.

Upon recommendation of James Callahan, Councilman DiCostanzo will appoint Courtney Creenan as Winter Intern in the Planning and Zoning Department.

Councilman DiCostanzo will make a motion to transfer funds in the Planning and Zoning Department budget.

Councilman DiCostanzo has one Attorney-Client item to discuss.

Town Engineer Joseph Latona

Town Engineer Latona has drafted a letter for the Supervisor to sign indicating that the town is not interested in endorsing a resolution for the WNY Storm Water Coalition to apply for a grant to conduct inspections of our outfalls. We do our own inspections and we also have a mechanism via town ordinance to enforce illicit discharges.

Councilman Weiss asked if Town Attorney Bengart sent a follow up letter to the Army Corp of Engineers regarding the installation of drain tile in the wet lands off Kraus Road by Mr. Cimato. Mr. Cimato was instructed to fill in the drainage area he created however Councilman Weiss feels the Army Corp of Engineers should revisit the site to determine that the restoration activities were performed correctly. The Army Corp of Engineers said the area was restored but Councilman Weiss revisited the area and it is still draining.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to enter into Executive Session pursuant to § 105 (1) F of the Open Meetings Law to discuss the employment history of a particular person. One the question, Councilman DiCostanzo has one Attorney-Client item to discuss. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the meeting adjourned at 7:05 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:29 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, December 17, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:33 P.M. Pledge to the flag was led by Councilman Bernard Kolber, followed by a moment of silence to remember all of those who are no longer with us for the holidays.

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 December 3, 2008. On the question, Councilman DiCostanzo had a correction on page 368 – the Executive Session resumed at 6:45 P.M. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said the work session began at 5:30 p.m. tonight to meet with members of the various fire companies to discuss the Length of Service Awards Program. Joe Floss spoke on behalf of his firm. The representative from VFIS was supposed to be here but was stuck at the Philadelphia airport.

Supervisor Bylewski stated that he received a letter dated October 15, 2007 from Grace Shear of her intent to retire as Clarence Town Bookkeeper during 2008. He received a letter of retirement from Grace Shear on December 16, 2008, effective December 31, 2008 at the close of business. He thanks Grace for her years of service for the Town.

Supervisor Bylewski said we received a check representing the mortgage tax in the amount of \$1,076,592.94. Revenues were greater than we anticipated.

Supervisor Bylewski said we recently went out for bond anticipation notes for various capital projects. We did get a favorable rate from JPMorgan Chase. The fact that we can get bidders is a good financial indicator for the Town.

Supervisor Bylewski said there is a stack of The Legislative Gazettes from a group in Albany available. There is a section on the Clarence Bicentennial included in the December 15, 2008 issue. Copies are being distributed to locations throughout the Town for anyone interested.

Supervisor Bylewski said there was a Bee Heard this week regarding the posting of Town employee salaries. They are on line and have been online for quite awhile. There is a link to the budget which includes the various salaries.

Supervisor Bylewski said we will make a motion regarding the government efficiency grant relating to fire companies at the next meeting in January.

Motion by Supervisor Bylewski, seconded the Councilman Weiss to abolish the position of Bookkeeper effective December 31, 2008 at the close of business. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant approval of the following transfers of funds: \$600.00 from 001-1220.0470 - Expense & Travel to 001-1220.0416 – Gas & Oil; \$8,500 from 001-1680.0479 - Computer Software to 001-1220.0220 Office Equipment; \$2.88 from 001-1680.0479 –Computer Software to 001-1680.0230 GIS Mapping; \$2,000 from 001-1680.0434-Central Computer Professional Services to 001.1620.0401 – Office Supplies; \$500 from 001-1680.0424- Central Computer Professional Services to 001-1620.0402 – Janitorial Supplies; \$11,250 from 001- 6989.0400 –Contract w/IDA to 001-1620.0450 – Maintenance of Buildings & Grounds; \$150 from 001-1670.403 - Uniforms to 001-1670.0403 Personnel Services; \$900 from A1981.- Grant Writing to 001-7610.0100 to Personal Services (Going Places Van Driver); \$1,870 from A1981.- Grant Writing to 001-8730.0220 Conservation – Improvements; \$380 from 001-8730.0471 –Conservation Training to 001-8730.0470-Conservation-Expense & Travel; \$12,018.66 from 001-1910.0400 Unallocated

Insurance to 001-1320.0444 – Consulting Services; \$2,100 from 001-1910.0400 Unallocated Insurance to 001-1620.0454 – Repairs to Library; \$2,500 from 001-7180.0100 – Swimming Pool Personal Services to 001-7180.438 – Swimming Pool-light, heat and power; \$450 from 001-8130.0434 Sewer Dist. #2 Professional Services to 001-8130.438 – Sewer Dist. #2 Utilities; and \$1,269.95 from 001-001-8540 Drainage Dist. Rental to 001-8540.210 – Drainage Dist. Pipe & Miscellaneous. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve the following transfers for the Law Department: \$1,000 from A1420.471 Legal and Professional Services to A1420.220 Office Equipment; and \$1,000 from A1420.471 Legal and Professional Services to A1420.423 Books and Supplements. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to appoint Robin Sendlbeck as Payroll Clerk – RPT, provisional, at the 2009 budgeted rate of pay effective January 5, 2009, subject to the completion of all employment requirements. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to appoint Nancy R. Olivieri as Accountant – RPT, provisional, at the 2009 budgeted rate of pay, effective January 5, 2009, subject to the completion of all pre-employment requirements. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski wished everyone a Happy Holiday Season.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following transfers of funds: \$5,000 from A7110.250 Other Equipment and \$8,000 from A7110.417 Auto Parts for a total of \$13,000 to A7110.416 Gas and Oil; \$360 from A7110.450 Maintenance of Buildings and Grounds with \$105 to A7110.451 Electrical and \$255 to A7610.450 Senior Center Buildings and Grounds. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following transfer of funds: \$6,000 from DA5142.429 Snow Removal - Other Unclassified to DA5142.415 Snow Removal – Chemicals. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following transfer of funds: \$1,100 from A7310.220 Office Equipment to A7310.450 Maintenance Buildings and Grounds. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said we have a floor hockey program at Harris Hill School for elementary children. Last week four middle school kids showed up, but there is not a program in place. If we get enough interest from middle school kids on January 10th, we will open a program for them also. We need at least 12 kids who would like to participate.

Councilman Weiss said we are asking the Parks Department to flood the tennis courts at the Main Street Park to provide a place for ice skating. A sign will be posted that no hockey is permitted. It will obviously depend on the weather conditions. Town Attorney Bengart said skating will be at the party's own risk.

Councilman Weiss said they held an organizational meeting for Winterfest 2009 this morning. It will be held February 8, 2009 from noon to 5 pm. Anyone interested in participating or volunteering should call Dawn at the Youth Bureau.

Councilman Weiss said the Bicentennial final celebration will be held on December 31, 2008 at the Town Park Clubhouse from 5 to 8 pm. It will include a fireworks display, food and other fun things.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize the Supervisor, Scott A. Bylewski, to execute an agreement between Solar Liberty Systems, Inc. and the Town of Clarence for a solar panel system for the Town Hall, subject to review and approval

by the Town Attorney. On the question, Councilman Kolber said this is to mount panels on the Town Hall. It is subject to rebates and incentives. This is an economical way for us to generate our own power. The money comes from utility rate payers and passed back for these projects. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said he would like to thank the regulars who are here at every meeting. It is nice to see them take an active interest in the activities of the Town.

He also wished everyone a Happy Holiday Season and a Happy and Safe New Year.

Councilman Casilio said the gaslights are being ordered through the Parks Department for the Willow Brook district. National Fuel will install them once they arrive. The cost will be billed to the district.

Councilman Casilio thanked the fire companies and Town employees for attending the meeting tonight regarding the LOSAP.

Councilman Casilio stated that chairman of the Public Safety Committee, David Elia will be stepping down. He will be missed. While serving, the committee has moved forward with the volunteer program for patrolling the bike paths and organized the neighborhood watch program with the first being in the Rock Oaks neighborhood. Mr. Elia did a great job organizing his meetings and reporting to the Town Board.

Councilman Casilio wished everyone a Happy Holiday and he looks forward to working with everyone again next year.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to appoint Courtney Creenan as Winter Intern for 21 +/- hours per week for five weeks beginning December 16, 2008 at the budgeted rate of pay. On the question, Councilman DiCostanzo said Courtney works on special projects for the Planning and Zoning Department. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to approve the transfer of \$5,000 from A8010.1 Personal Services to A8010.472 Master Plan Expenses. On the question, Councilman DiCostanzo said there are additional bills for the Parks and Recreation Mini-Master Plan to be paid before the end of the year. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss 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 Milherst Construction Office/Shop/Warehouse development. This Type I Action involves the construction of a new office/shop/warehouse facility for a construction company on 15 +/- acres in the Industrial Business Park Zone on County Road, west of Strickler Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said there was a Bee Heard criticizing him for wanting to look after low taxes and then saying that he is in favor of a community facility. We are in the very early stages to begin a feasibility study. It could benefit everyone in this Town. He does not understand why someone would not want to look at that. At this point, we do not know if it could happen or not, but it is worth looking into.

Supervisor Bylewski thanked all department heads present for attending.

A Public Hearing was held to consider the Schmidt Residence located at 10847 Main Street as a Local Historic Landmark. Planner Brad Packard said the property is zoned Traditional Neighborhood District in the Clarence Hollow, an important historic area of the community. The architectural style is Greek revival and increases the aesthetic value of the Clarence Hollow neighborhood. The Historic Preservation Commission has forwarded a positive recommendation for nomination. The property was also listed as significant in the Clinton Brown survey.

Supervisor Bylewski said a memo dated November 13, 2008 was received from Hank Brodowski, Chair of the Historic Preservation Commission providing further background. This

property, as well as all properties that have been or are being considered for historic designation, have been presented by the property owners themselves.

Joanna Pickering said she was present on behalf of Hank and the other members of the Historic Commission. They feel it is one of the best examples of a frame Greek revival in the community. It would be a gift to the Town to have the appearance of the house maintained.

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

WHEREAS, the property located at 10847 Main Street and locally known as “The Schmidt Residence” has been the subject of an Intensive Level Survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 10847 Main Street has been identified to have Historic Value, Association With Historic Personages, and Contains Significant Historic Value Through its Architectural Style and Method of Construction; and

WHEREAS, The Town of Clarence Historic Preservation Commission has unanimously forwarded a recommendation to officially designate the home located at 10847 Main Street as an Historic Landmark within the Town of Clarence; and

WHEREAS, The Clarence Town Board has held a duly advertised public hearing on the proposed designation, per the Town of Clarence Town Board Notification Policy.

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board, approves the designation of 10847 Main Street, known as “The Schmidt Residence” as a Local Historic Landmark per the Town of Clarence Historic Preservation Local Law; and be it further

RESOLVED that the affected Site be designated on the Official Zoning Map of the Town of Clarence filed for recording in the Office of the Erie County Clerk.

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

A Public Hearing was held to consider the Light Residence located at 10525 Clarence Center Road as a Local Historic Landmark. Planner Brad Packard said the property is zoned Agricultural Rural Residential. The location is adjacent to the hamlets of the Clarence Hollow and Clarence Center, both areas being historically significant areas of the community.

This is another example of Greek revival architecture. The home is 2 ½ stories with a brick exterior and a ruff cut stone foundation. It was originally owned by the Carmer family who moved to Clarence in 1819. The brick was kilned in Clarence and the wood framing was cut from the forest along Clarence Center Road.

Mr. Packard said preservation of the Greek revival architecture increases the aesthetics of the Clarence Center neighborhood. This property comes with a positive recommendation from the Clarence Historic Preservation Commission. It was also listed as significant in the Clinton Brown study.

Supervisor Bylewski said a memo dated November 13, 2008, was received from Chairman Hank Brodowski listing further characteristics about this property and the reasons for recommendation. It was a voluntary effort by the homeowners to seek this status.

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

WHEREAS, the property located at 10525 Clarence Center Road and locally known as “The Light Residence” has been the subject of an Intensive Level Survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 10525 Clarence Center Road has been identified to have Historic Value, Association With Historic Personages, and Contains Significant Historic Value Through its Architectural Style and Method of Construction; and

WHEREAS, The Town of Clarence Historic Preservation Commission has unanimously forwarded a recommendation to officially designate the home located at 10525 Clarence Center Road as an Historic Landmark within the Town of Clarence; and

WHEREAS, The Clarence Town Board has held a duly advertised public hearing on the proposed designation, per the Town of Clarence Town Board Notification Policy.

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board, approves the designation of 10525 Clarence Center Road, known as “The Light Residence” as a Local Historic Landmark per the Town of Clarence Historic Preservation Local Law; and be it further

RESOLVED, that the affected Site be designated on the Official Zoning Map of the Town of Clarence filed for recording in the Office of the Erie County Clerk.

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

A Public Hearing was held to consider the Orchid Ledge Estate located at 4830 Thompson Road as a Local Historic Landmark. Planner Brad Packard said the property is zoned Residential Single Family. It is an example of a colonial house building type with two stories and a brick exterior. The home was in the Thompson family for over 100 years. The property is in excellent condition including the barn built in the Pennsylvania Dutch style. This property enhances the aesthetic and cultural values of the Town.

Mr. Packard said the Historic Preservation Commission has forwarded a positive recommendation for nomination. It was also listed as significant in the Clinton Brown survey.

Supervisor Bylewski said we have the recommendation memo from Chairman Brodowski dated November 13, 2008. The applicant volunteered to have the property designated. He noted that we do receive comments on the natural beauty of this property, as well as the buildings on it.

Speaking to the subject:

Doug Kohler, member of the Historic Preservation Commission said the barn is significant as it is one of three remaining Pennsylvania Dutch bank barns in Clarence. The ledge and the barn add to the significance of the property.

Councilman Casilio said the owner put in a cobblestone driveway which adds to the beauty of the property. Mr. Kohler added that he also had the stone fence along the property restored. The entire estate is included in this designation.

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

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

WHEREAS, the property located at 4830 Thompson Road and locally known as “Orchid Ledge Estate” has been the subject of an Intensive Level Survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 4830 Thompson Road has been identified to have Historic Value, Association With Historic Personages, and Contains Significant Historic Value Through its Architectural Style and Method of Construction; and

WHEREAS, The Town of Clarence Historic Preservation Commission has unanimously forwarded a recommendation to officially designate the estate located at 4830 Thompson Road as an Historic Landmark within the Town of Clarence; and

WHEREAS, The Clarence Town Board has held a duly advertised public hearing on the proposed designation, per the Town of Clarence Town Board Notification Policy.

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board, approves the designation of 4830 Thompson Road, known as “Orchid Ledge Estate” as a Local Historic Landmark per the Town of Clarence Historic Preservation Local Law; and be it further

RESOLVED that the affected Site be designated on the Official Zoning Map of the Town of Clarence filed for recording in the Office of the Erie County Clerk.

On the question, Councilman Kolber said this is in his neighborhood and thinks it is a wonderful property.

Councilman Casilio said his main concern when adopting this law was to save the four corners in Clarence Center. He did not want to see the Emporium torn down and replaced. He thanked the Commission for their hard work on these projects.

Supervisor Bylewski also thanked the Commission for their hard work on the number of properties that have applied this year.

Councilman Weiss said historic character is one of the reasons that people want to come to this Town.

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

West-Herr Toyota requests a Building Permit and Architectural Approval for proposed addition and façade upgrade to existing automotive sales and service operation at 8129 Main Street. James Callahan said the location is in the Commercial Zone.

Councilman Weiss said he will recuse himself from discussion and voting on this item because he buys his fleet vehicles from West-Herr.

John Wabick, vice president of West-Herr Automotive said this is part of a national campaign by Toyota to update all of their facilities. There are less than 100 of these facilities in the country and the hope is to have one of them. They are moving from the building next door to make this a stand alone Toyota dealership.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to grant approval for a Building Permit and Architectural Approval for proposed addition and façade upgrade to existing automotive sales and service operation at 8129 Main Street to West-Herr Toyota. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Kolber and Supervisor Bylewski; Noes: None. Recuse: Councilman Weiss. Motion carried.

Dan Gersig requests Minor Subdivision Approval to create one additional residential building lot on the east side of Salt Road, south of Rapids Road. James Callahan said the property is existing vacant land in the Agricultural Flood Zone.

Dan Gersig said he bought a four-acre piece from the parent parcel for a single family home.

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 Gersig Minor Subdivision creating one additional residential building lot on the east side of Salt Road, south of Rapid Road. After thorough review of the submitted survey and Environmental Assessment Form (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. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, 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 Dan Gersig, for the property located on the east side of Salt road, south of Rapids Road subject to the following conditions: 1. Open space and recreation fees. 2. Flood Plain Development Permit required.

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

Steven Andres requests a Building Permit and Architectural Approval for renovation of an existing commercial structure at 10837 Main Street. James Callahan said the location is the south side of Main Street, on the east hill of the Hollow.

Steve Andres said he is working on the preliminary drawings and wanted to make sure they were good. He would then proceed with the actual drawings. The property next store was designated tonight as a historic landmark and he would like to make it appear historic.

Supervisor Bylewski said they are encouraging the stone fencing where it is possible. It could be part of a landscaping design.

Councilman Casilio said he is happy with what he is showing as long as it did not change.

Mr. Andres said he would like to use the building for his office and a one-bedroom apartment. The dining car is pretty rotted out and he intends on removing it.

Doug Kohler said it is an original Liberty dining car that was made here in Clarence. He said if there are any significant pieces, the Historical Society would be interested. He understands that the car itself is in bad shape.

Supervisor Bylewski suggested that they may want at least a photographic record.

Mr. Andres said the only portion of the building that he would keep is the back shed area and then add to the front. The dining car portion is in the right-of-way. He would establish the front of his building two feet back from that.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to grant a Building Permit and Architectural Approval for renovation of an existing commercial structure at 10837 Main Street. On the question, Councilman Kolber said he is totally in favor of this concept which alleviates an eyesore on Main Street. He is uncomfortable without actual building plans.

Mr. Andres said he would be happy to come back when he has them completed.

Councilman Casilio said he would make the motion subject to that.

James Callahan said he has received only one comment so far from the Clarence Hollow Community Character Protection Board.

Councilman Kolber suggested tabling this item. They would all like to see it happen.

Councilman Weiss suggested he look at the three properties that were designated tonight as a guide.

Supervisor Bylewski said it would be better to have specific drawings.

(A motion to table supersedes other motions.)

Motion by Supervisor Bylewski, seconded by Councilman Kolber to table the request by Steven Andres for a Building Permit and Architectural Approval for renovation of an existing commercial structure at 10837 Main Street. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to grant a Fireworks Display Permit for December 31, 2008 to the Clarence Bicentennial Committee. All proper paperwork is in order. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to grant approval for the following: Clubhouse Applications - A. American Legion 838 Auxiliary – Jan. 31, 2009; B. Eagles' Wings Ministries – March 25, 2009; C. Clarence Co-Operative Nursery School – April 25, 2009; Legion Hall Applications - A. Karen Fox – Jan. 2, 2009; B. Patricia Raquet – March 7, 2009; C. Men's Over 40 Softball – Dec. 22, 2008. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that after proper audit and review, the following bills of December 11, 2008 are approved for payment: General Fund - \$135,813.62; Highway Fund - \$8,666.44; Water District - \$33,913.38; Drainage District - \$721.00; and Trust & Agency 203 - \$3,574.07 for a total amount of \$182,688.51. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Councilman DiCostanzo congratulated the new secretary to the Senior Citizens Center, Inc. Board of Directors who was present.

Councilman DiCostanzo said he won a raffle at the Library recently, which was a huge basket of dog treats. They looked good enough to be actual cookies. However, his family is going to share them with the other dogs in the neighborhood.

Darlene Feinen, Executive Director of the Clarence Chamber of Commerce wished everyone a Safe and Happy Holiday.

Councilman Weiss wished Town Attorney Steve Bengart a Happy Hanukkah.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:39 P.M. in honor and memory of Gerry Brodowski.

Nancy C. Metzger
Town Clerk