

A Work Session of the Clarence Town Board was held on May 6, 2009 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 9:01 A.M. Members of the Town Board present were Council members Joseph Weiss, Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Other town officials present were Town Attorney Steven Bengart, Town Engineer Joseph Latona, Director of Administration and Finance and Highway Superintendent Ted Donner.

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

Last year, Town Engineer Latona did a survey of the sidewalks along Main Street from Thompson Road to Transit Road. The survey has been updated as to where sidewalks are needed and where they are to be replaced. The Town would have to obtain a state permit. By the Town accepting the Main Street reconstruction project, we automatically accepted maintenance of the sidewalks along Main Street. Town Engineer Latona suggested the Board refer this to the Capital Improvement Project Committee. The project would cost approximately \$500,000. The Capital Improvement Project Committee could review this and recommend the project be done in phases over the next 5 – 10 years.

Supervisor Bylewski and Town Engineer Latona will be meeting with Erie County SD #5 administrative staff this afternoon to continue the discussion regarding the Clarence – Erie County SD#5 merger.

The Community Center Committee sent out bids for proposals for architectural firms for a community center. The committee has selected DeWolff Partnership Architects from Rochester, NY. Town Engineer Latona has been in negotiations relative to the scope of work – define our needs, develop a program and then integrate that into a building – square footage, operating costs, future costs, work with the Youth Center/Senior Center, site selection and then design. Town Engineer Latona stated that “we are at the beginning of a journey of a million miles”, this is the most important phase of the entire project our needs must be clearly defined.

DeWolff Architects fee to do this is \$30,000. They will do the needs assessment phase of the project first. Town Engineer Latona has contacted them relative to a payment schedule. Town Engineer Latona will have a prepared resolution awarding the bid to DeWolff Architects at the May 13<sup>th</sup> Town Board meeting.

Supervisor Bylewski received a call from a resident in Village Station regarding Dr. Hallac property that butts up to Village Station. The caller is concerned that Dr. Hallac is doing drainage work. Last year Dr. Hallac cut down several trees and plowed the land. Town Engineer Latona investigated the situation and found that Dr. Hallac has not done any more work on the site however the area that was cleared last year has some standing water. The residents want the standing water filled in to prevent mosquitos however, this is a private matter.

#### **Highway Superintendent Ted Donner**

There was a discussion regarding brush pickup and possibly limiting it to twice a year – spring and fall instead of year around pickup. Highway Superintendent Donner would like to gradually cut back on brush pickup, this will free up man power to do additional road work and drainage work. He will discontinue pickup for the summer (July, August and September) and resume again in the fall. It will take some time to educate the resident's; the new schedule will be announced in the Clarence Bee.

Town Engineer Latona gave an update on the house in Amherst that is falling into Tonawanda Creek. The concern has been whether any other houses are threatened due to the proximity of the bank of the creek, creek flow, curves on the creek etc. Mr. Latona has a call into the Town of Amherst Emergency Director. Tonawanda Creek is a regional problem, the only agency that can do anything with it is the Army Corp of Engineers and they get direction from Congress. Mr. Latona suggested forming some type of coalition (Amherst, Clarence, Newstead and Niagara County) for managing the creek. There are a lot of threatened areas due to scouring. There is a major problem in Amherst

now and if it is not cleared up by winter could cause a blockage of the creek and backup into Clarence.

### **Amato, Fox & Company, PC**

Amato, Fox & Company has audited the financial statements of the Town of Clarence for the year ended December 31, 2008. They have also met with the Audit Review Committee and reviewed the financial statements in detail.

The assets of the Town exceeded liabilities at the close of the 2008 fiscal year by \$77,289,797 (net assets). Of this amount, \$6,484,406 (unrestricted net assets) may be used to meet ongoing obligations to citizens and creditors, and \$1,041,852 is restricted for specific purpose (restricted net assets), and \$69,763,539 is invested in capital assets, net of related debt.

The total net assets increased by \$216,915.

As of December 31, 2008, the Town's governmental funds reported combined fund balances of \$7,668,894, an increase of \$749,788 in comparison with the prior year. Approximately 86.0% of the combined fund balances, \$6,598,330 is available to meet the Town's current and future needs (unreserved fund balance).

At the end of the fiscal year, unreserved fund balance for the general fund was \$3,536,865 or 93.0% of total general fund balance. The amount of \$1,070,000 is designated for subsequent year's expenditures within the 2009 fiscal year budget.

Councilman DiCostanzo stated that the Audit Review Committee will look at internal controls and possibly recommend some improvements.

### **Supervisor Scott Bylewski**

Elementary school teacher Gary Server is requesting Town Board approval to sponsor a family picnic/fund raiser on June 7<sup>th</sup> at the Main Street Park large pavilion. Mr. Server will be retiring at the end of this school year after 30 years of serving the families and children of Clarence. The purpose of the picnic is to thank the families of Clarence Center Elementary for all of their support during his career and at the same time provide a "family friendly" event that reinforces the value of "family" in our community. The fundraiser portion of the event would be to provide monies for those families at Clarence Center Elementary that might need a little extra help in the form of school supplies, money for an after school program etc. Some of the activities planned include pony rides, a celebrity dunk tank, classic car display and the Clarence Center VFC will display their equipment. Town Attorney Bengart stated that his only concern is that this is a town wide event, none of the groups providing the services will make a profit and an insurance certificate be provided naming the Town of Clarence as additional insured.

Supervisor Bylewski has three items to discuss in Executive Session regarding the employment history of a particular person or corporation and matters leading to the appointment of a corporation.

### **Councilman Joseph Weiss**

Councilman Weiss met with Animal Control Officer Jerry Schuler and discussed raising the fees for trapping animals (skunks, wood chucks, and raccoons). They also discussed increasing the size of the dog kennel. Supervisor Bylewski stated that a kennel expansion has been discussed at the Capital Improvement Committee meetings and it is on the "radar screen."

Jerry Schuler is also hoping to use Community Service Volunteers to do a dog census.

Councilman Weiss met with Leonard Deni and has scheduled a meeting with the Zoning Office to discuss what he could and could not do within the town. They also discussed the situation with his home and the path along the escarpment. Parks Crew Chief John Burns will redirect the path heading west.

Motion by Councilman Weiss, seconded by Councilman Kolber to hire Mike Sabbatis as summer intern in the Engineering Department starting Wednesday, May 6, 2009 at the budgeted rate of pay. On the question, it was noted that Mr. Sabbatis has interned in the Engineering Department in the past. Upon roll call – Ayes: All; Noes: None. Motion carried.

#### **Councilman Bernard Kolber**

Motion by Councilman Kolber, seconded by Councilman Casilio to award the electronic door operators contract for the Clarence Library to Imperial Door controls Inc. of Tonawanda, they being the lowest responsive proposal in the amount of \$5,508.00. One half of the amount will be paid from the Public Library Construction Grant Program and half paid by the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber attending the Library Board meeting last week along with several administrative representatives from downtown to discuss hiring a replacement director for Clarence Public Library. Currently there is not a Civil Service list for the Directors position. The position will be posted for ten days - after the ten days, someone will be appointed to the position. That person would then have to take the civil service exam when it became available and place in the top three.

The Soccer Club would like to look into having lights installed on several of the soccer fields so they can schedule night games. They will see what funding they have available.

Councilman Kolber commended the Parks Department for the wonderful job they have done on the baseball and soccer fields. The turf looks like a professional field.

Councilman Kolber would like to work with Councilman Weiss to help the lacrosse team with their program so they do not have to turn any players away. Councilman Weiss stated that the town gave the lacrosse team a \$5,000 stipend to help them get started this year.

Councilman Kolber attended a track meet at Clarence High School on Saturday. He will speak to School Superintendent Tom Coseo regarding handicap accessibility to the track. The gate was locked and no one had a key.

#### **Councilman Patrick Casilio**

John Gaulocher has agreed to help Councilman Casilio apply for an AM Radio Station Grant to cover Amherst, Clarence and Newstead. The estimated cost for this project is \$100,000. As soon as Councilman Casilio compiles the necessary information, Mr. Gaulocher will prepare the grant application.

Councilman Casilio will appoint Steven Piotrowski to the Public Safety Committee at the May 13, 2009 Town Board meeting.

Clarence Hollow Association is requesting the lowering of the speed limit in the Hollow. Councilman Casilio will wait for an official recommendation from them.

Councilman Casilio has one item to discuss in Executive Session.

The gas lights still have not been installed on Willow Brook. Three months ago the town purchased the lights and delivered them to National Fuel to be installed and they still have not done so. Councilman Casilio is not in favor of renewing the contract with National Fuel. He would rather have town employees maintain the lights and charge the lighting district for the work.

Councilman Casilio questioned the insurance policy for Day in the Park. Friends of Clarence paid for the annual policy however it expires at midnight July 4, 2009. Councilman Casilio will speak with the insurance agent about extending the policy.

**Councilman Peter DiCostanzo**

The Historic Preservation Commission held public hearings on May 4<sup>th</sup>, 2009 to consider the nomination of the Town Park Clubhouse and the Magoffin House for designation as historic preservation property. Nominations were received for the designation of the Gerber Library and the Asa Ransom House.

Councilman DiCostanzo referenced a newspaper article regarding a Lockport business owner “embroiled in a dispute with the town over a video message board (LED sign). The Town of Lockport is suing the business owner to force him to comply with the town’s sign ordinance which says signs may not change their readout more than once every 10 minutes.” The business owner intends to “countersue the town seeking an order forcing the ZBA to give him another shot at a variance allowing him to use the sign as he wishes.” Councilman Weiss questioned the status of the Town of Clarence Sign Law. Councilman DiCostanzo will bring it up at the Planning Board meeting tonight.

Councilman DiCostanzo has one application for the Senior Center Board.

**Town Attorney Steven Bengart**

The Spaulding Green court case was resolved. The corporation and Dominic Piestrak motioned and the court accepted an adjournment in contemplation of dismissal on the misdemeanor charge. The misdemeanor charge could have had fines totaling \$40,000. The misdemeanor charge would be potentially 15 days in jail charge. The violation was dismissed against Mr. Piestrak and the corporation took a plea on the violation. The fines range from a minimum of \$100 to a maximum of \$250 a week. The ACD had a list of requirements. Town Attorney Bengart requested the maximum on the fines, the court went with the lesser included on fines which came out to \$3,100 vs. \$7,750. The other condition was that the corporation either carries out 100 hours of community service and/or in lieu thereof provides \$5,000 toward the Green-print Program. In total, there is \$8,100 in potential money that will be coming to the town in one form or another. There is an entire remediation process that the town will be involved in along with the DEC and Army Corps of Engineers. Mr. Piestrak has to put back soil and hydro-seed all the areas to bring them back to where they were originally and then create all the storm-water requirements that he should have done to begin with. Mr. Piestrak has received a solution to this situation which will keep him from going bankrupt and leaving the town with a substantial situation. Town Attorney Bengart had several lengthy meetings with all involved agencies to get shared resolution to this situation.

Councilman Casilio stated that this Town Board made a promise to the residents on Green Valley and Mr. Piestrak went ahead with a project without development plan approval.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) F the employment history of a particular person, the employment history of a corporation, matters leading to the appointment of a corporation; § 105(1) H the proposed acquisition of real property. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 11:22 A.M.

Darcy A. Snyder  
Deputy Town Clerk

Councilman Casilio left the Executive Session at 11:22 A.M. and returned at 11:30 A.M.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 11:47 A.M. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

