

A Work Session of the Clarence Town Board was held on May 27, 2009 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, Patrick Casilio and Peter DiCostanzo. Councilman Kolber was absent. Other town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona and Director of Administration and Finance Pam Smith, Senior Building Inspector David Metzger and Planning Board Chairman Gerald Drinkard.

Councilman Kolber will not be able to attend this evenings meeting because of a family commitment.

Floss Agency – Joseph Floss/NYMIR representative Karen Buckley

The Town of Clarence has been with NYMIR (NY Municipal Insurance Reciprocal) for approximately four years. They have been providing loss control services and paying claims but more importantly they have been keeping their premiums stable. The purpose of this meeting is to return a capital contribution that the Town paid. It is a five year capital contribution which the town decided to pay all at once to receive a discount. NYMIR representative Karen Buckley was present to return a portion of the contribution. The intent is to return 75% of the capital contribution over the next three years. Karen Buckley presented a check for \$14,644.52.

Ms. Buckley stated that NYMIR does require a capitalization commitment from municipalities because they are considered an owner. NYMIR does not rely on outside stockholders to capitalize the company. Because the company is doing so well financially, they are able to give money back to their long term members. You have to be in the program for five years in order to receive the capitalization back. The initial investment payment was \$58,000. If the town renews with the program next year and the year after, we will receive another check for the same amount (\$14,000.).

Director of Administration and Finance Pam Smith stated that the Town renewed our health insurance rates as of July 1st. We are with the Alliance of WNY for small towns and villages and through their help, we have kept our premiums considerably lower than if we were in a community rated market to the tune of \$200 a month less per family plan.

Director of Community Development – James Callahan

Public Hearings:

Landow Log Cabin 10465 Main Street

- A Public Hearing is scheduled for 7:45 PM to consider historic designation status for the Landow Log Cabin at 10465 Main Street. Councilman Weiss suggested Roland Boller get some type of recognition for the Log Cabin.

Formal Agenda items:

- *Eastern Hills Wesleyan Church 8445 Greiner Road – Tomasso Briatico*
Applicant is proposing to develop a Christian Counseling Service Center on the vacant land south of the church in a separate building on church owned property. The proposed site is located on the south side of Greiner Road, west of Harris Hill Road in a residential classification. Per the Zoning Law, the Town Board has authority to approve religious uses in the Residential Zone.

- *Martin Peccoraro 6031 Transit Road*
Applicant is proposing a new car sales operation (Trifun Vehicles) along with pre-owned vehicle sales. The proposed site is located on the east side of Transit Road, north of Clarence Center Road at existing carwash (Buggy Wash) located in the Major Arterial Zone. Previously the used car sales

operation was denied by the Town Board. The property has been recommended to be down zoned by the Planning Board to Commercial Zoning. Per the Zoning Law, an automotive sales operation is allowed with a Special Exception Use Permit or a Temporary Conditional Permit as issued by the Town Board after a required public hearing. Display area, landscaping and hours of operation should be determined.

- *Douglas Klotzbach/Duane Chaffee 10838 Bodine Road*

Applicant is seeking approval to update the existing operation and is seeking a building permit and architectural approval to allow same. The proposed site is located on the north side of Bodine Road, west of Schurr Road. The existing commercial operation is located in the Residential Single-Family Zone. Per the Zoning Law, the Town Board may allow for the continuation or rehabilitation of a non-conforming use or structure.

- *Robert Nucherino west of Boncrest Drive West*

Applicant is seeking approval to clear the land in advance of a future formal approval of a residential development. The proposed site is located on the south side of Sheridan Drive, west of Boncrest West on existing vacant land consisting of 20+/- acres in the Residential Single-Family Zone. Per the Clearing, Filling and Grading Local Law, the Town Board has authority to approve clearing operations. Grading and drainage impacts are areas of concern. **(Applicant asked to be removed from agenda).**

- *John Kausner 4180 Ransom Road*

Applicant is proposing a 3-lot Open Development area. The proposed site is situated on the west side of Ransom Road, south of Tillman Road on existing residential property consisting of 8+/- 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 on the proposed design with conditions. **(Applicant asked to be removed from agenda and placed on the June 10th agenda).**

- Tom Witnauer – 9570 County Road

Applicant is seeking approval to raise the grade of the property for future use as a trucking/contracting business. The proposed site is located on the north side of County Road, east of Goodrich Road on existing vacant property located in the Industrial Business Park Zone. Per the Clearing, Filling and Grading Law, the Town Board has final authority to approve filling operations. Engineering approval is required on grading and storm water management. Applicant will have to identify the source of the fill and is limited to 10,000 cubic yards. The applicant has not come forward with what he plans to do on this property.

Work Session items for consideration June 10, 2009:

- Master Plan 2015 Amendment Proposals:

- *Transit Road Corridor – north of Roll Rd*

Segment “B” –Transit Road corridor between Roll Rd. & Highland Farms Dr. Existing vacant land located in the Major Arterial Zone to a depth of 500+/- feet from Transit Road.

A proposed Wegman’s Superstore is requesting an increase in the zoning depth to approximately 800+/- feet. Area is identified in a commercial classification. The corridor has been zoned Major Arterial since the early 1970’s to a dept of 300’ from centerline of Transit Road. MP2015 adoption identified additional dept to current 500’ as expanded commercial opportunity area. Adopted Land Use Access Management Plan (LUAMP) identifies area as transitional between big box and low density residential. Per MP2015, the Town Board has final authority to adopt amendments to the plan. The Planning Board has forwarded a recommendation in 2008 and again this year

to maintain the current depth and change from Major Arterial to Commercial. The Planning Board recommendation has received a Negative Declaration under SEQRA. A public hearing will be required prior to taking final action on any amendments to Master Plan 2015.

- Master Plan 2015 Amendment Proposal:

Transit Road Corridor – south side of Clarence Center Road

Owner of property would like the commercial zoning to extend to the entire width of the property, including small portion of property to the south to provide a straight zoning line. The proposed site is located on the south side of Clarence Center Road, east of Transit Road. The existing 2-family home is located in a split zoning classification. The Planning Board has forwarded a recommendation to make the 8035 Clarence Center Road property entirely within the commercial classification of the Transit Road corridor. Proposed zoning line to include a small portion of the property to the south of 8035 Clarence Center Road to provide for a straight zoning line. A Negative Declaration under SEQRA has been issued on the proposed amendment. A public hearing will be required prior to taking final action on any amendments to Master Plan 2015.

- John Collana – east side of Shimerville Road, north of Roll Road

Applicant is seeking approval to split the property further to create some additional residential building lots. The proposed site is located on the east side of Shimerville Road, north of Roll Road in the residential single-family zone. Previously split property consisting of several pre-existing lots with no road frontage and a 5+/- acres parcel with 370+/- feet of frontage along Shimerville Road. Per the Subdivision Law, the Town Board has authority to approve lot splits. Previous subdivision of the parent parcel has created non-conforming lots to the rear with no public road frontage.

- Ron Blakeslee 9195 Main Street

Applicant is seeking a building permit and architectural approval to add a peaked roof to the existing flat roof structure. The proposed site is located on the south side of Main Street, west of Thompson/Sheridan intersection. The existing vacant commercial structure, former tavern was previously approved for office conversion and is located in the Commercial Zone. Per the Zoning Law, the Town Board has final authority to approve construction in the Commercial Zone as to architectural style. A proposed façade is depicted in submitted drawings.

- D.R. Chamberlain 8135 Main Street

Applicant is seeking approval to remodel the existing structure and create a new façade for proposed new car lines. The proposed site is located on the south side of Main Street, east of Transit Road at existing automotive sales building (former Tom Culligan, Lincoln/Mercury building) located in the Commercial Zone. Per the Zoning Law, the Town Board has authority to approve construction in the Commercial Zone as to architectural style. A proposed façade is depicted in submitted drawings.

- Milherst Construction

Requesting Development Plan approval for the construction of a new office/shop/warehouse/yard located on the south side of County Road, west of Strickler Road. Pending engineering review and approval.

Supervisor Scott Bylewski

Supervisor Bylewski will clarify the May 13th minutes regarding the civil service positions.

Clarence Presbyterian Church is requesting a refund of their Open Space Fee. The permit was issued in 2008 so our books are closed. The Open Space fee has been waived for other church projects. Supervisor Bylewski will make a motion at the next Town Board meeting to refund the fee.

A resolution will be prepared for the next Town Board meeting regarding Public Assembly Fees.

Supervisor Bylewski will declare the metal detector surplus.

Supervisor Bylewski will make a motion to approve a Special Event request and a Block Party request.

Supervisor Bylewski has a resolution regarding the replacement of auditorium seating and related work. This is a Capital Project to be financed by bonds. The auditorium seats are the original cloth seats, they are 30 years old. Several of the seats have become loose and can not be replaced because they no longer make the parts. Councilman DiCostanzo stated that he will be voting against this project.

Supervisor Bylewski has two items to discuss in Executive Session regarding the employment history of a particular person and acquisition of real property.

Councilman Joseph Weiss

Highway Superintendent Donner is requesting a bid date of June 9, 2009 for the purchase of two sport utility vehicles.

Councilman Weiss will announce that the Town of Clarence Storm water Management Program Annual Report for 2008 will be available in the Town Clerks Office for public review. The report is required as part of the E.P.A. Storm water Phase II Regulations.

Councilman Weiss will announce Recycling Collection Day on June 6, 2009 at the GM Powertrain Plant #5 on Vulcan Street in the Town of Tonawanda. Parks Crew Chief John Burns is recommending the hiring of Jake Rogers and Matthew Porebski as summer help in the Parks Department at the budgeted rate of pay.

Councilman Weiss discussed the possibility of consolidating school districts or to at least institute the movement of it. The Town of Amherst is discussing consolidating their three school districts.

Councilman Weiss has two Attorney-Client items to discuss.

Councilman Patrick Casilio

Councilman Casilio has been in discussions with Erie County Water Authority regarding a break-down on the cost of our fire hydrants. The Town of Amherst has also inquired. The request has been forwarded to the Water Authority accounting department to make sure they give us accurate figures as to what the hydrants cost the town. Councilman Casilio has also requested the maintenance records for the fire hydrants as well. The Town pays the Erie County Water Authority \$260 per hydrant per year for maintenance.

Councilman Peter DiCostanzo

Upon recommendation of Youth Director Dawn Kinney, Councilman DiCostanzo will appoint Marissa Albrecht for seasonal employment for the Youth Bureau 2009 Summer Youth Series effective July 1, 2009.

Councilman DiCostanzo will recommend the appointment of Mary Ann Kermis to the Senior Center Board.

Recreation Director Chip Trapper is recommending the hiring of Recreation Attendants/Supervisor's/Specialists for the Summer Recreation Program.

Assistant Engineer Tim Lavocat

Assistant Engineer Lavocat stated that there are over 1,700 fire hydrants in the town. The Engineering Department has field located most of them, they have a few more to do and then will submit a report on how accurate ECWA inventory is.

Director of Administration and Finance – Pam Smith

Pam Smith stated that our Workers Compensation rates have doubled this year from last year. Town Attorney Bengart has the paper work to be authorized by the Supervisor to have a company go out and challenge our rating with the Workers Compensation Ratings Board. Town Attorney Bengart stated that he first received the paperwork late this afternoon. His only question was that the company gets 50% of whatever they save the town. Pam stated that it is very similar to when we hire Cost Control, whatever they save us, they keep half of that savings. Town Attorney Bengart stated that he did not finish reviewing the paperwork. Councilman Weiss will make a motion authorizing the Supervisor sign a contract with CCG Premium Recovery subject to Town Attorney approval.

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, § 105(1) H the proposed acquisition of real property when publicity would substantially affect the value thereof. Councilman Weiss has two Attorney-Client items to discuss. Upon roll call – Ayes: Councilman DiCostanzo, Councilman Casilio, Councilman Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman Kolber. Motion carried.

There being no further business, the Work Session adjourned at 6:58 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:27 P.M. Upon roll call – Ayes: Councilman DiCostanzo, Councilman Casilio, Councilman Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman Kolber. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, May 27, 2009 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 Joseph Weiss, followed by a prayer given by a representative of Harris Hill United Methodist Church.

Members of the Town Board present were Councilmembers Peter DiCostanzo, Patrick Casilio, Joseph Weiss and Supervisor Bylewski. Councilman Bernard Kolber was absent. Other Town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Assistant Town Engineer Tim Lavocat and Building Inspector David Metzger.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held May 6, 2009. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held May 13, 2009. On the question, Supervisor Bylewski had a correction on page 126 – in regard to the motion to create positions for Civil Service purposes, “Seasonal” should be added to the 20 – Recreation Attendant PT Seasonal (Labor Class) positions. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Supervisor Bylewski announced that items 15 and 16 are removed from the agenda at the request of the applicants.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to declare the metal detector as surplus equipment and have the Parks Department dispose of it. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to approve the Special Event Permit for “Get Fit Clarence” to be held June 20, 2009 from 9:00 a.m. to 3:00 p.m. at the Clarence Town Park on Main Street. On the question, Supervisor Bylewski said this is part of our health and wellness fair we will be having on Friday and Saturday. It will start off Saturday with a fun run from the park and out along the bike path. The appropriate agencies will be notified. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to approve the Special Event Permit for a Block Party to be held July 4, 2009 from 1:00 p.m. to 11:00 p.m. on Garrock Road between Clearview Drive and Red Tail Run. On the question, Supervisor Bylewski said the road will be closed off and all appropriate agencies will be notified. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Department, the Clarence Town Board issues a Negative Declaration for the Acquisition of Highway Maintenance Equipment for which the issuance of Town bonds is expected to be authorized pursuant to Bond Resolutions prepared for the Town Board meeting on May 27, 2009. After thorough review of the proposed capital project and the Environmental Assessment Form(s) (EAF) by the Clarence Town Board, it is determined that this proposed action is a Type II action for purposes of the New York State Environmental Quality Review Act (SEQRA) and such project WILL NOT have a significant adverse impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

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

RESOLVED, that the Clarence Town Board hereby adopts a Bond resolution of the Town of Clarence, New York, adopted May 27, 2009, authorizing the Acquisition of Highway Maintenance Equipment, stating the estimated maximum cost thereof is \$1,240,000, appropriating said amount therefor, and authorizing the issuance of \$1,240,000 bonds of said town to finance said appropriation.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Department, the Clarence Town Board issues a Negative Declaration for the Installation of a New Roof on the Highway Office on Goodrich Road for which the issuance of Town bonds is expected to be authorized pursuant to Bond Resolutions prepared for the Town Board meeting on May 27, 2009. After thorough review of the proposed capital project and the Environmental Assessment Form(s) (EAF) by the Clarence Town Board, it is determined that this proposed action is a Type II action for purposes of the New York State Environmental Quality Review Act (SEQRA) and such project WILL NOT have a significant adverse impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

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

RESOLVED, that the Clarence Town Board hereby adopts a Bond Resolution of the Town of Clarence, New York, adopted May 27, 2009, authorizing the installation of a new roof on the Highway Office on Goodrich Road, stating the estimated maximum cost thereof is \$32,000, appropriating said amount therefor, and authorizing the issuance of \$32,000 bonds of said Town to finance said appropriation.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Department, the Clarence Town Board issues a Negative Declaration for the Installation of Sprinkler System in the Town's Historical Museum for which the issuance of Town bonds is expected to be authorized pursuant to Bond Resolutions prepared for the Town Board meeting on May 27, 2009. After thorough review of the proposed capital project and the Environmental Assessment Form(s) (EAF) by the Clarence Town Board, it is determined that this proposed action is a Type II action for purposes of the New York State Environmental Quality Review Act (SEQRA) and such project WILL NOT have a significant adverse impact upon the environment.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

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

RESOLVED, that the Clarence Town Board hereby adopts a Bond Resolution of the Town of Clarence, New York, adopted May 27, 2009, authorizing the installation of a sprinkler system in the Town's Historical Museum, stating the estimated maximum cost thereof is \$70,000; appropriating said amount therefor, including the expenditure of \$38,000 grant funds expected to be received to pay a part of said appropriation; and authorizing the issuance of \$32,000 serial bonds of said Town to finance the balance of said appropriation.

On the question, Councilman DiCostanzo asked if the \$38,000 was private grant funds. Supervisor Bylewski said it is a local foundation that has helped the Town.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Department, the Clarence Town Board issues a Negative Declaration for the Installation of Solar Panels on the Town Hall, Library and Senior Center for which the issuance of Town bonds is expected to be authorized pursuant to Bond Resolutions prepared for the Town Board meeting on May 27, 2009. After thorough review of the proposed capital project and the Environmental Assessment Form(s) (EAF) by the Clarence Town Board, it is determined that this proposed action is a Type II action for purposes of the New York State Environmental Quality Review Act (SEQRA) and such project WILL NOT have a significant adverse impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

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

RESOLVED, that the Clarence Town Board hereby adopts a Bond Resolution of the Town of Clarence, New York, adopted May 27, 2009, authorizing the installation of Solar Panels on the Town Hall, Library and Senior Center, stating the estimated maximum cost thereof is \$300,000; appropriating said amount therefor, including the expenditure of approximately \$257,000 expected to be received from the State of New York to pay a part of said appropriation; and authorizing the issuance of \$43,000 serial bonds of said Town to finance the balance of said appropriation.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Department, the Clarence Town Board issues a Negative Declaration for the Installation of a New Telephone System for Town Buildings for which the issuance of Town bonds is expected to be authorized pursuant to Bond Resolutions prepared for the Town Board meeting on May 27, 2009. After thorough review of the proposed capital project and the Environmental Assessment Form(s) (EAF) by the Clarence Town Board, it is determined that this proposed action is a Type II action for purposes of the New York State Environmental Quality Review Act (SEQRA) and such project WILL NOT have a significant adverse impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

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

RESOLVED, that the Clarence town Board hereby adopts a Bond Resolution of the Town of Clarence, New York, adopted May 27, 2009, authorizing the installation of a new Telephone System for Town buildings, stating the estimated maximum cost thereof is \$45,000, appropriating said amount therefor, and authorizing the issuance of \$45,000 serial bonds of said Town to finance said appropriation.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Department, the Clarence Town Board issues a Negative Declaration for the Installation of new Water Lines at Memorial Park for which the issuance of Town bonds is expected to be authorized pursuant to Bond Resolutions prepared for the Town Board meeting on May 27, 2009. After thorough review of the proposed capital project and the Environmental Assessment Form(s) (EAF) by the Clarence Town Board, it is determined that this proposed action is a Type II action for purposes of the New York State Environmental Quality Review Act (SEQRA) and such project WILL NOT have a significant adverse impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

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

RESOLVED, that the Clarence Town Board hereby adopts a Bond Resolution of the Town of Clarence, New York, adopted May 27, 2009, authorizing the installation of new water lines at Memorial Park, stating the estimated maximum cost thereof is \$60,000, appropriating said amount therefor, and authorizing the issuance of \$60,000 bonds of said Town to finance said appropriation.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Department, the Clarence Town Board issues a Negative Declaration for the Construction of New Porch for Town's Historical Museum for which the issuance of Town bonds is expected to be authorized pursuant to Bond Resolutions prepared for the Town Board meeting on May 27, 2009. After thorough review of the proposed capital project and the Environmental Assessment Form(s) (EAF) by the Clarence Town Board, it is determined that this proposed action is a Type II action for purposes of the New York State Environmental Quality Review Act (SEQRA) and

such project WILL NOT have a significant adverse impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

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

RESOLVED, that the Clarence Town Board hereby adopts a Bond Resolution of the Town of Clarence, New York, adopted May 27, 2009, authorizing the construction of a new porch for the Town's Historical Museum, stating the estimated maximum cost thereof is \$65,000, appropriating said amount therefor, and authorizing the issuance of \$65,000 bonds of said Town to finance said appropriation.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Department, the Clarence Town Board issues a Negative Declaration for the Construction of Improvements to Town Hall, Consisting of Replacement of Auditorium Seating and Related Work for which the issuance of Town bonds is expected to be authorized pursuant to Bond Resolutions prepared for the Town Board meeting on May 27, 2009. After thorough review of the proposed capital project and the Environmental Assessment Form(s) (EAF) by the Clarence Town Board, it is determined that this proposed action is a Type II action for purposes of the New York State Environmental Quality Review Act (SEQRA) and such project WILL NOT have a significant adverse impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

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

RESOLVED, that the Clarence Town Board hereby adopts a Bond Resolution of the Town of Clarence, New York, adopted May 27, 2009, authorizing the construction of improvements to Town Hall, consisting of replacement of auditorium seating and related work, stating the estimated maximum cost thereof is \$80,000, appropriating said amount therefor, and authorizing the issuance of \$80,000 bonds of said Town to finance said appropriation.

On the question, Councilman DiCostanzo said he is voting no on this resolution. He believes the auditorium is used mostly by people going to court and he does not think we need to make them comfortable.

Supervisor Bylewski said the seats being proposed do not have a cup holder or recline. The seating is worn. The flooring was also to be included.

Councilman Weiss said all we need is to have one person fall off a broken seat and it will cost us quite a bit of money.

Councilman Casilio said we use this room quite a bit for the various boards and committees. He does not have a problem not letting it fall to shame.

Councilman DiCostanzo said this state is following California into bankruptcy. He does not see anything wrong with the seats.

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

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Department, the Clarence Town Board issues a Negative Declaration for the Installation of Sprinkler System in the Town Park Clubhouse for which the issuance of Town bonds is expected to be authorized pursuant to Bond Resolutions prepared for the Town Board meeting on May 27, 2009. After thorough review of the proposed capital project and the Environmental Assessment Form(s) (EAF) by the Clarence Town Board, it is determined that this proposed action is a Type II action for purposes of the New York State Environmental Quality Review Act (SEQRA) and such project WILL NOT have a significant adverse impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

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

RESOLVED, that the Clarence Town Board hereby adopts a Bond Resolution of the Town of Clarence, New York, adopted May 27, 2009, authorizing the installation of a Sprinkler System in the Town Park Clubhouse, stating the estimated maximum cost thereof is \$225,000,

appropriating said amount therefor, and authorizing the issuance of \$225,000 bonds of said Town to finance said appropriation.

On the question, Councilman Casilio said this is long overdue. The Clubhouse will be 100 years old in 2011 and would be a major loss to the community.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Department, the Clarence Town Board issues a Negative Declaration for the Replacement of the Miles Road Bridge for which the issuance of Town bonds is expected to be authorized pursuant to Bond Resolutions prepared for the Town Board meeting on May 27, 2009. After thorough review of the proposed capital project and the Environmental Assessment Form(s) (EAF) by the Clarence Town Board, it is determined that this proposed action is a Type II action for purposes of the New York State Environmental Quality Review Act (SEQRA) and such project WILL NOT have a significant adverse impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

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

RESOLVED, that the Clarence Town Board hereby adopts a Bond Resolution of the Town of Clarence, New York, adopted May 27, 2009, authorizing the replacement of the Miles Road Bridge, stating the estimated maximum cost thereof is \$800,000, appropriating said amount therefor, and authorizing the issuance of \$800,000 bonds of said Town to finance said appropriation.

On the question, Supervisor Bylewski said they did talk about a lesser amount, but given information that has come out from the soil testing and the size of the bridge, he believes this is appropriate. This repair work has to be done.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that the Engineering Department forwards the Town of Clarence Stormwater Management Program Annual Report for 2008 to be available in the Town Clerk's Office on May 28, 2009 for public review. The Report is required as part of the E.P.A. Stormwater Phase 2 Regulations. On the question, Councilman Weiss said there are many new regulations making the Town much more active in the monitoring of stormwater. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to set a Bid Date of June 9, 2009 at 10:15 a.m. for the purchase of (2) Sport Utility Vehicles. Bid specifications will be available at the Town Clerk's office. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that upon recommendation of Parks Crew Chief John Burns, the following be hired as Seasonal Help in the Parks Department at the budgeted rate of pay: Jake Rogers effective 6/1/09 and Matthew Porebski effective 6/20/09. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to authorize Supervisor Scott Bylewski to sign the contract between BlueCross and BlueShield of Western New York and the Town of Clarence for 2009-2010. On the question, Councilman Weiss said Pam Smith did a good job negotiating the price of this contract. Supervisor Bylewski said we have done much better with the community group. He expressed kudos to everyone involved in the insurance negotiations. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman Weiss announced that there will be a Household Hazardous Waste Drop-off at Erie Community College South on Saturday, June 20th from 9:00 a.m. to 2:00 p.m. They will collect pesticides, paints, batteries, fertilizers, chemicals, etc. They do move through the line pretty quickly.

Councilman Weiss said they recently reviewed the Town's insurance plan with Joe Floss. The Town has a very comprehensive plan and the Floss Agency has done a good job for the Town.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to authorize the Supervisor to sign an agreement to allow CCG Premium Recovery to investigate the increase in the worker's comp premium upon review and approval by the Town Attorney. On the question, Supervisor Bylewski said they would receive half of any savings to the Town that they may find. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman Casilio said the Town is asking for a review of the cost for fire hydrants from the Erie County Water Authority. We now pay about \$260 per hydrant for maintenance costs. The Town Engineering Department is doing a survey of the number of hydrants to make sure we are billed appropriately. We believe that there are over 1,700.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to authorize Supervisor Scott Bylewski to enter into and execute a Private Fire Protection Agreement between the Erie County Water Authority and the Town of Clarence relative to service for the sprinkler system for the Historical Museum located at 10465 Main Street, subject to Town Attorney review and approval. On the question, Councilman Casilio said this is an agreement that the system will be used for fire protection only. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Weiss to authorize Supervisor Scott Bylewski to sign the L.A. Hazard & Sons, Inc. new account application for the Town of Clarence subject to Town Attorney review and approval. On the question, Councilman Casilio said it only makes sense to use a local plumbing supply business for supplies rather than traveling out of town. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman Casilio announced the resignation of Jill Licata from the Public Safety Committee where she served as secretary. She is moving out of town and no longer able to serve.

This leaves an opening on the Public Safety Committee for anyone interested.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that upon recommendation by Youth Director Dawn Kinney, Marissa Albrecht be hired as Seasonal Help for the Youth Bureau 2009 Summer Youth Series effective July 1, 2009 at \$15 per hour, the budgeted rate of pay. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman DiCostanzo will make an appointment to the Senior Center Board at the June 10th Town Board meeting.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to appoint the following as Recreation Attendant - PT Seasonal at the budgeted rate of pay of \$7.79 per hour effective June 1, 2009: Margaret Brinkman, Angelyn Delgato, Amanda Harris, Katelynn Hein, Jeffrey Herendeen, Jamie Krawczyk, Joseph Kruszynski, Andrew Lex, Cristina Petruzzo, Daniel Polino, Craig Levan, Maura Pulli, Kristen Swanson, Jessica Tufte and Pamelann Distefano. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint the following as Recreation Specialist - PT Seasonal at the budgeted rate of pay of \$17.41 per hour effective June 1, 2009: James Ferguson, Colleen Hawkes, Greg Riggio, Trevor White and Paul Zoratti. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to appoint Jenna Snyder as Recreation Supervisor - PT Seasonal at the budgeted rate of pay of \$15.46 per hour effective June 1, 2009. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to appoint Maria Beil as Recreation Specialist - RPT at the budgeted rate of pay of \$17.41 per hour effective June 1, 2009. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint Jocelyn Hohman as Life Guard - PT Seasonal at the budgeted salary of \$3,344.00 effective June 1, 2009. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to appoint Jessica Biedny, Jillian Kreppel, and Brett Van Groenewood as Life Guard - PT Seasonal at the budgeted rate of pay of \$10.33 per hour effective June 1, 2009. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint the following as Life Guard – PT Seasonal at the budgeted rate of \$9.69 per hour effective June 1, 2009: Kelsey Anderson, Amanda Ballow, Anthony Bonaventura, Julia Bulmahn, Sarah Bzibziak, Colleen Creighton, Danielle Esposito, Jamie Ferguson, Julia Foy, Joshua Geiger, Megan Klyczek, Tara Schneider, Mary Steffan and Alex Quenneville. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Supervisor Bylewski thanked all department heads present for attending.

A Public Hearing was held to consider Historic Designation Status for the Landow Log Cabin at 10465 Main Street. James Callahan said the location is at the Main Street Town Park. The Historic Preservation Commission has forwarded a recommendation that the cabin be designated as a local historic landmark.

Supervisor Bylewski said the recommendation was given based on the age, type of structure and condition.

Councilman Weiss said Rollie Boller, who recently passed away, was instrumental in moving the log cabin to the museum site. He believes it would be appropriate to have his name designated in any type of historical marker that might be placed there.

Supervisor Bylewski said we have had people ask about the color of the log cabin. It is part of the chinking process and it is historically accurate to help preserve the cabin. It will fade over time.

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

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

WHEREAS, the property located at 10465 Main Street and locally known as “The Landow Log Cabin” has been the subject of an Intensive Level Survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 10465 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 10465 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 10465 Main Street, known as “The Landow Log Cabin” 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; and be it further

RESOLVED, that recognition of the efforts of Rollie Boller be included in any historical marker.

Upon roll call - Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Eastern Hills Wesleyan Church requests Preliminary Concept Review for proposed Christian Counseling Center at 8445 Greiner Road. James Callahan said the location is on the campus of the Eastern Hills Wesleyan Church on the south side of Greiner Road, west of Harris Hill Road in the Residential Single Family Zone.

Tomasso Briatico, architect said the center has been located in the former church site for the last 10 years. The church has dedicated a portion of their site for a stand alone building. The proposal is for a one-story, approximately 2,400 sq. ft. building. The materials will be similar to the existing Wesleyan Church. The location is the southern portion of a cleared grassy area.

Councilman Weiss asked if this is considered a commercial use or an extension of the church.

Mr. Briatico said it is Christian based counseling services. The fees are based on ability to pay. It will be unassuming and blend with the original building on the campus.

Motion by Councilman Casilio, seconded by Councilman Weiss to refer the request by Eastern Hills Wesleyan Church for Preliminary Concept Review for proposed Christian Counseling Center at 8445 Greiner Road to the Planning Board for further review. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Martin Peccoraro requests a Temporary Conditional Permit for a new/used automotive sales operation at 6031 Transit Road. James Callahan said the location is the east side of Transit Road, north of Clarence Center Road consisting of approximately 1.4 acres in the Major Arterial Zone. The Planning Board is recommending that the property be Commercial. The applicant would like to utilize the front of the property for the auto sales operation.

Martin Peccoraro said he is proposing to sell new tri-vehicles along with the sale of used vehicles.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing for June 24, 2009 at 7:45 p.m. to consider the request for a Temporary Conditional Permit for a new/used automotive sales operation at 6031 Transit Road. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Douglas Klotzbach requests a Building Permit and Architectural Approval for an addition to existing building at 10838 Bodine Road. James Callahan said the location is the north side of Bodine Road, west of Schurr Road consisting of an existing commercial operation in the Residential Single Family Zone.

Douglas Klotzbach, architect and Duane Chaffee were present. Mr. Klotzbach said they are cleaning up and improving a business that has been in existence for 45 years. They are looking at stone for the front and making it characteristic of a barn.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to grant a Building Permit and Architectural Approval for an addition to existing building at 10838 Bodine Road. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Tom Witnauer requests a Fill Permit in advance of developing property west of 9570 County Road. James Callahan said the location is the north side of County Road, east of Goodrich Road in the Industrial Business Park Zone.

Tom Witnauer said the property consists of 11.5 acres and he would like to clear out 1.5 acres, fill it and re-grade it to put up a new building in the next couple years.

Supervisor Bylewski said he has concern with clearing, filling and grading prior to a project.

Tom Witnauer said he would bring fill from his own work sites. It is not his intention to sell topsoil from this site. He would like to pull the topsoil back before he fills the site. The site is low and he wants to prepare it for building in the future.

James Callahan said the Engineering Department has reviewed the proposed project and would set conditions including identification of the source of the fill.

Tim Lavocat said he met with the applicant today and if he receives approval, he would like his memo of May 27, 2009 included setting forth the conditions.

Supervisor Bylewski said this request is different from what they have seen with other projects in that they were trying to get a head start and this is not.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to grant a Fill Permit to Tom Witnauer in advance of developing property west of 9570 County Road given the reasons set forth and subject to the conditions of the memo from the Engineering Department

dated May 27, 2009. On the question, Councilman Casilio said he would like to see it seeded after he is done filling while he waits to develop the property. Tim Lavocat said that is a requirement of the ordinance. Supervisor Bylewski said he adds that condition to the motion. Mr. Witnauer said Erie County has already installed the pipe. One thing he believes he should do is to put a sill fence up so nothing goes into the drainage ditch. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Ray Guarnieri spoke regarding road resurfacing of Boncrest East. He is speaking on behalf of all the homeowners on his street. He has lived here for 23 years and the street was only resurfaced once and is now in deplorable condition. He spoke with the Highway Superintendent. They cold patched the street. He has a petition from the residents. There is a lot of traffic on their street from the school. He believes it needs to be resurfaced to adequately take care of it.

Supervisor Bylewski said the Highway Superintendent sets forth each year the roads they will work on. He is waiting to hear back from him.

Councilman Casilio said that is his decision to make.

Supervisor Bylewski thanked him for coming in and told him to submit the petition to the Town Clerk's office.

Motion by Councilman Weiss, seconded by Supervisor Bylewski to grant approval for the following: Legion Hall Applications - A. Brandon Irish-Baker – June 5, 2009; B. Anita Hathaway – June 7, 2009; C. Katherine LaFratta – Aug. 1, 2009; Park Special Requests - A. Clarence Day In The Park – July 2 – 5, 2009. On the question, Councilman DiCostanzo and Councilman Casilio said they are involved in the Day In The Park event. This is ministerial, so they all will be voting. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of May 28, 2009 are approved for payment: General Fund - \$78,202.92; Highway Fund - \$4,088.78; Water District - \$600.00; Lighting District - \$885.37; Sewer Districts - \$419.28; and Capital Fund - \$311,638.53 for a total amount of \$395,834.88. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

“For the Good of the Town”

Ray Skaine said he is working on getting the number of reportable accidents from Amherst Fire Alarm that have occurred at Thompson and Greiner Roads. The final straw was a few weeks ago where a man was killed. It is getting worse. He asked the Town Board to put pressure on the County Executive and the County of Erie to do something about this intersection.

Mr. Skaine said the condition of Thompson Road is also deplorable. The County came in a month ago and tore it up and left it. This is our Town and the County is responsible. We should go on record that we want them to do something.

Supervisor Bylewski said we have been on record. The intersection is to be upgraded with any future development. The Town Engineer has been working diligently to see that it happens soon rather than later.

Councilman DiCostanzo asked if we could put our speed trailer there or something.

Supervisor Bylewski said we may need permission since it is not our jurisdiction.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:45 p.m.

Nancy C. Metzger
Town Clerk