

A Work Session of the Clarence Town Board was held on September 2, 2009 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 9:00 A.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 Town Attorney Steven Bengart and Town Engineer Joseph Latona.

Councilman Kolber informed Supervisor Bylewski that because of a previous commitment, he would not be in attendance at today's Work Session.

Supervisor Scott Bylewski

Within the next day or so, the Supervisor and the Town Engineer will be having the branding label put on their vehicles.

The Town of Clarence brochure Green Spaces, Historic Places, Caring Faces is now available. Black and white letterhead is also available if anyone is interested in using it.

Budget requests are due by the end of the week.

The town sold \$304 dollars worth of used office furniture at the garage sale. Highway Superintendent Donner will contact a scrap dealer to take the remaining items. Supervisor Bylewski thanked Karen Jurek and Darcy Snyder for putting the garage sale together.

Empact America, Inc. has a National Conference on EMP (Electromagnetic Pulse). The conference is scheduled for September 9 – 10, 2009 at Niagara Falls Conference Center. The municipal rate is \$25 per person. Several disaster coordinators will be attending to learn what to do in case of a long term power shortage, brown outs etc. If anyone is interested in attending, contact Supervisor Bylewski.

On September 24th Shred & Regan from 103.3 The Edge will be broadcasting live from the Pumpkin Farm and will be interviewing officials from the town. It is part of their Ten Towns in Ten Days Tour.

James Callahan and James Burkard will be giving their Lean Six Sigma presentations along with some recommendations for the Town Board to consider and implement at the October 6th Work Session. VFIS will also be on the agenda to discuss LOSAP.

The Erie County Legislature on September 23, 2004 designated November 1st – November 30th as the annual thirty-day period in which land owners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district as per NYS Agricultural and Markets Law Section 303-b.

Erie County Department of Environment and Planning 95 Franklin Street, Buffalo, NY will accept applications for addition into an agricultural district. Town Supervisors, Clerks and Assessors in Erie County and ECDEP will have copies of the application form to provide to any persons requesting them.

Supervisor Bylewski received a copy of a Resolution from the Town of Amherst authorizing and directing the Town Supervisor to explore opportunities with neighboring and adjacent municipalities for inter-municipal agreements.

Supervisor Bylewski forwarded an inter-municipal agreement to Town Attorney Bengart regarding disaster coordinators. It has become a topic among area Supervisors and they would like to get the paperwork completed.

Supervisor Bylewski submitted a letter to Harris Hill VFC to put together a program to retain its prior protection Class 4 ranking. Supervisor Bylewski received a verbal notification but nothing in writing.

Swormville VFC went from a Ranking of 3 – 4; they should be able to get that moved back to a Class 3 ranking based on a few minor things that need to be done.

Supervisor Bylewski has two Attorney-Client items to discuss and one Executive Session item regarding the employment history of individuals.

Councilman Joseph Weiss

Councilman Weiss talked to Jim Callahan about the proposed Wegman's.

Town Attorney Bengart stated that the Planning Board is still trying to figure out what the Town Board wants them to do when the subject is brought up tomorrow night and whether they should be sending it to TEQR and what they are sending it to TEQR for.

Councilman DiCostanzo stated that it sounds like it is going to go one of two ways; either it is going to come back to the Town Board the way they have recommended it twice already or they are going to send it to TEQR with a number on it.

Al Schultz did an average of a buffer of 300 feet; it shrinks the Wegman's footprint down to half. If you need a buffer of 300 feet then you have to have parking and everything else. It shrinks down.

Councilman Weiss asked what the feeling of the Board was and where everybody stood on this project.

Councilman Casilio stated that he would like to see it go to TEQR to address the concerns of the residents and see if everything is true or not true about traffic, about smog about everything. That is what TEQR is there for.

Supervisor Bylewski stated that from his discussion with individuals on the Executive Committee, given the Town Boards tenor if they bounced it right back to the Town Board he doesn't think that would be the right thing to do given that it was already done twice. He felt it would be a disservice to the residents.

Councilman DiCostanzo stated that it sounds like the Planning Board is leaning towards sending the project to TEQR with a 300 foot buffer.

Councilman Weiss stated that the size buffer would depend on the amount of noise. You have certain things that the citizens brought up we should see if they can't be mitigated through TEQR.

Councilman Casilio stated that right now there could be more noise coming from not having Wegman's there because the sound comes directly across the fields from Transit Road, we don't know unless it goes to TEQR.

Councilman Weiss stated that James Callahan made some good points about the Town not getting a lot of the taxations because of the school district being Williamsville and Wegman's would also be getting tax abatement for so many years.

Supervisor Bylewski stated that the sales tax is divided up proportionately, it goes through the County, there is no piece that we get directly. It is all filtered down.

Councilman Casilio asked if we could annex that property for Clarence School District. Councilman Weiss stated that would be done through the school district. Councilman Casilio stated that he would like to look into that and get that back.

Councilman Casilio stated that he would still like to see Wegman's at Eastern Hills.

Councilman Weiss spoke with two DEC agents regarding the bear issue. There are several bears in Orleans County. They expect in the next five or ten years bears will be common in these areas. If there is a bear sighting, it is under NYS Police or EC Sheriff Jurisdiction. Animal Control can not shoot a bear or tranquilize them, in order to trap a bear; you have to have five bear trappings to your credit.

Councilman Patrick Casilio

Councilman Casilio has been working on an article, letter and pictures for the Clarence Hollow Association regarding the general problem in that area. He has already contacted some of the owners to see if he can get them moving in the right direction.

Henry and Company is going out of business so that will leave another empty church building. The WNY Event Center is also changing direction; the Event Center is being rented out for warehouse use.

The Parks Department was to busy to paint the light poles that were repaired in the Harris Hill area, so we have green light poles with primer on the bottom. If this project can not be handled next year, it may have to come under a Capital Project. Councilman Casilio will discuss this further with Supervisor Bylewski. Councilman Casilio would like to form a lighting district in Harris Hill and let the residents be responsible for any repairs and maintenance.

Councilman Casilio has one item to discuss in Executive Session regarding employment history of an individual and one Attorney-Client item.

Councilman Casilio will discuss the Public Safety Committee request for an emergency broadcast system at the next Town Board meeting.

Councilman Peter DiCostanzo

Councilman DiCostanzo has received Gary Server application for appointment to the Youth Bureau. He will make the appointment at the September 9th Town Board meeting.

Norm Kirchner will be appointed to the Senior Center Board at the September 9th Town Board meeting. He will fill the vacancy left by Bob Friedman.

For those that did not see the Senior Center Newsletter, Councilman DiCostanzo noted that Janet Vito is an exceptional domino player.

Councilman DiCostanzo has been contacted by someone who is trying to get several towns to go together on health insurance. Supervisor Bylewski suggested Councilman DiCostanzo speak with Pam Smith regarding this.

Councilman DiCostanzo reference the Resolution passed at the August 26th Town Board meeting regarding the proposed purchase of 10365 and 10375 Main Street by the Town of Clarence and Clarence Fire District No.1. He questioned whether or not the town knew what property we were selling to Clarence Fire District. Town Attorney Bengart stated that Clarence FD had to have their own public hearing regarding the acquisition. Councilman Casilio would like to see this move forward aggressively to make this available to the public especially with big events such as Day in the Park and Taste of Clarence.

Councilman DiCostanzo was informed that the former Clarence High School principal is getting a full time position in the Lackawanna School District and not the consulting position as previously thought.

Councilman DiCostanzo will ask Town Assessor Christine Fusco to attend an upcoming Work Session to give an update on what is going on with assessments in our town.

The Town of Orchard Park is having a town meeting regarding downsizing. Jeff Haber from the NYS Association of Towns will be there to speak.

Councilman DiCostanzo has one item to discuss in Executive Session regarding the appointment of an individual.

Councilman Casilio noted that Flora Leamer has been working on the financial report for Day in the Park. She would like to review the report with the Executive Committee line by line before it is presented to the Town Board. It was convenient having an accountant on the committee to do this kind of detailed work. Councilman DiCostanzo stated that the Day in the Park Committee would like to build up some reserve because who knows what next year will bring.

The Town Board received a letter from the TCBA regarding the conversion of several ball diamonds from 60' to 70' diamonds. Thompson Road diamond was converted to a 70' diamond and #1 at Memorial Park is a 70' diamond. They would like diamond #2 at Memorial Park converted as well. They would be willing to purchase a portable mound that can be move back and forth for either a 60' or 70' diamond. They would also like to build a small shed to be able to store the portable mound. Councilman Weiss will talk to Parks Crew Chief John Burns regarding this.

Supervisor Bylewski received a request from the firemen regarding an exemption for special districts. Councilman DiCostanzo will review this with Town Assessor Fusco and get her input.

Town Engineer Latona met with Erie County Highway relative to the Wehrle Drive bike path. The County is opposed to it because of traffic, debris and safety. Town Engineer Latona is looking into pursuing weaving through from Sunset Park to Connection out to Main Street. There is room on both sides of Main Street for a bike path all the way to Gunville, down Gunville to the bike path. Supervisor Bylewski and Town Engineer Latona will meet with the NYS DOT to see if they can get the lanes marked as bike path and then the people in Sunset will have a way of getting to the bike path.

Town Engineer Latona stated that there is an issue going on with the roof on the Clubhouse specifically over the outside porches that are not heated. After doing testing, it was noted that the structure moves which causes some ripples in the roofing. The contractor is willing to step up and completely remove it all install new roofing. The entire operation would normally cost \$35,000 - \$40,000. The contractor is willing to stand behind it and guarantee it for a cost of \$3,500. This is a new product that they have tested with moving roofs. The contractor will pay for all the materials and half the labor. Town Engineer Latona will submit a change order at the next Town Board meeting.

Town Attorney Steven Bengart

The survey for Beaman Creek is underway and the Town should be in possession of it within the next week or two.

Supervisor Bylewski reminded everyone to sign the vouchers so checks can be mailed out in a timely manner.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to enter into Executive Session pursuant to § 105 (1) F of the Open Meetings Law to discuss four matters regarding the employment history of a particular person. On the question, Town Attorney Bengart was asked to remain for the Executive Session. Upon roll call – Councilman DiCostanzo, Councilman Casilio, Councilman Weiss, Supervisor Bylewski: All; Noes: None. Absent: Councilman Kolber. Motion carried.

There being no further business, the Work Session adjourned at 10:00 A.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 10:59 A.M. Upon roll call – Councilman DiCostanzo, Councilman Casilio, Councilman Weiss, Supervisor Bylewski: All; Noes: None. Absent: Councilman Kolber. Motion carried. No action taken.

