

Work Session of the Clarence Town Board was held on October 28, 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, Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Other town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Senior Building Inspector David Metzger, and Director of Administration and Finance Pam Smith.

Clarence Center VFC

Director of Administration and Finance Pam Smith distributed the most current draft preliminary budget information. Supervisor Bylewski received correspondence from President Terry Dickinson relative to cost benefit analysis however he has not been able to review it completely. Supervisor Bylewski noted that he still did not receive Clarence Center's 990 state reports which are required upon submittal of their budget request.

Supervisor Scott Bylewski

Supervisor Bylewski previously received an application for an opening on the IDA; the committee is still reviewing it.

Supervisor Bylewski will be partaking in Operation Vigilant Guard which begins on Saturday and continues through Friday, November 6th. Supervisor Bylewski will preside over the November 4th Town Board meeting however, Deputy Supervisor Casilio will run the joint sewer meeting scheduled for November 5th at 9:00 AM.

There will not be a morning Work Session on November 4th.

Supervisor Bylewski has been in discussion with The University at Buffalo regarding the second part of the Lean Six Sigma program. Jim Burkard has begun the second project. Supervisor Bylewski and Jim Burkard met with Town Clerk Nancy Metzger regarding her concerns pertaining to Jim's project. Town Clerk Nancy Metzger does not agree with charging all organizations a \$10 meeting fee. Jim Burkard will be providing a recommendation back to the Town Board shortly. Supervisor Bylewski would like to act on this before the end of the year.

Councilman Weiss asked if going forward with Six Sigma will cost more money. It has already cost the taxpayers \$20,000. Supervisor Bylewski stated that the initial cost was for two green belts and the over-all training that was received not the intensive training. For an additional green belt to be trained, it will cost more money. Councilman Weiss stated that we just did two projects (Jim Burkard – Parks Department and James Callahan – Planning & Zoning Department). We are asking residents to pay more for use of town facilities and as far as Planning & Zoning; we have been basically doing what Jim presented all along. Councilman Weiss did not see where we are getting a return on our investment with Six Sigma.

Supervisor Bylewski did not agree with Councilman Weiss on the Planning & Zoning project and regarding the park facilities, it could be a greater savings if the Town Board decided that is what they want to do. Councilman Weiss questioned what we are saving; we are just charging the residents more money, we are not solving any problems. Supervisor Bylewski stated that it would be a savings to the town - by implementing the fees it may reduce the usage of the facilities which in turn would impact how we use personnel on the facilities. Councilman Weiss said it may be politically problematic but he would like to see a restructuring in the Parks Department. As far as Jim Callahan's project, it may stream-line the process somewhat but he does not see any savings. Councilman DiCostanzo stated that he would like to see the savings before we spend additional money. Supervisor Bylewski will talk to UB and bring the numbers forward and if the Town Board wishes to hold off on it, Supervisor Bylewski will relay that message to UB.

Councilman Weiss stated that both Jim Burkard and James Callahan gave nice presentations but when you look at the end result there are no real savings. The value may be in the training Jim Burkard and Jim Callahan received.

Councilman Casilio questioned what Councilman Weiss meant when he said "politically problematic?" Councilman Weiss stated that he would like to see a Public Works Department and combine both the Highway Department and the Parks Department. Councilman Casilio stated that if structured right, that may be the direction in the future. If we do it and do not save any money or improve any services why do it just to do it, but if there is a cost savings to the tax payers Councilman Casilio would be for it. Councilman Weiss suggested Jim Burkard take the training he received and research

this for his next project. As liaison to both departments (Parks & Highway) Supervisor asked if Councilman Weiss if that is what he is recommending a Department of Public Service/Department of Public Works. Councilman Weiss thought it was viable you have two departments and one elected official. The Town of Amherst does it as do other towns; we don't have to recreate the wheel. We could talk to other towns and see how they do it. If Councilman Weiss can get the backing of the Town Board, he will take the lead on this. Supervisor Bylewski suggested Councilman Weiss explore the possibility of creating a Department of Public Works.

Councilman Kolber stated that if the Town could save money and get more efficient use of manpower and more flexibility, it makes total sense.

Councilman DiCostanzo suggested Jim Burkard research this as part of his Six Sigma project. Supervisor Bylewski stated that would be the third part of his project, the second part has to do with the operations of parts of the Parks Department. Jim Burkard would study the hard dollars and cents of combining both departments and report back to the Town Board.

Councilman Weiss stated that the Town Board did the same thing with the Public Utilities Law, we invested a lot of tax dollars and time on research and then in the end the school did not want to cooperate and we have nothing. If we do not have both Jim Burkard and Highway Superintendent Donner on board, it would be a waste of time. Councilman Weiss will meet with both Jim Burkard and Ted Donner and report back to the Town Board as to what their position is on it – if they are in agreement, we will move forward.

As mentioned at previous meetings, the Erie County Legislature has designated November 1 – 30 as the annual 30-day period during which landowners can submit requests to include predominantly viable agricultural land for inclusion to a certified agricultural district. Applications and contact information is available.

Swormville VFC submitted a plan to ISO, Supervisor Bylewski is waiting to hear back from ISO.

Supervisor Bylewski will make a motion to transfer funds.

Supervisor Bylewski will make a motion to retain the services of HPA Consulting Group, Inc to prepare an RFP, analyze the bids and responses, and provide advice and recommendations to the Town of Clarence for IP Telephone System & Internet Service Upgrade.

Supervisor Bylewski has one item to discuss in Executive Session regarding the employment history of an individual and several Attorney-Client items to discuss as well.

Supervisor Bylewski has several corrections to the minutes.

Tape recorder failure, the following minutes were transcribed via some tape recordings and notes taken during the meeting.

Harris Hill VFC

Councilman Weiss stated that in reading the ISO Report, he thought the drop in Harris Hill VFC rating had more to do with education and communication rather than pumper capacity. It was noted that they lost the aerial status because of the pumper capacity. The water authority is an issue that has been talked about, the other issue has to do with communications dealing with the County and not Amherst Fire Control. Supervisor Bylewski stated that those two issues, the water authority and communications are two issues that the fire chiefs have asked the Board to address with those two outside agencies.

Larry Nieciepozeski stated that they have to maintain pumper capacity a 20 year old pumper is somewhat vulnerable as to what it can do. Councilman Weiss stated that it has more to do with capacity – gallons per minute rather than age of the vehicle. Mr. Nieciepozeski stated that was correct and it has to pass a pump test every year. A twenty year old pumper may need significant overhaul in order to achieve that.

Councilman Joseph Weiss

Upon recommendation of Jim Burkard, Councilman Weiss will make a motion to declare a HP Desk-jet 1620 Printer, and a Panasonic Fax machine and a Simplex Winstar time clock surplus.

Councilman Weiss reported on the deer abatement program. Approximately 30 deer have been processed for the food bank.

Councilman Weiss stated that he will be voting “no” on the fire department budgets. Earlier this year Supervisor Bylewski indicated he was going to prepare a RFQ to hire a consultant who is experienced with fire service to evaluate the fire companies spending. Supervisor Bylewski stated that he did intend on doing that but got caught up in other town business.

Councilman Bernard Kolber

Councilman Kolber will make a motion granting permission to the Northern Erie Sno-Seekers Inc. Snowmobile Club the use of specific town owned property for the 2009-2010 snowmobiling season.

There was a discussion regarding the Direct Service Agreement between the Erie County Water Authority and the Town of Clarence. The agreement is subject to all provisions, rules and regulations of the Authority Tariff. Councilman Kolber stated that it appears that they can charge the Town whatever they want to charge. The agreement was signed in 2000. It stipulates that the applicant desires to deed over the entire Town of Clarence Water System, with the exception of the Goodrich Road property to the Authority in exchange for Direct Service effective October 1, 2000. Nothing in the agreement talks about hydrant maintenance or rentals. Supervisor Bylewski has been told that the Town of Amherst has a term on their agreement with Erie County Water Authority that expires in 2010.

Councilman Kolber commented on a letter the Town Board received from International Brotherhood of Electrical Workers stating that the town contracted with Solar Liberty based on the mistaken assumption that they were the sole contractor capable of performing the project. Town Engineer will draft a response to this letter indicating that it was put out to public bid.

Councilman Kolber met with Greg Spoth and talked to him about his farm and his concerns with the town property. He is farming a total of 200 acres, 100 of which is his own property and leasing other land around him. He will put his concerns in writing and submit them to the Town Board.

Rapids VFC

Supervisor Bylewski presented a copy of the draft preliminary budget that he will submit to the Town Clerk on Friday. Councilman Weiss asked the representative from Rapids VFC how many chief vehicles Rapids VFC has, Councilman Weiss was informed that they have no chief vehicles; they figured they could use the money on something else. Councilman Weiss questioned why Harris Hill VFC would need three chief vehicles. Rapids VFC will go out to bid sometime in January for their new substation.

Director of Community Development – James Callahan

Formal Agenda items:

Miranda Auto 8870 Sheridan Drive

Applicant is proposing to construct a small addition to the existing commercial structure. The proposed site is situated on the northeast corner of Sheridan Drive and Shimerville Road at existing automotive repair operation located in the Restricted Business Zone. Per the Zoning Law, the Town Board has authority to approve building permits in the Restricted Business Zone as to architectural style and functional plan. The proposed addition is in conformance with setback requirements.

Janice Carson 10589 Main Street

Applicant is proposing to sell vehicles in the front yard of existing operation. The proposed site is located on the south side of Main Street, west of Ransom Road in an existing automotive detail operation located in Clarence Hollow TND and Overlay. Per the Zoning Law, the Town Board may consider an automotive sales operation via a Temporary Conditional Permit. Areas of concern include the number of vehicles and the proposed display area.

Patricia Valenti 5711 Transit Road

Applicant is proposing to operate a used automotive sales operation on the property. The proposed site is situated on the east side of Transit Road, south of Highland Farms Drive in existing commercial structure located in the Major Arterial Zone (former Salon Giante). Per the Zoning Law, the Town Board consider automotive sales operations via a Temporary Conditional Permit. Areas of concern include the number of vehicles and proposed display area. Supervisor Bylewski stated that he is not in favor of setting a public hearing unless we receive a letter from the owner of the property allowing the applicant to proceed with this project.

Waterford Village PURD (Waterford Greens and Landings)

Applicant is seeking final site plan approval on the Waterford Greens and Waterford Landings Phases. The proposed site is situated on the north side of Roll Road between Shimerville Road and Thompson Road. Previously approved PURD Development Plan consisting of Patio Homes and Townhouses, the area is identified as a pre-existing PURD Zoning Classification subject to conditions of original approval. Per the PURD, the Town Board has final authority to approve site plans. The Planning Board has forwarded a recommendation with conditions to approve the site plans as submitted. Town Engineer Latona stated that Waterford Greens will require 100 sewer taps and Landings will require 34 taps which comes off the original 1000 tap, this is being tracked. Supervisor Bylewski stated that when this project comes up in two weeks, we have to be extremely cautious with the language especially considering we no longer have PURD Zoning. Councilman Weiss questioned whether the developer has addressed any of the Planning Boards concerns regarding what type of development will go in on the Campus portion of the PURD. Patio homes and townhouses are up for final approval, the Planning Board has forwarded their recommendation with conditions.

Patrick Open Development – Roll Road, west of Shimerville Road

Applicant is seeking concept approval to develop a 4-lot Open Development Area. The proposed site is situated on the south side of Roll Road, west of Shimerville Road on existing vacant land consisting of 8.37+/- acres in the Residential Single-Family Zone. Per the Subdivision Law, the Town Board has final authority to approve Concept Plans. The Planning Board has forwarded a recommendation on the concept with conditions.

Work Session items for consideration on November 4, 2009:

Jack Devere/Stahley Road LLC, 8315-8385 Stahley Road

Applicant is proposing to develop the lots as previously split. The proposed location is situated on the south side of Stahley Road, east of Miles Road on existing vacant land located in the Residential Single-Family Zone. Per the Subdivision Law, the Town Board has authority to approve lot splits. The Town has no record of the splits as they exist. The Town Board must approve the subdivision for building permits to be issued.

Neil Cavanaugh 5375 Transit Road

Applicant is seeking a Temporary Conditional Permit for an automotive detailing operation at existing vacant commercial structure located in the Major Arterial Zone. The proposed site is situated on the east side of Transit Road, north of Greiner Road in former Consumer Beverage building. The applicant will not be selling cars from this site. Per the Zoning Law, the Town Board has authority to approve automotive uses via a Temporary Conditional Permit.

Councilman Patrick Casilio

There have been some questions brought up regarding the Arboretum that Councilman Casilio will discuss as an Attorney-Client item.

Final testing was done on the video camera in Clarence Hollow however they were not successful in getting the signal to the Building and Engineering facility so they have to go back to the Parks Department with that signal. Councilman Casilio does have the okay for Memorial Park but there are some questions concerning the water line.

Councilman Casilio will be attending the Erie County Law Enforcement Association dinner where he will be receiving a \$10,000 check from the proceeds of a walk/run held last November in memory of his father Patrick Casilio Sr. The proceeds will be used for our video camera system that we are putting in place on our bike paths. Most of the funds raised for the camera system have been through private donations.

Councilman Peter DiCostanzo

Upon recommendation of Recreation Director Clifford Trapper, Councilman DiCostanzo will make a motion to appoint the Recreation Supervisor's for the Winter Recreation Program.

Councilman DiCostanzo will make a motion regarding the Rural Transit Service Van Program.

Councilman Weiss made a suggestion regarding the Flight 3407 memorial. Many people are against a memorial on Long Street and the traffic problems it would create. With all the money collected for a memorial and to bring traffic into Clarence Hollow Councilman Weiss suggested a reflection pool west of M&T Bank on Main Street. His suggestion was forwarded to Mike Powers.

Town Attorney Steven Bengart

Town Attorney Bengart has several Attorney-Client items to discuss and one pending litigation item Kausner vs. Town of Clarence.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) D pending litigation Kausner vs. Town of Clarence and §105(1) F of the Open Meetings Law to discuss the employment history of a particular person. On the question, Supervisor Bylewski stated that there are several Attorney-Client items to discuss as well. Town Engineer Latona, Highway Superintendent Donner and James Callahan were asked to remain in the meeting. Upon roll call - Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:49PM.

Darcy A. Snyder
Deputy Town Clerk

Councilman Casilio left the Executive Session at 7:35 PM.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to adjourn the Executive Session at 7:38 P.M. Upon roll call - Ayes: Councilman DiCostanzo, Councilman Kolber, Councilman Weiss, Supervisor Bylewski; Noes: None. Absent: Councilman Casilio. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, October 28, 2009 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:44 P.M. Pledge to the flag was led by Councilman Bernard Kolber, followed by a prayer given by Rev. David Kofahl of Clarence United Methodist Church.

Members of the Town Board present were Councilmembers Peter DiCostanzo, Patrick Casilio, Bernard Kolber, Joseph Weiss 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 and Building Inspector David Metzger.

Motion by Councilman Weiss, seconded by Councilman Kolber to accept the minutes of the previous work session held October 7, 2009. On the question, Supervisor Bylewski had the following corrections: page 275 – meeting called to order at 9:01 a.m.; page 278 and 282 in regard to the report by Jim Burkard – use the Six Sigma process, DMAIC which stands for define, measure, analyze, improve and control; and page 280 - should be losing \$86,000. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio (he was not present). Motion carried.

Supervisor Bylewski said he will be participating in an operation with the National Guard from Saturday, October 31, 2009 through next Tuesday and then on Thursday and Friday. He will be available in case of emergency. Deputy Supervisor Casilio will be on call and attend the joint sewer meeting on November 5th.

Supervisor Bylewski announced that there will not be a morning work session on November 4th.

Supervisor Bylewski announced on behalf of the County that they are accepting applications for land to be included in the Agricultural District during the month of November. Information and applications are available at the Town Hall.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to approve the following transfer of funds: \$2,286.07 from 001-1010.0470 to 001-1110.0250 for parking lot lights; \$600 from 001-1220.0220 to 001-1220.0470; \$5,000 from .6989.400 to 001-1620.0450 to help cover the costs for cleaning after Flight 3407 of rugs, floors, furniture, etc.; and \$1,300 from 001-1620.0251 to 001-1620.0454. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to retain the services of HPA Consulting Group, Inc. to prepare an RFP (Request for Proposal), analyze the bids and responses and provide advice and recommendations to the Town of Clarence for IP Telephone System & Internet Service Upgrade. Funds to be allocated from A1953. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to declare the following as surplus equipment from the Parks Department: HP Deskjet 1620 Printer; a Panasonic KX-FP200 Fax Machine; and a Simplex Winstar time clock. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss reported that the volunteers for the deer abatement program have taken about 30 deer to the processing center for the food bank. He thanked all the volunteers for their efforts. We got the permits early this year and are off to a good start.

Councilman Weiss said he sees Mr. Cipolla in the audience. The Board had some conversation about his project, but it probably will not come up until next week.

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

Whereas, the Northern Erie Sno-Seekers Inc. Snowmobile Club has requested permission from the Clarence Town Board for the use of specific Town owned property for the 2009/10 Snowmobiling season as follows:

1. “West Shore Line” bike path that runs from Salt Road to Davison Road for use as an insured New York State Class A corridor snowmobile trail.
2. Trail running through Memorial Park between the parking lots and baseball diamond and the northern side of east/west main driveway.
3. Allow for parking on the Salt Road Parking area for “Drop and Ride” lot.
4. Allow for parking on the stone parking lots at Memorial Park between the baseball diamonds and the north side of the main driveway of for a “Drop and Ride” lot.

Resolved, that the Clarence Town Board grants permission to the Northern Erie Sno-Seekers Inc. Snowmobile Club for the use of the above Town owned property subject to the following conditions:

1. The Northern Erie Sno-Seekers Inc. Snowmobile Club is to provide the Town of Clarence with a certificate of insurance naming the Town as additional insured on the Northern Snow Seekers, Inc. Snowmobile Club’s insurance and name the above areas on said certificate.
2. This use is approved and authorized with the understanding that snowmobiles are allowed only on the right-of-way of the bike path and absolutely not allowed on the paved portions of the bike path.
3. That all trails will be clearly marked with signs and barrels and the path maintained throughout by the Northern Erie Sno-Seekers Inc. Snowmobile Club.
4. That the season will run from December 15, 2009 to April 1, 2010.

On the question, Councilman Weiss said these folks do a great job maintaining the trails and staying off of other people’s property. We get complaints about snowmobilers once in a while, but it does not mean that it is this group.

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

Councilman Casilio said he will attend the Erie County Law Enforcement Dinner next week where he will receive a check from them to put towards the video camera system for the bike path. They sponsored a walk last year in his father’s name to raise these funds. Most of the funding has come from donations and a little help from the state to get started.

Councilman DiCostanzo said he will be unable to attend the sewer meeting next week.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to appoint the following as Recreation Supervisor, Part-time for Winter Recreation Programs at the rate of \$22.04 per hour: Matt Schlabach for volleyball effective Nov. 2, 2009; and James Ferguson, Ronald Kiener, Michelle Orvis, Jenna Snyder and Paul Zoratti effective Nov. 28, 2009. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

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

Now, Therefore, Be It

Resolved, that a meeting of the Clarence Town Board duly held on Wednesday, October 28, 2009, the Town Board hereby agrees to sign onto the van program and continues to support Rural Transit Service Inc. for the 2010-2011 Community Development Block Grant year.

On the question, Supervisor Bylewski said this provides a service to those who do not have a vehicle. Rural Transit recently moved their office to the Senior Center.

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

Supervisor Bylewski said we received a petition via email regarding drainage issues.

Department Reports

Highway Supt. Ted Donner addressed the Town Board regarding the 2010 Tentative Budget. He has been Highway Superintendent for five years and prides himself with running an efficient department providing exemplary service to the residents. He has great concern with the Tentative Budget which reduces the general fund transfer to the Highway Budget by \$200,000. The plan is to reduce it by \$100,000 each year until it no longer exists. The transfer represents the sharing of about 15% of the Erie County Sales Tax that has been in place for many years.

Mr. Donner said \$490,000 is taken from the Highway Fund Balance to supplement the Highway Budget. This money was accumulated through hard work, long term planning and conservative spending. Some of it should be used, but not all of it. There were no reductions to the Highway Budget last year. He wonders where this huge shortfall comes from. In working with previous administrations, issues were discussed with department heads beforehand in an effort to work together to make necessary cuts. There was no discussion prior to the eve of the release of the Tentative Budget.

Mr. Donner said his concern for the residents is that when he asks the Supervisor what happens in three or four years when the general fund is depleted. He was told he would have to raise the Highway Tax Rate. It is all the taxpayer's money, but someone has to look at the Town's budget to see how it is being managed to prepare for the future. Taking from the Highway can only last so long and then the Town Board will have to be accountable for frivolous spending and find ways to increase the tax base for the future.

He will continue to run the Highway Department like a business. He always tries to do work in-house and collaboratively with other Towns to save the taxpayer's money.

Supervisor Bylewski said we have multi-year budgeting so that we can project out. It is not set in stone. As to the transfer, prior to this administration there was a large transfer that was budgeted. In talking with our outside accountants, there is absolutely no need to make that transfer. There is no documentation of sales tax sharing. The only places that do that are villages. The Highway Fund has \$2 million in the fund balance for a budget that is approximately \$4 million. He understands the concern, but there is still money available for him to do the job.

Ted Donner said seven towns in Erie County do receive a fund balance transfer from the sales tax, not just villages. He agrees that the fund balance is a little high right now, but his concern is in three or four years after taking away from it.

A Public Hearing was held to consider entering into a contract for fire protection for the year 2010 with Clarence Center Vol. Fire Company in the amount of \$784,400.

Councilman Casilio said he is recusing himself from all fire company discussion and voting. He is a member of Clarence Fire District No. 1, which has nothing to do with this budget process. However, due to an opinion of the Ethics Board, he will not participate.

Terry Dickinson, Jr. President and Michael Rogowski, Financial Director were present representing Clarence Center Fire Company. They are pleased to present their budget with an increase of 2.9% over 2009.

Supervisor Bylewski thanked them for coming in with a budget that was reduced from the original request.

Councilman DiCostanzo said he has spoke with a few of the members and asked for a slight cut to the amount of \$784,400. He had not received the financial statements. They were just handed the 990 and he would like a chance to review it. He was hoping they could lower it a little bit.

Supervisor Bylewski said they may not act upon this tonight to give them time to look at the 990.

Councilman DiCostanzo said he believes they just received it themselves.

Councilman Weiss said he will be voting no on all three of these budgets. He does not feel there was enough cutting or consolidation effort made. The Town Board agreed six months ago to bring in a consultant to examine the resources of our fire departments. It was never done. We do not have adequate information to make a serious decision. Some companies have two to three chief vehicles, while others have none.

Terry Dickinson said if there is a belief that there is a vacuum of information, he would encourage him to ask them questions.

Councilman Weiss said we need a consultant with the knowledge of fire departments and the needs of a community. Taxpayers cannot afford to keep paying. He believes that we are overbuilt and oversupplied with equipment. He has absolutely no problem with the men. He has

no problem paying for the retirement that after 30 years, they receive \$600 a month. He believes that the fire departments have become campuses that are too costly for the taxpayers.

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

A Public Hearing was held to consider entering into a contract for fire protection for the year 2010 with Harris Hill Vol. Fire Company in the amount of \$715,855.

Garry Soehner, Treasurer said their budget represents a continuing decrease since 2003 and a tax rate that has declined from \$1.35 to \$1.09 last year and projected to \$1.04 next year. He thanked the Town Board for the meetings and communications regarding the budget.

Supervisor Bylewski thanked Fire Chief Schweitzer and the members who have been working on the ISO rating. It has also helped out other companies. As indicated by Councilman Weiss, we would be looking at further studies.

Councilman DiCostanzo said in looking at specific items in the budget, some are lower than other companies and some are higher. As an accountant, he does not understand some of this. He thinks that with further studies the fire companies may be able help each other on different things.

Councilman Weiss said this is not the time to discuss that. We decided six months ago to hire a consultant and that was not done. Now we are at the eleventh hour in the same position.

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

A Public Hearing was held to consider entering into a contract for fire protection for the year 2010 with Rapids Vol. Fire Company in the amount of \$40,500.

Larry Wills, President said their request represents about a 3% increase.

Supervisor Bylewski said the increase is about 5%, but the tax rate is the same at 68¢ per \$1,000.

Councilman DiCostanzo said it does not mean that they have a much smaller budget than the others. According to their 2008 financial statements they also received \$277,000 from the Town of Lockport, almost \$37,000 from the Town of Clarence and \$28,000 from the Town of Royalton.

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

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

RESOLVED, that after public hearings duly held on October 28, 2009 and after all interested parties having been heard, the Clarence Town Board agrees to enter into contracts with the following fire companies for fire protection in the Town of Clarence for the year 2010: Harris Hill Volunteer Fire Company in the amount of \$715,855; and Rapids Volunteer Fire Company in the amount of \$40,500.

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

Supervisor Bylewski said there were some questions with respect to Clarence Center Fire Company. We have a meeting next Wednesday, at which time he anticipates a motion will be brought forward to enter into a contract. He thanked the fire companies for coming out tonight.

A Public Hearing was held to consider a Local Law amending the Code of the Town of Clarence, Chapter 185 Solid Waste setting the time to begin collection by private collectors licensed in the Town.

Town Attorney Steven Bengart said it was brought to the attention of several councilmen that there were issues with regard to garbage pickups occurring very early in the morning in commercial areas. Councilman Kolber asked his office to prepare a local law limiting the timeframe.

Councilman Weiss asked if the collection companies were advised. He thinks that we should give the vendors the courtesy of letting them know this is coming when it could affect their business. It is the proper thing to do.

Councilman Kolber said we tell residents that the information is properly noticed in the paper. He looks at this as being outside of reasonable timeframes.

Councilman Casilio said similar comments were made during the public hearing for the Wal-Mart plaza regarding early morning garbage pickup. He lives near Eastern Hills Mall and he can hear the trucks at 4:00 a.m. in the morning. The noise is the banging of the dumpsters more so than the trucks themselves. These people get out early to get their route done and then they can go home.

Councilman Weiss said a corporation should be notified as a courtesy. If we make changes in a neighborhood, we notify the neighbors. He asked who will notify them.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Weiss to leave the Public Hearing open for 30 days to allow for written comments to be submitted. On the question, Supervisor Bylewski said given some of the concerns that were brought up regarding notification, we could leave the Public Hearing open for 30 days in order to accept written comments to be submitted. (Motion amended to reflect this change.) Town Attorney Steven Bengart said this should not be on the Planning Office, but his office should notify the waste haulers. Upon roll call – Ayes: All; Noes: None. Motion carried.

Miranda Auto requests a recommendation for a Building Permit and Architectural Approval for an addition to existing commercial structure at 8870 Sheridan Drive. James Callahan said the location is the northeast corner of Sheridan Drive and Shimerville Road consisting of an existing auto repair shop in the Restricted Business Zone. The applicant is seeking approval for a small addition.

Mike Miranda said he would like to add an office to provide a comfortable safe waiting area for his customers. The addition will have vinyl siding. His intention is to dress up the entire building if things go well.

Mr. Callahan said he has confirmation from the owner that Mr. Miranda can proceed with this improvement.

Motion by Casilio, seconded by Councilman Kolber to grant recommendation for a Building Permit and Architectural Approval for an addition to existing commercial structure at 8870 Sheridan Drive to Mike Miranda, subject to the following: 1. It is acceptable for the applicant, if he is able, to continue the new siding onto the existing portion of the structure based on his representation; and 2. All applicable fees. Upon roll call – Ayes: All; Noes: None. Motion carried.

Janice Carson requests a Temporary Conditional Permit for automotive sales at 10589 Main Street. James Callahan said the location is the south side of Main Street, west of Ransom Road consisting of an existing auto detailing operation in the Clarence Hollow Traditional Neighborhood District.

Janice Carson said she has a license and would like to display two or three cars for sale. She has 3 or 4 cars on the site that do not run. She has a detail shop in the back and rents out the front to an insurance agent. She does not have a service license. She would locate the cars along the fence.

Motion by Supervisor Bylewski to set a Public Hearing for November 18, 2009 at 7:45 P.M. to consider the request for a Temporary Conditional Permit for automotive sales at 10589 Main Street. Motion failed due to lack of a second.

Patricia Valenti requests a Temporary Conditional Permit for automotive sales at 5711 Transit Road. James Callahan said the location is the east side of Transit Road, south of Highland Farms Drive consisting of an existing commercial building in the Major Arterial Zone. A letter was received from the property owner identifying that Patricia Valenti can lease the property for this use.

Richard and Patricia Valenti said their business is in Elma and they would like to open a second location closer to home.

Motion by Supervisor Bylewski to set a Public Hearing for November 18, 2009 at 7:50 p.m. to consider the request for a Temporary Conditional Permit for automotive sales at 5711 Transit Road. Motion failed due to lack of a second.

Waterford LLC, Waterford Village Planned Unit Residential Development (PURD) requests Site Plan Approval for Waterford Landings and Waterford Greens. James Callahan said

the location is the north side of Roll Road between Shimerville Road and Thompson Road. Development Plan Approval was amended 8/13/03. The Planning Board has forwarded a recommendation on the site plan as designed with conditions. The applicant has requested that the campus portion be tabled for further review.

Sean Hopkins and Kevin Curry were present. Sean Hopkins said they are aware of the conditions set forth by the Planning Board and they have no objection to any of them. The decision they have made with regard to the Waterford Campus portion of the project, since there is no demand, is that they will come back in the future to address it.

Supervisor Bylewski said the offering that was made was that the campus area would be commercial.

Sean Hopkins said they have discussed it and they may have to change that offering in the future.

Supervisor Bylewski said his concern is that areas have residential go in first and the commercial area follows. Then the residents say they never knew about it.

Sean Hopkins said that is the current plan, but they may come back in the future with a modification. It would never be more intensive than they have shown over the past 10 years.

Sean Hopkins said they would like to start the road. There will not be a construction road. Kevin Curry added that what is going on now is waterline construction.

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

RESOLVED, that the Clarence Town Board approves the request of the applicant, Waterford LLC, for final Site Plan Approval for the previously approved Waterford Village Planned Unit Residential Development (PURD) consisting of Patio Homes and Town Homes for the Waterford Landings and Waterford Greens Phases subject to the following conditions:

1. Sidewalks are to be installed on one side of all private roads.
2. All previous conditions as identified in original Development Plan Approval dated December 10, 2003 must be met.
3. All conditions as outlined in Final Findings Statement under SEQRA dated August 22, 2001 must be met.
4. Landscape Committee approval per current Landscape Law.
5. An updated traffic analysis within completion of fifty percent of the houses in Waterford Landings and Waterford Greens. Traffic Analysis to be completed while local schools are in session.
6. The portion of the project identified as Waterford Campus is to be monumented and will remain essentially undisturbed until that portion/section is approved by the Town Board. Disturbance necessary to install access/alleyways along the eastern edge of the Campus area as well as waterline installation shall be held to minimum disturbance.
7. Replacement Street Signs per Fire Advisory recommendation and with the approval of the Highway Superintendent.
8. Proceed with development of Dana Marie Parkway/Renaldo Circle and Park Areas to the north side of the Creek crossing.
9. All applicable fees.
10. Town Attorney review and approval of the Home Owner Association Agreement.
11. All applicable Private Improvement Permits to be obtained.
12. Pre-Construction meeting to be held with Clarence Town Engineer prior to construction.

On the question, Town Attorney Steven Bengart said in regard to number 5, it may be better to clarify whether it is one year or fifty percent build out. He believes the intent by all was the latter of the two.

Councilman Casilio said we receive a lot of complaints with lateral construction. Another issue is the start time of construction.

Kevin Curry said the normal construction periods are from 7 to 8 in the morning until 3:30 to 4:30 in the afternoon. He is unaware of any problems in this area.

Sean Hopkins said the Findings Statement includes mitigation measures for construction.

Supervisor Bylewski said the amendment to condition 5 is the latter of the two as stated by the Town Attorney.

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

Patrick Development requests Concept Plan Approval for a 4-Lot Open Development Area west of 8795 Roll Road. James Callahan said the location is the south side of Roll Road, west of Shimerville Road consisting of approximately 8.37 acres in the Residential Single Family Zone. A Negative Declaration was issued 9/23/09. The Planning Board has forwarded a recommendation on the Concept Plan with conditions. Per the Subdivision Law, a public hearing must be held prior to approval.

Kevin Curry said they have made various changes to the plan for this property. This is the final plan as recommended by the Planning Board.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for November 18, 2009 at 7:45 p.m. to consider Concept Plan Approval for a 4-Lot Open Development Area west of 8795 Roll Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Supervisor Bylewski to grant approval for the following: Clubhouse Applications - A. Clarence Women's Club – Monthly meetings for 2010; & May 5, 2010; B. Boy Scout Troop 93 – Feb. 28, 2010; C. Clarence Kiwanis – April 3, 2009; Legion Hall Applications - Anthony Cross – Feb. 20, 2010; Rene Herrscher – March 28, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo that after proper audit and review by the Town Board, the following bills of October 29, 2009 are approved for payment: General Fund - \$185,234.14; Highway Fund - \$62,156.19; Water District - \$2,969.84; Drainage District - \$57,955.39; Sewer District - \$463.98; Capital Fund - \$400.00; and Trust and Agency 203 - \$25,250.89 for a total amount of \$334,430.43. Upon roll call – Ayes: all; Noes: None. Motion carried.

“For the Good of the Town”

Sean Hopkins, representing Bella Vista, said they have a pending request to amend Master Plan 2015. On October 6th he submitted Part I of the long Environmental Assessment Form. This week he also submitted a letter on behalf of his client. All they are asking is that they receive a fair review process. The Planning Board did ask them to modify their request. They are unable to do that at this time. They ask that their EAF be put up to the TEQR Committee for the environmental review.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:55 p.m. in memory of John Mergler who was involved in the Public Safety Committee and the Rock Oak Homeowners Association as well as many other activities in the Town; and in honor and memory of former Town Clerk and Town Supervisor Carl Giglia.

Nancy C. Metzger
Town Clerk