

A Work Session of the Clarence Town Board was held on December 2, 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, Assistant Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith.

Ethics Committee – Debra Fine

The purpose of this meeting is to discuss the need for revisions to the Annual Statement of Disclosure. More than 1/3 Disclosure Forms reviewed by the Disclosure Committee were incomplete and/or inaccurate. The problems with the Annual Statement of Disclosure were discussed by the Ethics Committee and rated for importance. The most pressing concerns are:

- Completing the form accurately, completely and in a timely manner
- Providing disclosing information
- Improving the process
- Improving the form

The Annual Statement of Disclosure and the Transactional Statement of Disclosure are not part of the Town Code; they are attachments to the Code and can be revised as needed.

The appearance of the form has been updated and formalized. Instructions have been developed to accompany the form. Disclosure Form and instructions for completion will be duplex printed. The form will be on the Town website and can be downloaded.

Specific changes to the form include:

- Indicate Specific Town/Committee Position(s) has been added
- Names of dependent children has been added
- The revised form has three questions
- The Department Head must witness that the employee completed the form. (It is not the job of the Department Head to delve into the personal information that is on the form – rather just make sure the form is complete – it is the employees responsibility for the content of the form)
- The revision dates are included on the bottom right side of the page

The Ethics Board would like to begin using the new form and instructions beginning January 2010. In 2011, the Ethics Board would evaluate whether the new form and instructions have reduced the number of incomplete submissions and failure to submit the form before the required deadline. If the desired state is not achieved, the Ethics Board would propose additional measures for improvement.

Councilman Weiss questioned why the department head could not review the Disclosure Form for any inconsistencies. The Ethics Committee may not be familiar with town employees or have any knowledge of their background. Debra Fine stated that the Ethics Committee did not want to go too far down the road and want to protect the confidentiality of the employee; it is not the Department Heads responsibility to reach that barrier. It is hard to define where that barrier stops and starts. Supervisor Bylewski stated that if the Department Head or any employee becomes aware of anything, the duty may exist for that person to report to the appropriate authority.

Councilman Kolber suggested compiling a list of examples of some common conflict of interest.

The Ethic's Board will meet on January 2, 2010, Debra Fine asked the Board to get any comments or suggestions to her before that date.

Supervisor Bylewski stated that he has some concerns with the Department Head reviewing the Disclosure Form. They should not be delving in to it however; they should make sure the form has been completed. Another concern was the listing of children, in the past; they steered away from the listing of children unless they are a dependent.

Director of Community Development – James Callahan

Marty Pecorraro 6031 Transit Road

Applicant is seeking to amend the previously approved operation to add an automotive sales office in a temporary structure. The proposed site is located on the east side of Transit Road, north of Clarence Center Road at existing automotive sales operation, previously approved under a Temporary Conditional Permit in the Major Arterial Zone. Per the zoning Law, The Town Board has authority to amend Temporary Conditional Permits.

Work Session items for consideration December 16, 2009:

Rubino Brother's – Amber Meadows/Clarence Center & Shimerville Road

Applicant is requesting Development Plan approval. All approvals are in order including approvals from the Health Department. This project is in Sewer District #6 however it will go through Sewer District #5.

Supervisor Scott Bylewski

The solar panels will be activated Thursday, December 3, 2009; the electrical inspector has to do a final inspection.

Supervisor Bylewski will announce the events at Chestnut Ridge Park regarding Santa Land – raffles and donations will benefit Domestic Violence Shelters in WNY.

Supervisor Bylewski has been approached by OSEA regarding grant writing training. OSEA does the grant writing for fee as long as the town uses them for the training. Otherwise there is a grant writing fee of \$500. There are additional fees if they have to mail the grant application. The Town Board had no objections, Supervisor Bylewski will move forward.

Supervisor Bylewski distributed a rough draft of the Organizational Meeting Minutes as well as a listing of liaison assignments. Supervisor Bylewski scheduled two dates December 10th and December 17, 2009 to review the 2010 Organizational items.

Supervisor Bylewski will make a motion to award the bid for digital output and installation of custom vehicle graphics for town vehicles to Signworks as the most responsive and responsible bidder. There was a slight change to Code Enforcement vehicles regarding the flashing on the bottom; they will have a larger logo.

There are approximately 28 vehicles at a cost of \$250 per vehicle (assuming the vehicles are taken there); there is a \$49 additional fee for the larger vehicles. There is a further cost if they were to come to the town facilities to do the work.

Supervisor Bylewski has two items to discuss in Executive Session regarding the employment history of a corporation, the employment history of individuals and one Attorney – Client item to discuss as well.

Animal Control Officer – Jerome Schuler

Jerry Schuler has been approached by the Town of Tonawanda and the Town of Amherst. Currently, both towns take their dogs to the SPCA. The SPCA has been found in violation of the Agriculture and Markets Laws on multiple occasions regarding dispersing of animals. As Mr. Schuler understands it, the SPCA has been releasing animals on the weekends without charging fees and without insuring the dogs are licensed. They have been cited on at least four occasions. The towns are being cited because they are out of compliance; their animals are not properly disposed of.

The Town of Tonawanda is looking to board their animals at our animal shelter. Agriculture and Markets is aware of the situation and does not have an objection to the proposal.

The Town of Tonawanda would like to know the length of contract the town would want. They have been with the SPCA for a very long time and have occasionally discussed building their own facility. They will put a temporary dog kennel in the police station to hold the dogs during the day and towards the end of the day bring the dogs to our kennel. They average ten dogs per month.

They will pay the town \$15 per day per dog and \$25 for any dog that is euthanized . They also agreed to a \$150 monthly clerical charge. This should not have that great an impact on the town's ability to take care of the town. Supervisor Bylewski stated that long term; we have discussed expanding our dog kennel. If this program is successful with the Town of Tonawanda, other towns may be interested in contracting with us as well.

The Town of Tonawanda has an unlimited contract with the SPCA and will have to give them 30 day notice to get out of it. Councilman Casilio suggested a 30 day contract for the town as well.

Parks Department – James Burkard

Jim Burkard made a Six Sigma Presentation on October 7, 2009 the recommendations that came out of that presentation were increases in facility usage fees for Park Pavilions, Legion Hall and Clubhouse. Jim received feedback from the Town Clerk regarding the \$10 per meeting fee for non-for-profit groups.

The security fee of \$50 for groups of 200+ will change to groups of 150+ per event Dishes \$100 for up to 200 people and \$200 over 200 people.

The large pavilion user fee will go from \$75 to \$100. Lake Side and Small Pavilion will go from \$20 to \$25. All other pavilions will go from \$30 to \$40. The user fee of \$50 for 200+ people will drop to 150+ people.

It was the consensus of the Town Board to increase other user fees and allow the non-for-profits to meet without charging them the \$10 per meeting fee. The increase in other user fees would make up the \$5000 lost from not charging the not-for-profits.

Supervisor Bylewski suggested increasing the large pavilion user fee from \$75 to \$150 and increasing the Small Pavilion and Lake Side Pavilion pavilions from \$25 to \$30 and all other pavilions to \$50. Using the 2008 usage numbers, it would essentially recoup \$6,000.

Jim Burkard stated that his thought process was to gradually increase the user fee for pavilions – this is a significant increase and he felt the town would receive complaints. The user fees are to help defray some of the cost to maintain the town facilities.

It was suggested that private use of the Legion Hall will be increased from \$50 to \$75 and increase the deposit fee as well.

Supervisor Bylewski suggested Jim Burkard hammer out the fees so it can be discussed at the next town board meeting and passed at the first meeting in January. Pavilion reservations are due March 1st. Increase the private use for the Legion Hall, increase the security fee and dish fee at the Clubhouse and take another look at the proposed pavilion user fees.

Jim Burkard stated that he was going to come up with an attachment for the Legion Hall application indicating what is expected from the user. If the building is not left in the condition it was found, the town will keep the deposit.

Jim Burkard stated that his thoughts on charging the non-for-profit groups \$10 meeting fee for the Clubhouse would discourage the smaller groups from wanting to meet there. There have been times when the Clubhouse is opened, heated and manned for 6 – 10 people. It was suggested that a minimum of 20 people be required to use the

Clubhouse facility and the person manning the building could keep track of how many people actually show up.

Jim Burkard will compile all information discussed and report back to the Town Board at the December 16th meeting.

Councilman Joseph Weiss

Councilman Weiss will make a motion authorizing the Supervisor to sign a contract between the Town of Clarence and the Town of Tonawanda regarding shelter services for seized dogs. The contract is subject to review and approval by the Town Attorney.

Upon recommendation of Town Engineer Latona, Councilman Weiss will make a motion awarding the installation of a new vestibule door for the Building Department to Kulback's Construction Inc. the lowest responsive proposal in the amount of \$4,505.

Highway Superintendent Ted Donner has sold the two Building Department vehicles (2007 Ford Focus) at auction on November 11, 2009.

Highway Superintendent Donner is requesting a transfer of funds from Office Equipment to Signs and Signals.

Highway Superintendent Donner is requesting the H-213 used high-lift plow be declared surplus and is to be traded to Five Star Equipment towards the purchase of a new high-lift.

Highway Superintendent Donner is recommending the bid for the new plow truck w/main plow, wing, dump body and two salters be awarded to Kenworth of Buffalo they being the only complete bidder.

Highway Superintendent Donner is recommending that the bid for a new Rubber Tire High-Lift be awarded to Five Star Equipment.

Councilman Weiss will make a motion to send the application to change the Master Plan, made by Wegman's to TEQR.

Councilman Weiss distributed copies of a newspaper article from Planning Board member Al Schultz regarding home improvement tax breaks. Supervisor Bylewski stated that County Executive Chris Collins is not interested in doing this. Town Attorney Bengart will contact Town of Wheatfield to get a copy of their local law.

Councilman Weiss has one Attorney-Client item to discuss.

Councilman Bernard Kolber

Councilman Kolber will make a motion authorizing Architecture Unlimited, LLC to conduct thermal imaging scan on the Clarence Library per their proposal dated 11/25/09 for a fee of \$6500. Town Engineer Latona stated that he is going to do thermal imaging of the inner/outer roof, the walls and the windows. On Monday he met with the window manufacturer and found approximately six defective windows which are covered under the warranty. Mr. Latona is again meeting with the window manufacturer and will examine every window in the library.

Councilman Kolber will report on correspondence he received from Time Warner.

Councilman Kolber will make a motion to adopt Local Law #4 amending the Code of the Town of Clarence, Chapter 185 § 185-10-Solid Waste. The law provides that the collection of Municipal Solid Waste by private collectors that are licensed in the Town of Clarence shall not begin said collection in the Town of Clarence prior to the hour of 6:00 AM nor to allow said collections beyond 8:00 PM.

Councilman Kolber has two items to discuss in Executive Session regarding the employment history of a corporation(s).

Councilman Patrick Casilio

Councilman Casilio will make a motion authorizing the Supervisor to sign the yearly Inter-municipal Agreement between the Town of Clarence and the Town of Newstead for 2010 relative to the shared use of the Erie County van.

Councilman Casilio received a letter from Mr. & Mrs. Stephen Murtaugh regarding motorcycle usage on vacant property. Town Attorney Bengart stated that Mrs. Murtaugh has done all the right things however, this is private property and the town has no jurisdiction.

Councilman Casilio received correspondence from National Fuel regarding assistance programs for customers with financial hardships.

Councilman Casilio has several items to discuss in Executive Session regarding pending litigation, employment history of individuals and one Attorney – Client item.

Supervisor Bylewski received an e-mail from a resident that would like to see sidewalks on Roll Road between Kippen and Transit Road. The e-mail was forwarded to Councilman Casilio and Town Engineer Latona.

Supervisor Bylewski received an e-mail from a resident in Highland Farms regarding street lights. Town Councilman Casilio stated that the developer installed the lights and the town maintains them but if the residents want them upgraded, they would have to discuss this with their Homeowners Association.

Councilman Peter DiCostanzo

Youth Bureau Director Dawn Kinney is requesting a transfer of funds for unanticipated repairs.

Upon recommendation of Recreation Director Clifford Trapper, Councilman DiCostanzo will appoint Cristina Petruzzo as Recreation Supervisor and Maura Pulli as Recreation Attendance.

The Meeting House Board can be dissolved, members will not be reappointed next year.

Councilman DiCostanzo will make a motion authorizing Change Order No.1 in the amount of \$2267.00 to Ledge Creek Development, Inc. for an additional concrete knee wall at the existing stone face on the north wall of the Historical Museum and tongue and groove plank floor material. Town Engineer Latona stated that after tearing the porch off the museum, a portion of the foundation of the historical museum that was covered by the porch is in extreme disrepair. A concrete knee wall will be installed in front of the entire foundation in addition to that the planking on the floor is tongue and groove.

Town Attorney Steven Bengart

After thorough review by the Planning Department and the Clarence Town Board and after coordinated review with involved agencies, it is determined that the proposed transfer of parkland identified as Beeman Creek Park located at the northwest corner of Salt Road and Lapp Road from Erie County to the Town of Clarence will not have a significant impact upon the environment.

Town Attorney Bengart has several items to discuss in Executive Session regarding the acquisition of real property, pending litigation, the employment history and appointment of an individual and two Attorney-Client items to discuss.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) D of the Open Meetings Law to discuss current litigation Marinaccio vs. Town of Clarence; § 105(1) F the employment history of a particular person, the employment history of a corporation, matters leading to the appointment of a particular person; § 105(1) H the proposed acquisition of real property but only when

publicity would substantially affect the value thereof. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 7:02PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:34 PM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, December 2, 2009 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:39 P.M. Pledge to the flag was led by Councilman Patrick Casilio, followed by a prayer given by Supervisor Bylewski.

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 meeting held November 18, 2009. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski announced that Santa Land has returned to Chestnut Ridge Park on December 5th & 6th and December 12th & 13th from 10 am to 4 pm. There are a number of free events for children, along with a raffle and donations to benefit domestic violence shelters of Western New York.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for January 20, 2010 at 7:50 P.M. to consider the purchase by the Town of Clarence of approximately 119.50 +/- acres of vacant land located at 10460 Greiner Road, SBL No. 44.00-4-9.1 in the Town of Clarence, Erie County, NY at a purchase price not to exceed \$900,000.00, plus any closing costs and disbursements for open space/recreation purposes. Funds to be allocated from the open space bond resolution, General Fund and/or Recreation Fees. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve the transfer of \$5,000 from account 1981.0400 to account 1620.450. On the question, Supervisor Bylewski said this is to clear up a line item issue. Upon roll call – Ayes: All; Noes: None.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to award the bid for digital output and installation of custom vehicle graphics for Town vehicles to Signworks as the most responsive and responsible bidder. On the question, Supervisor Bylewski said this is part of the Town's branding effort and this was done to ensure proper purchasing and requisition. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

WHEREAS, the Clarence Town Board is the Appointing Authority for the Civil Service job of Security Officer Part-Time in the Town of Clarence; and

WHEREAS, a particular person, who held the position of Security Officer Part-Time, has been absent from work and unable to perform the functions of Security Officer Part-Time for the Town of Clarence since January 5, 2008 due to a non-occupational disability; and

WHEREAS, on April 2, 2009, April 9, 2009 and November 2, 2009, the Town of Clarence notified a particular person who had been absent from and unable to perform the functions of his job as a security Officer Part-Time that the Town intended to terminate the particular person's employment with the Town pursuant to Section 73 of the New York State Civil Service Law and provided the particular person with the opportunity to apply for restoration to the position of Security Officer Part-Time and/or to provide, in writing, reasons why the Town should not terminate the particular person's employment pursuant to Section 73; and

WHEREAS, the particular person did not apply for restoration to the position of Security Officer Part-Time and did not submit, in writing, reasons why the particular person's employment should not be terminated pursuant to Section 73; and

WHEREAS, on November 10, 2009, the particular person's employment with the Town of Clarence was terminated; and

WHEREAS, the Town of Clarence informed the particular person of his/her right to request a post-termination hearing pursuant to Section 73 of the New York State Civil Service Law; and

WHEREAS, on November 6, 2009, the particular person requested a post-termination hearing pursuant to section 73 of the New York State Civil Service Law; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town Board hereby designates its authority to hold a post-termination hearing pursuant to section 73 of the New York State Civil Service Law, with respect to the particular person who held the position of Security Officer Part-Time as discussed fully in Executive Session, to a hearing officer who shall make a record of the hearing and provide the Town Board with his written report and recommendation within 30 days of receipt of the official record of the hearing; and
2. The Town Board hereby designates Joseph Saeli as the hearing officer to preside over the post-termination hearing pursuant to section 73 of the New York State Civil Service Law with respect to the particular person who held the position of Security Officer Part-Time as discussed fully in Executive Session.
3. The Town Board hereby directs the Town Supervisor to send a letter to Joseph Saeli notifying him of his appointment as hearing officer for a Section 73 post-termination hearing, requesting that the hearing officer provide dates he is available to hold the hearing and to schedule the hearing and provide the required notification of the hearing to the particular person who requested the hearing in accordance with the requirements of Section 301 of the New York State Administrative Procedure Act.
4. That this resolution shall take effect immediately.

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

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to authorize the Supervisor, Scott Bylewski, to sign a contract between the Town of Clarence and the Town of Tonawanda regarding shelter services for seized dogs with said contract subject to review and approval by the Town Attorney. On the question, Councilman Weiss said this allows for a handful of dogs to be transported to us so that they can be handled in a more humane manner. We will be paid for this service. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to award the installation of a new vestibule door for the Building Department to Kulback's Construction, Inc. General Contractors, they being the lowest responsive proposal in the amount of \$4,505. On the question, Councilman Weiss said this is to provide better space for customer service. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to declare H-213, a used high-lift plow from the Highway Department as surplus to be traded to Five Star Equipment to be put toward the purchase of a new high-lift. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon recommendation of Highway Supt. Ted Donner, to award the bid for a new Rubber Tire High-Lift to Five Star Equipment at their bid of \$88,000 with trade-in of H-46, a used loader and H-213, a used high-lift plow. Funding is available from the Equipment Bond Account. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon recommendation of Highway Supt. Ted Donner, to award the bid for a new plow truck with plow, wing, dump body and two salters to Kenworth of Buffalo at their bid of \$204,561.70. Funding is available from the Equipment Bond Account. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following transfers of funds in the Highway accounts: \$4,000 from 001.1976.0400 and \$2,157.55 from 001.5010.0220 for a total of \$6,157.55 to the Signs and Signals account 001.3310.0412. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said he received a letter from Highway Supt. Ted Donner stating that the following surplus vehicles from the Building Department were sold at auction on November 11, 2009: 2007 Ford Focus, VIN #1FAFP34N37W117015 in the amount of \$6,057; and 2007 Ford Focus, VIN #1FAFP34N37W117016 in the amount of \$6,157.

Councilman Weiss said the Planning Board voted not to send the proposal by Cipolla, Bella Vista and/or Wegmans to TEQR, so he is making the following motion.

Motion by Councilman Weiss to request that the Town Board send the application to change the Master Plan, made by the private applicant, Pat Cipolla, Bella Vista and/or Wegmans, as submitted for review by TEQR.

Motion failed due to lack of a second.

Councilman Kolber said he received a communication from Time Warner Cable notifying the Town of agreements that are about to expire, adding that they may be required to cease carriage of one or more of the services/stations in the near future. The letter will be on file in the Town Clerk's office.

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize Architecture Unlimited, LLC to conduct a thermal imaging scan of the Clarence Library as per their proposal dated 11/25/09 for a fee of \$6,500. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said he received a letter from the Meals on Wheels Foundation about their \$7.5 million capital campaign which includes \$6.2 for construction of a new facility. They have raised \$4.3 million.

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

WHEREAS, at the meeting of the Clarence Town Board on October 28, 2009, a duly noticed public hearing was held to consider adopting Local Law No. 4 of the Year 2009 amending the Code of the Town of Clarence Chapter 185, Section 185-10 – Solid Waste; and

WHEREAS, the proposed Local Law provides that the collection of Municipal Solid Waste by private collectors that are licensed in the Town of Clarence to collect Municipal Solid Waste shall not begin said collection of Municipal Solid Waste in the Town of Clarence prior to the hour of 6:00 a.m. nor to allow said collections beyond 8:00 p.m.; and

WHEREAS, the Clarence Town Board, after all present interested parties having been heard, moved to leave the Public Hearing open for 30 days to allow for written comments to be submitted given concerns brought up at the public hearing regarding notification to the vendors as there were no vendors present at the public hearing; and

WHEREAS, the Supervisor sent letters dated November 2, 2009 to the private collectors licensed to collect Municipal Solid Waste in the Town of Clarence; and

WHEREAS, the 30-day period has elapsed without the submittal of any written comments by the vendor or other interested parties.

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board adopts Local Law No. 4 of the Year 2009 amending the Code of the Town of Clarence Chapter 185, Section 185-10. This local law shall become effective upon filing with the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule.

On the question, Councilman Kolber said this is to address a number of complaints received regarding collection from dumpsters in the middle of the night. We did not receive a response from anyone during the extended 30-day period.

Councilman Weiss added that letters were sent to all of the collection companies and none of them responded.

Councilman Casilio said there is a vendor at Eastern Hills Mall who picks up at 4:30 a.m. He is led to believe that the operators have an 8-hour shift and they choose to come in that early to get their work done and go home. He asked if the vendors should be notified.

James Callahan said letters were sent from the Town Attorney's office notifying them of the proposed change.

Town Clerk Nancy Metzger said a copy of the amendment could be sent with the annual license renewals from her office.

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

Motion by Councilman Kolber, seconded by Councilman Weiss to authorize Supervisor Scott Bylewski to sign the Length of Service Awards Program Service Agreement between the Town of Clarence as the plan sponsor and the Volunteer Firemen's Insurance Services (VFIS) for East Amherst, Clarence Center, Harris Hill and Swormville Fire Companies. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Supervisor Scott Bylewski to sign the yearly Intermunicipal Agreement between the Town of Clarence and the Town of Newstead for 2010 relative to the shared use of the Erie County Van. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio said he received a letter from National Fuel regarding programs available to residents who have a hard time paying their fuel bills. If people have any problems they can call National Fuel's customer service department at 1-800-365-3234. The information will also be available in the Town Clerk's office.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to approve the following transfers of funds for the Youth Bureau Budget: \$500 from A7310.220 Office Equipment to A7310.450 and \$800 from A7310.250 Building Improvements for a total amount of \$1,300 to A7310.450 Maintenance of Building and Grounds. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo congratulated Dawn Kinney, Director of the Youth Bureau on a grant she recently was awarded from the E&WG Foundation in the amount of \$28,500. The funding will help train several high school teachers and 16 – 18 students in the 40 developmental assets that they are trying to promote.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to appoint the following to the Winter Recreation Staff effective 12/5/09: Christina Petruzzo as Recreation Supervisor at \$22.04/hour; and Maura Pulli as a Recreation Attendant at \$7.79/hour. On the question, Councilman DiCostanzo said these appointments are pending all necessary paperwork is turned in to payroll for Civil Service purposes. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to authorize Change Order No. 1 in the amount of \$2,267 to Ledge Creek Development, Inc. for an additional concrete knee wall at the existing stone face on the north wall of the Historical Building and tongue and groove plank floor material. Upon roll call – Ayes: all; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to authorize Supervisor Scott Bylewski to sign an agreement with JPMorgan Chase for credit card services for the collection of taxes at no cost to the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law, a Negative Declaration is issued on the proposed transfer of parkland known as Beeman Creek Park. After thorough review by the Planning Department and the Clarence Town Board and after a coordinated review with involved agencies, it is determined that the proposed transfer of parkland identified at Beeman Creek Park

located at the northwest corner of Salt Road and Lapp Road from Erie County to the Town of Clarence will not have a significant impact upon the environment. On the question, Supervisor Bylewski said this is part of the acquisition process where the County has indicated that they are willing to transfer ownership to the Town of Clarence. We still need to go through our environmental review and the County will need to sign off, as well as the New York State Legislature. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski thanked all department heads present for attending.

Marty Pecoraro requests an Amendment to existing Temporary Conditional Permit for automotive sales office at 6031 Transit Road. James Callahan said the location is on the east side of Transit Road in the Major Arterial Zone. The applicant is seeking an amendment to allow for a temporary office as shown.

Martin Pecoraro, Jr. was present. He said they would like to place a business trailer on the site.

Councilman DiCostanzo asked what happened to the office that was included.

Mr. Pecoraro said the office is still there, but is a distance from where the cars are being parked for display. They would like to erect a building of their own in the future closer to the display area.

Councilman Casilio asked why this was not proposed sooner.

Mr. Pecoraro said his father attended previous meetings, but the office is not working out as they had planned.

Motion by Supervisor Bylewski to set a Public Hearing for January 20, 2010 at 7:45 p.m. to consider the request for an Amendment to existing Temporary Conditional Permit for automotive sales office at 6031 Transit Road.

Motion lost due to lack of a second.

Motion by Councilman Weiss, seconded by Supervisor Bylewski to approve the following: Clubhouse Applications – A. Clarence Historical Society – Dec. 6, 2009; B. Harris Hill Mom's Club – Dec. 12, 2009; Legion Hall Applications – A. Gary George – Dec. 12 & 19, 2009; B. Cub Scout Pack 92 – Feb. 27, 2010; and C. Patricia Raquet – March 6, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of November 25, 2009 are approved for payment: General Fund - \$780,507.87; Highway Fund - \$51,797.05; Water District - \$14,548.19; Drainage District - \$393.00; Lighting Districts - \$862.67; Sewer Districts - \$452.22; Capital Fund - \$9,779.75; and Trust and Agency 203 - \$4,250.00 for a total amount of \$862,590.75. On the question, Councilman DiCostanzo said \$118,000 was our health insurance payment this month. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:10 p.m. in memory of a longtime election inspector and resident, Marge Stermole.

Nancy C. Metzger
Town Clerk