

A Work Session of the Clarence Town Board was held on January 20, 2010 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 and Patrick Casilio. Councilman Peter DiCostanzo was absent. Other town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith, Confidential Secretary to the Supervisor Karen Jurek and Planning Board member Al Schultz.

Director of Community Development – James Callahan

Public Hearing:

A Public Hearing is scheduled for 7:50 PM to consider the acquisition of the Ball Farm by the Town of Clarence of approximately 119.50+/- acres of vacant land located at 10460 Greiner Road at a purchase price not to exceed \$900,000 plus any closing costs and disbursements for open space/recreation purposes. The proposed site is located on the north side of Greiner Road, east of Strickler Road. A recommendation to acquire the land has been forwarded from the Recreation Advisory Committee. Town Attorney Bengart met with Town Assessor Christine Fusco and she felt this was a good purchase.

Formal Agenda items:

Stahley Road LLC 8315-8385 Stahley Road

Applicant is seeking final approval on subdivision to create five (5) new residential building lots per the submitted concept. The proposed site is located on the south side of Stahley Road, east of Miles Road. The existing vacant land with previously approved fill permit is located in the Residential Single-Family Zone within Erie County Sewer District #5. Per the Subdivision Law, the Town Board has authority to approve lot splits. The Planning Board has forwarded a recommendation on the amended design and the Town Engineer has provided conditions on the approval and on any future building permits.

James & Mary Freiheit 10865 Howe Road

Applicant is proposing a minor subdivision to create one (1) new residential building lot in conformance with the underlying zoning. The proposed site is located on the south side of Howe Road, east of Salt Road in existing agriculture rural residential zoned property consisting of 6.4+/- acres. Per the Subdivision Law, the Town Board has authority to approve minor splits. The proposed lot of 150' x 700' meets minimum requirements in the Agriculture Rural Residential Zone.

Work Session items for consideration February 10, 2010:

Chris Smith 8137 Sheridan Drive

Applicant is requesting a public hearing for consideration of a Temporary Conditional Permit for the operation of an automotive sales location. The proposed site is located on the south side of Sheridan Drive, east of Transit Road. The existing commercial property is currently being utilized for the Buck and Doe deer processing facility. Per the Zoning Law, the Town Board has the authority to approve temporary conditional permits. Areas of concern include the layout and design of site to accommodate display and storage of vehicles, total number of units to be displayed, hours of operation etc.

Cimato Enterprises Inc. - Woodland Hills Subdivision – Greiner Road

Applicant is requesting a public hearing for consideration of the formation of a new sewer district to accommodate a new 77 unit incentive lot design residential subdivision. Per the Subdivision Law, the Town Board has the authority to approve sewer districts and extensions as well as subdivisions within the Town of Clarence.

This project has previously received both a Negative Declaration and Concept Plan approval as per the Town Board. The Negative Declaration, originally issued in December of 2003, specifically notes that the Negative Declaration is conditioned upon the removal of new sanitary sewer flows created by this project through Erie County Sewer District No. 5 and ultimately to the Amherst Treatment Plant. Correspondence issued by both the Town of Amherst and Erie County Sewer District #5 suggested that sufficient sewer capacity existed. Since that time, project reviews within Erie County Sewer District #5 have been delayed on the basis of sewer capacity constraints and surcharging conditions have been documented within that infrastructure. Additionally, the Town of Clarence has adopted a sewer capacity prioritization plan as an amendment to the currently adopted Master Plan 2015. The prioritization plan is not inclusive of this property as a priority as it is outside the boundaries of any

current sewer district or existing area currently serviced by septic systems. Therefore, the creation of a sewer district raises concerns relative to adequacy of infrastructure downstream to manage additional flows as well as adherence to the Sewer District Prioritization Plan as identified within Master Plan 2015.

Attorney Chris Cardillo contacted Town Attorney Bengart several weeks ago and said that he thought the approvals had all been obtained however there is nothing in writing at this point.

Director of Community Development James Callahan stated that there was a submittal by the applicant to the regulatory agencies but nothing has been verified.

Town Engineer Latona said that historically we had potential boundary lines for a district at this location to include Brookfield and Meadowbrook Road. Spaulding Green was the last sewer district formed.

James Callahan stated that we do not have any verification from Sewer District #5, the DEC or the Town of Amherst.

Jeff Palumbo stated that he met with Erie County SD#5, the DEC, the Town of Amherst, Town Engineer Joseph Latona and others several times regarding the boundary issues specifically. Mr. Palumbo further stated that they have advanced down the line from where they were when this project was granted concept approval and a Negative Declaration was issued and the rezoning was granted. The major change since then was the installation of the diversion that Mr. Cimato installed which reduces the flow. It has all been approved by the Town of Amherst. They are waiting for the DEC which has been involved every step of the way to review the documentation that Dave Pratt from Greenman – Pedersen Inc. has put together. The chart shows the exact flow and how it operates. The capacity issue has been addressed in the report as well.

Supervisor Bylewski stated that we do not have the written approval from Sewer District #5 or the Health Department and without those approvals, there is nothing to go forward with.

Mr. Palumbo stated that they would like to start the process in particular with the boundary issue and settle that.

Town Engineer Latona stated that he and James Callahan worked together on the boundaries for Sewer District #4 and made suggestions to the Town Board and perhaps they could do the same for this project as well.

Councilman Kolber stated that the Board was told that there is no capacity in Sewer District #5 and we should wait until that is rectified. Mr. Palumbo stated that is what he was referring to with the diversion.

Supervisor Bylewski stated that he would not be opposed to James Callahan and Joseph Latona sitting down and informally discussing the boundaries. However, without the approvals he does not feel that it is complete enough to come before the Board to form the district.

Mr. Palumbo stated that what they have discussed various times in the past was they file the request to start the process. The application and all the information has been submitted to all the proper agencies – they are hoping to get the boundary issue settled and start the process and formally address the various agencies. Formally, the information needs to come from the Board because ultimately they will require the Board's consent for this.

Town Engineer Latona stated that they will require a district for the subdivision.

Town Attorney Bengart suggested that Town Engineer Latona contact them to see if they are looking for a formal request from the Town Board and then he could start discussing the boundary.

Town Engineer Latona stated that it will take between 2 – 3 months to form the district.

Mr. Palumbo stated that each issue the Town Board raised has already been addressed in terms of capacity. Mr. Palumbo has a new recent letter from the Town of Amherst Engineering Department regarding the capacity issue. The DEC still has to stamp it and say there is capacity.

Town Engineer Latona stated that he and James Callahan will informally look at boundaries and Mr. Latona will contact the reviewing agencies (Health Department and the DEC).

Supervisor Scott Bylewski

Councilman DiCostanzo is unable to attend tonight's meeting. Councilman Casilio will handle Councilman DiCostanzo report.

Supervisor Bylewski received notification that handicap accessibility for the Legion Hall has been approved for \$39,900.

A slightly redacted version of the Satisfaction Survey was distributed at the Department Head Meeting this afternoon. Supervisor is hoping to get the survey on display on the Towns website as well as some additional areas. Supervisor Bylewski reminded the Board to contact the departments that they are liaison to so they can create an action plan. He would like to have an action plan enacted by the Town Board at one of the April meetings.

Supervisor Bylewski will appoint Councilman Casilio as liaison to Public Safety and Recycling. There are no longer committees for Public Safety or Recycling but if an issue should come up, Councilman Casilio will be the contact person.

Out-Come Based Budgeting presentations will be held on February 3rd. Eight of the nine departments have responded. Because of scheduling conflicts, the Recreation Department will make their presentation on February 10th.

At the January 6th Town Board meeting Councilman Weiss mentioned that the Town of Hamburg went from three fire halls to one large fire hall. It was actually the Village of Hamburg which went from three fire halls to one. The town has nine fire companies with multiple companies having sub-stations. The Town of Hamburg is 46 square miles with a population including the Village of approximately 57,000.

Supervisor Bylewski will award the bid for telephone system and telecommunication services to MAC Source Communications Inc.

Supervisor Bylewski has several items to discuss in Executive Session regarding the employment history of individuals.

Councilman Joseph Weiss

Councilman Weiss distributed copies of a law the Town of Wheatfield (Niagara County) enacted for improvements to properties and how they are assessed - you would be pro-rated and not hit all at once with a tax increase. County Executive Chris Collins has indicated that he would veto the bill.

Councilman Weiss met with Highway Superintendent Donner and Parks Crew Chief James Burkard regarding the creation of a Public Works Department and the flexibility of man-power. This will be discussed during union negotiations.

There was a discussion regarding a out-door skating rink. The Conservation Advisory Committee met last week with the Commissioner of Erie County Parks, he discussed both Como and Akron Parks and what they are doing. There are a few problems at Como Park. He indicated that there are usually 40 people skating at Akron Park. Councilman Weiss visited Akron Park on a Sunday afternoon and there were six kids playing hockey. Later in the afternoon there were fourteen kids playing hockey. Town Attorney Bengart is not in favor of allowing hockey on the outdoor rinks. Councilman Weiss stated that the Town of Clarence has wonderful baseball and soccer facilities, "we can't be everything to everybody" – if you want to ice skate at night, you should visit the state parks to skate. The ice rink is maintained by crews that plow the snow off the rink and add water. Akron State Park is a 10 minute ride from Clarence.

An ice rink is being constructed for Winterfest – they will be using the same material left over from last year.

Councilman Weiss spoke to Bob Lenz regarding his idea for a Flight 3407 memorial on Main Street in Clarence Hollow, there would be plenty of parking at the Farmers Market.

Councilman Weiss has one item to discuss in Executive Session regarding the employment history of an individual.

Councilman Weiss referenced an article in the Buffalo News regarding the Governor cutting aid to schools. Clarence Schools have a Reverse 911 that notifies you if the school is closed. A newspaper article indicated that forty percent of households do not have land lines any longer.

When Councilman Weiss contacted the school board about this he was told that Superintendent Coseo does not notify the media early enough so parents that work do not see the closings on television and many parents like the service the school provides even though it is an added expense to taxpayers.

Councilman Bernard Kolber

Councilman Kolber received Patricia Schanzer resignation from the Senior Center Board.

Councilman Kolber will appoint Michael Petroci to a vacancy on the Landscape Committee.

Councilman Kolber has received several complaints from residents that cannot hook up to cable and the internet. He met with Cheryl Hanson, director of Governmental Affairs at Time Warner. Time Warner is going to provide a boundary map of where they are presently serving the town and where their lines run. Time Warner follows the Public Service Commission guidelines – that being 35 houses per lineal mile of roadway in order for them to install cable. Supervisor Bylewski stated that Time Warner's franchise agreement with the town for cable service is 20 houses per lineal mile. Our franchise agreement is for cable TV. service. The internet is not part of that agreement because the towns are prohibited from negotiating internet service by the cable companies. Councilman Kolber will review a copy of the franchise agreement with Time Warner and will provide them with addresses for people requesting these services to see if it meets their criteria.

Councilman Kolber will contact Verizon regarding FiO's.

Councilman Kolber received his garbage bill from Allied Waste and for six months he is paying \$199.56

Councilman Patrick Casilio

Councilman Casilio will make a motion setting the bid date for the Ransom Road/Boyd Road sanitary sewer project for March 3, 2010 at 10:00 AM.

Councilman Casilio will appoint Supervisor Bylewski as official delegate and Councilman DiCostanzo as alternate delegate for the 2010 Association of Towns Annual Meeting.

Councilman Casilio will meet with Parks Security to go over several issues.

Councilman Casilio has addressed some of the problems and requests regarding street lights. Councilman Casilio spoke to the residents on Candlewood Lane regarding the formation of a Lighting District and what is involved.

The Parks Department was not able to paint the light poles in the Harris Hill area, Councilman Casilio is looking to hire a private contractor to get the work done this summer if Parks cannot do it.

Councilman Casilio has one item to discuss in Executive Session regarding the Erie County Water Authority contract and the employment history of an individual.

Councilman Casilio spoke with a concerned citizen with a horse farm on Newhouse Road regarding fireworks displays. We are following due process through the Right to Farm Law.

In reviewing the bills, Councilman Casilio was disappointed that some people were collecting unemployment insurance this time of year.

Councilman Casilio has been in contact with Senior Building Inspector David Metzger and Town Engineer Latona regarding several houses in Clarence Hollow.

Councilman Casilio attended the Capitol Improvement Project meeting and several projects have been cleaned up.

The Erie County Department of Health is hosting a H1N1 Clinic on Saturday, February 20th in the Clarence High School gym from 9AM – 3PM.

Councilman Casilio received a check from the Erie County Law Enforcement Association in the amount of \$12,000 to put towards security cameras for the bike path. They had an expense of \$1,000 that they requested the Town of Clarence pay out of that check. For bookkeeping purposes,

the check was returned and an \$11,000 check will be formally presented to the Board at a Town Board meeting. More information will be forthcoming.

Erie County Sheriff Howard contacted Councilman Casilio regarding a DVD he made regarding Flight 3407 through the scientific staff. The DVD will be presented to all the fire companies, first responders and NYS Police in the Town of Clarence.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a particular person, and the employment history of a corporation. Upon roll call – Ayes: Councilman Casilio, Councilman Kolber, Councilman Weiss, Supervisor Bylewski; Noes: None. Absent: Councilman DiCostanzo. Motion carried.

There being no further business, the Work Session adjourned at 6:45PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:30PM. Upon roll call - Ayes: Councilman Casilio, Councilman Kolber, Councilman Weiss, Supervisor Bylewski; Noes: None. Absent: Councilman DiCostanzo. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, January 20, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:35 P.M. Pledge to the flag was led by Councilman Weiss, followed by a prayer given by The Reverend Vicki Zust of St. Paul's Episcopal Church.

Members of the Town Board present were Councilmembers Patrick Casilio, Bernard Kolber, Joseph Weiss and Supervisor Bylewski. Absent was Councilman Peter DiCostanzo. 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 Casilio, seconded by Councilman Weiss to accept the minutes of the previous meetings held December 10 & 17, 2009. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Weiss to accept the minutes of the previous meeting held January 6, 2010. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Supervisor Bylewski said the Town has been slated to receive Community Block Grant monies for handicap accessibility at the Legion Hall. He thanked everyone involved in putting the grant together.

Supervisor Bylewski said we have taken receipt of our satisfaction survey results. The results were extremely encouraging and we are in the process of developing action plans for the items to be addressed to get back to people. The presentation was given to the department heads this morning. The liaisons will meet with the department heads to work on the action plans.

Supervisor Bylewski said we dissolved a number of committees at the organizational meeting. However, we do have issues that come up from time to time with public safety and recycling. He named Councilman Casilio to handle these two items.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to approve the transfer of \$500.00 from the 2009 budget line A.1420.0432 – Dues and Subscriptions to A.1420.423 – Books and Supplements. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio that upon the recommendation of HPA Consulting Group, Inc. the Clarence Town Board awards the bid for Telephone System and Telecommunication Services to MAC Source Communications Inc. as the most responsive and responsible bidder subject to the review and approval of the contract by the Town Attorney. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Councilman Weiss recognized Dennis Londos from the deer program. We took about 150 deer to the buck and doe shop.

Councilman Weiss said he met with the head of the Highway Department and the head of the Parks Department concerning more synergy of their departments. They have come up with a couple things to work out in negotiations with the union. Everyone seems amenable to that.

Councilman Weiss said he attended the Conservation Committee meeting and they had the commissioner of parks from Erie County come and talk about the feasibility of putting in a large ice rink. They have rinks at Como Park and Akron Park. There have been problems at Como Park, but Akron has been up and running and often times with 40 to 50 people. He went to check it out on a Saturday and there were six people playing hockey. He also went the next day and there were twelve people playing hockey. We made a decision not to do a rink and suggested people go to Akron. Clarence has the finest fields for soccer, football, baseball and lacrosse. We would not spend that kind of money on equipment and manpower to do a rink.

Parks did make an ice rink on the tennis court for Winterfest.

Motion by Councilman Weiss, seconded by Councilman Casilio to authorize Supervisor Scott Bylewski to sign the Working Agreement for the Clarence Greenprint Program with the

Western New York Land Conservancy for a one year term beginning January 1, 2010 and ending December 31, 2010. On the question, Councilman Weiss said this is for the ongoing monitoring of the greenprint properties that we have acquired. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the resignation of Pat Schanzer from the Senior Citizens Board. We thank her for her services. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to appoint Michael J. Petroci of 5120 Elmcroft Court to a vacancy on the Landscape Committee effective as of January 20, 2010 with term to expire December 31, 2010. On the question, Councilman Weiss said he owns Bison Nursery and his expertise is quite lengthy. Supervisor Bylewski said he will be very valuable. There was a concern because he owns the nursery and working on items before him that would be prohibitive. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Councilman Kolber said we have had a number of requests from people because of the lack of cable and internet services, especially in the northern end of town. He had a discussion with Sharon Hansen from Time Warner and the terms of the contract. It goes by density and the number of houses on a linear mile. They will be reviewing the contracts and hopefully can get some areas added on.

Some people have contacted Verizon and they are telling them that the Town of Clarence is holding them up and that is not true. We would love to have them come in, but they have not even approached us.

Councilman Casilio said he is working on street lights with some neighborhoods and advised the citizens of the process that the Town would have to go through.

He is also working with some residents on a problem with the water authority.

Motion by Councilman Casilio, seconded by Councilman Weiss to appoint Supervisor Scott A. Bylewski as official delegate and Councilman Peter DiCostanzo as alternate delegate for the 2010 Association of Towns Annual Meeting. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Bid Date for the Ransom Road/Boyd Road Sanitary Sewer Project for March 3, 2010 at 10:00 A.M. in the Town Clerk's Office. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Councilman Casilio announced that the Town of Clarence and Erie County Health Department are sponsoring an H1N1 Clinic on Saturday, February 20, 2010 from 9:00 a.m. to 3:00 p.m. at the Clarence High School Gym. People should park and enter the school at the rear of the building. If you have any questions, please contact the Supervisor's office.

Councilman Casilio thanked the Supervisor for the two additional appointments of public safety and garbage refuge.

Town Clerk Nancy Metzger announced that the 2010 Town & County tax bills have been mailed and the due date is February 16th.

Supervisor Bylewski thanked department heads present for attending.

A Public Hearing was held to consider the purchase by the Town of Clarence of approximately 119.50 +/- acres of vacant land located at 10460 Greiner Road at a purchase price not to exceed \$900,000, plus any closing costs and disbursements for open space/recreation purposes. James Callahan said the location is the north side of Greiner Road, east of Strickler Road consisting of vacant in the Agricultural Rural Residential Zone. The Town is proposing the purchase under the Greenprint Open Space Bond Act.

Nancy Smith of the WNY Land Conservancy said this property ranked 85 out of 100 points for agricultural ranking. This is the highest of any of the properties considered. The northern portion of the property is heavily forested and to the right is 180-acre farm previously purchased. This piece is currently farmed. It has many features including a stream corridor.

Ms. Smith said the conservation values protected with this parcel are active agricultural land, natural habitat, open space and scenic vistas and water quality.

Active Agricultural Land – 61 acres are considered active agriculture; 112 acres are considered prime farmland soils; Krehers are farming corn, soybeans and small grains.

Open Space and Scenic Vistas – 1,320 feet of frontage on Greiner Road and adjacent to already protected property.

Natural Habitat – 60 acres of forested land containing mature Beech Maples and Hemlock groves; 13 acres of Federal wetlands; 15 acres of State wetlands; 1.55 acres of Ransom Creek.

Water Quality – protecting the stream itself as well as the forested buffer along the wetland areas provide benefits to breeding and spawning grounds. They help control flooding and stormwater runoff. They also help recharge groundwater aquifers.

Ms. Smith said this is a spectacular property and she applauds the efforts of the Recreation Advisory Committee who reviews the properties.

Councilman Weiss asked if the conservancy monitoring includes testing of runoff from farming activities.

Ms. Smith said she believes that Krehers are involved in organic farming methods. She did do monitoring on two properties last year. There is a baseline document of each property that is contracted out. It is a very detailed document of every aspect on the property. Included are photo stations throughout the site. They return each year to compare. They are in places that it is felt there could be possible future encroachment.

Councilman Kolber asked about the ranking dealing with developmental pressures.

James Callahan said it probably ranked the highest of any site because it has the potential access to sewers and the frontage.

Steve Bengart said he spoke with the Assessor and she feels the purchase price is fair to all involved. We use two kinds of funds to purchase, one greenprint funds and the other recreation funds. In this case, we want to be able to put in bike paths and/or recreational trails. Greenprint funding requirements are such that a property must remain in its natural state. Prior to closing we would designate a portion for recreation use to be purchased with recreation funds.

Mr. Bengart added that the Recreation Advisory Committee recommends that the Town purchase this property.

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

Motion by Councilman Casilio, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law, A Negative Declaration on the proposed acquisition of property under the Town of Clarence Greenprint/Open Space Bond Act. The proposed acquisition of property involves a 119 +/- acre parcel located at 10460 Greiner Road in the Town of Clarence. After thorough review of the submitted EAF and parcel information, it is determined that the proposed action is consistent with Master Plan 2015 and will not have a significant impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

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

RESOLVED, that after a public hearing duly held on January 20, 2010 and after all interested parties behind heard, the Clarence Town Board approves the purchase of approximately 119 +/- acres of vacant land located at 10460 Greiner Road, SBL No. 59.00-3-29, in the Town of Clarence, Erie County, NY, at a purchase price not to exceed \$900,000 plus any closing costs, processing costs, baseline studies and any and all costs and disbursements for open space purposes. Funds to be allocated from the open space bond resolution, general fund and recreation fees (if it is determined that any portion of this property will be used for recreation purposes); and be it further

RESOLVED, that the Supervisor, Scott Bylewski, be authorized to sign a conditional Contract subject to review and approval by the Town Attorney.

On the question, Councilman Kolber said several years ago the voters of Clarence approved the Bond Act enabling the Town to purchase key pieces of real estate to keep them open for preservation for future generations.

Councilman Casilio said this adds on to an adjacent 180 acres that was previously purchased.

Councilman Weiss said he believes it is a great acquisition and thanked the committee for working on this.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Weiss to table the request by Stahley Road, LLC for Subdivision Approval to create five new Residential Building Lots in the Residential Single-Family Zone at 8315-8385 Stahley Road until the applicant is available. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

James and Mary Freiheit request Minor Subdivision Approval to create one new Residential Building Lot in the Agricultural Rural Residential Zone at 10865 Howe Road. James Callahan said the location is the south side of Howe Road, east of Salt Road. This request is in conformance with local land use regulations.

James and Mary Freiheit would like to create an additional lot of 150' x 700'+/-. They would like to leave the remainder of the property as is. He extended the depth to accommodate the wetlands.

Motion by Councilman Casilio, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendations of the Planning and Zoning Department, the Clarence Town Board issues a Negative Declaration on the proposed Freiheit Minor Subdivision. This Unlisted Action involves the approval of a minor subdivision in compliance with existing land use regulations. After thorough review of the submitted supporting information and the Environmental Assessment Form (EAF) by the Planning and Zoning Department and Town Board, it is determined that the proposed action is consistent with Master Plan 2015 and local land use regulations and will not have a significant impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

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

RESOLVED, that the Clarence Town Board grants the request of the applicant, James and Mary Freiheit for Minor Subdivision approval to create one (1) new residential building lot located on the south side of Howe Road, east of Salt Road, at 10865 Howe Road in the Agricultural Rural Residential Zone, subject to the following condition: 1. Open Space and Recreation Fees.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence Youth Bureau – Feb. 6, 2010; B. Clarence Fillmore Cemetery – Feb. 17, 2010; C. Girl Scout Troop 886 – March 12, 2010; D. Clarence Co-Op Preschool – March 13, 2010; E. Wilson Center – May 4, 2010; F. Clarence Church of Christ – July 31, 2010; Legion Hall Applications - Terri Lopez – Jan. 29, 2010; Karen O'Neill – Feb. 14, 2010. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of January 21, 2010 are approved for payment: General Fund - \$169,102.64; Highway Fund - \$172,924.99; Water District - \$463.18; Lighting Districts - \$826.78; Sewer Districts - \$611.06; Capital Fund - \$3,375.00; and Trust and Agency 203 - \$721.18 for a total amount of \$348,024.83. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

“For the Good of the Town”

Councilman Kolber said 400 people responded to the satisfaction survey that the Town sent out. We were quite happy to see that 90%+ are satisfied. We are very proud of that.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:15 p.m.

Nancy C. Metzger
Town Clerk