

A Work Session of the Clarence Town Board was held on March 24, 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, 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, Assistant Engineer Tim Lavocat, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith and Confidential Secretary to the Supervisor Karen Jurek.

### **Director of Community Development – James Callahan**

#### ***Public Hearings:***

##### *Pandora Rathgeber 9080 Wehrle Drive*

Applicant is proposing an in-law apartment for the existing home. The proposed site is located on the south side of Wehrle drive, east of Shimerville Road in an existing single-family residence located in the Residential Single-Family Zone. Per the Zoning Law, the Town Board may consider a secondary living unit via a Special Exception Use Permit. All conditions as identified in the Zoning Law for a secondary living unit must be met.

##### *Clayt Ertel 8347 Sheridan Drive*

Applicant is proposing to relocate a television repair use to the garage of the existing home. The applicant would continue to utilize the existing home as the principal use of the property. The proposed site is located on the south side of Sheridan Drive, west of Harris Hill Road in existing residential property located in the Restricted Business Zone. As the proposed use is not an identified permitted use in the Restricted Business Zone, the Town Board may consider a Temporary Conditional Permit after a required public hearing. Parking and traffic issues must be addressed.

##### *Michael Giammarise 8441 Sheridan Drive*

Applicant is proposing to operate a vehicle repair operation at his existing residential property. The proposed site is located on the south side of Sheridan Drive, west of Harris Hill Road. The existing residential property is located in the Restricted Business Zone. The proposed automotive use is not an identified acceptable use in the Restricted Business Zone. The Town Board may consider a Temporary Conditional Permit after a required Public Hearing. Areas of concern include compatibility with the Restricted Business Zone and adjoining land uses.

##### *Christopher Morgan/CAM Services 10165 Main Street*

Applicant is seeking approval to display snow plows for purchase. The proposed site is located on the south side of Main Street, west of Strickler Road at a pre-existing heavy duty plow/fabrication center located in the Traditional Neighborhood and Commercial District. The area along the Main Street frontage identified in the TND and the area to the rear is located in a commercial classification. The Town Board may consider the request via a Temporary Conditional Permit.

#### ***Formal Agenda items:***

##### *Joe Denisco/California Detailing 8200 Main Street*

Applicant is proposing to locate an automotive detailing operation in the store area. The proposed site is located on the north side of Main Street, east side of Bryant and Stratton Way in the Main Transit Market Plaza (former K&A Ponds) located in the Commercial Zone. As the proposed operation may involve some overnight storage of vehicles, a Temporary Conditional Permit will be required as issued by the Town Board. The number of vehicles and location of vehicles to be stored overnight are two areas of concern.

##### *Annual Renewal of Temporary Conditional Permits*

A public hearing will be set to consider renewal of several Temporary Conditional Permits.

**Work Session items for consideration April 14, 2010:***The Pomegranate 4125 Transit Road*

Applicant is proposing to set up an area for outside dining. The proposed site is located on the east side of Transit Road in front of Toys R Us. The existing restaurant in recently renovated commercial building is located in the Major Arterial Zone. Per the Zoning Law, the Town Board may approve outside dining areas via a Temporary Conditional Permit. Areas of concern include the number and location of outdoor seats. Noise should not be an issue this close to Transit Road and with no residential neighbors. A public hearing is required.

*Frank Wailand 5840 Goodrich Road*

Applicant is proposing to reuse the building as a Montessori School. The proposed site is located on the west side of Goodrich Road between Bonnie Fay Drive and Brookside Drive in the former Cool Town Ice Cream Parlor/Restaurant located in the Traditional Neighborhood District. The structure has been vacant for more than 2 years; Change in Use as issued by the Town Board is required. Parking/access is adequate to support the school. A building permit for interior renovations will be required.

*HD Video Café 5445 Transit Road*

Applicant is proposing an outside dining area for the café. The proposed site is located on the east side of Transit Road in Dairy Queen Plaza. The previously approved plaza addition is located in the Major Arterial Zone. Per the Zoning Law, the Town Board may approve outside dining permits via a Temporary Conditional Permit. Areas for consideration are number and location of outdoor seats. A public hearing is required.

*Patrick Development – East Howard Drive*

Applicant requests preliminary Concept Review of a 4-lot Open Development. The proposed site is located in a Residential Single Family Zone on a private drive off Roxbury which is an extension of East Howard Drive. This would fully utilize the entire parcel because 2 acre lots (minimum) are necessary to meet the Open Development requirements.

*Buffalo Pharmacy 6041 Transit Road*

Applicant requests preliminary Concept and Site Plan Review of a proposed new commercial location. This is a preexisting lot and conforms to Major Arterial Zone classification. They meet all the Major Arterial and Commercial Zone setback requirements.

*Charles Barone 8200 Main Street*

Applicant requests a public hearing for consideration of a Temporary Conditional Permit for the outside display of four trolley cars for rent.

Director of Community Development James Callahan gave an update on the sewer district formation for Woodland Hills Subdivision. He received an e-mail from the NYS DEC regarding capacity and is waiting for the letter.

**Supervisor Scott Bylewski**

Supervisor Bylewski received a Satisfaction Survey this week and the answers and responses are in line with what was received previously.

Supervisor Bylewski reminded the Board about the informational meeting being hosted by NYS DEC and FEMA to update our Flood Insurance Rate Maps. The meeting is scheduled for March 31, 2010 from 4PM – 8PM at the Town Park Clubhouse.

The Planning and Zoning Office has received 37 applications for the NY Main Street Grant. It is very encouraging to see people interested in doing something to improve their property.

The Town Board received an anonymous letter regarding a used car lot and used car sales. The letter referenced a project that recently came before the Town Board; the letter was forwarded to Planning and Zoning Department.

Supervisor Bylewski received a copy of a letter that was sent to the Erie County Department of Health by the Town of Newstead regarding a water line. The Town of Newstead is waiting for the Erie County Water Authority to install the line however the Authority will not install the line unless both municipalities agree to the hydrants. The area in question is Hunts Corners and County Road. Town Engineer Latona stated that the Town has taken the position that we do not want hydrants there.

Supervisor Bylewski has received correspondence from the DEC with respect to the Snyder fireworks display. The DEC has no jurisdiction over the Town of Clarence issuance of a fireworks permit. The fireworks permit application has been forwarded to the Clarence Center fire chief and the Right to Farm.

Supervisor Bylewski has a request to host a wedding ceremony in the Clarence Town Park on Main Street. As far as Supervisor Bylewski is aware, there is a Clarence resident making the request this time. Councilman Kolber stated that they are not requesting use of a pavilion or the Clubhouse and we cannot keep anyone out of the park.

They are requesting permission to set up folding chairs, we have no fee schedule for such a request. Councilman Kolber stated that people bring folding chairs when they come to the concerts in the park. Councilman Weiss welcomed the couple to the fine institution of marriage. The Town Board was in agreement with this request.

Once of our crossing guards is having surgery and will be on leave until September of this year. He will need a doctor's note in order to return to duty.

Assistant Town Engineer Tim Lavocat received an e-mail from NYSERDA that the town received the grant for the Senior Center. He will begin negotiating the contracts with them relative to the Senior Center, Highway Department and the Library for a total of \$690,000. Tim is also working on the applications for the Engineering and Parks Office to be submitted next week. Town Engineer Latona stated that they are waiting for a contract from NYSERDA to find out the conditions and terms of the grant. This will be reviewed with Town Attorney Bengart. Part of the installation is to have a structural analysis done on all the roofs the panels will go on.

Supervisor Bylewski stated that we will have a pay back within the towns life span depending on the towns contribution - if any. Many of the solar panel grants are based on reducing the carbon footprint. So we are not necessarily looking at a payback with the town money and the grant money, it is the other money being expended to reduce environmental waste.

Supervisor Bylewski received resignation notice from the part-time clerk pool. He is continuing interviews for part-time clerks.

Supervisor Bylewski will set up interview dates for the General Crew Chief position in the Parks Department.

An RFP went out for banking and cash management. It is a GFOA (Government Finance Officers Association) recommended best practice to go out to bid from time to time to solicit different banks. This is a project Supervisor Bylewski has wanted to do for awhile. Local banks have been notified and the RFP will be posted on the Town's web-page.

Town Engineer Latona has a resolution awarding the bid for the sanitary sewer project for Ransom Road, Boyd Road and Sawmill Road to Milherst Construction, Inc. and also authorizes the Supervisor to sign and enter into a contract agreement with Milherst construction Inc. with the approval of the Town Attorney.

Town Engineer Latona has a resolution awarding the Administrative General Services during construction and resident services during construction to Donald Gallo,

Consulting Engineer, PC at an hourly rate not to exceed \$53,000. Within the next month, Town Engineer Latona would like to bid the next phase of this project.

Supervisor Bylewski received correspondence regarding the annual election of PERMA Board of Directors. It is a seven member board with openings for two board members. If anyone is interested, Supervisor Bylewski will put their name forward.

Supervisor Bylewski received an anonymous letter regarding the 6000 block of Heise Road regarding an alleged business operation. The letter was forwarded to the Planning & Zoning Department.

Upon the recommendation of Town Justice Robert Sillars, Supervisor Bylewski will appoint Karl C. King of 9215 Clarence Center Road as Security Officer P/T effective March 25, 2010 at the budgeted rate of pay.

Supervisor Bylewski will appoint Diane Nardolillo as Clerk, P/T at the budgeted rate of pay of \$11.60 per hour effective March 29, 2010. This appointment is being made to fill the vacancy of Beverly Campochiaro.

Supervisor Bylewski will make a motion to approve three Special Event requests:

- Ride for Missing Children
- Memorial Day Parade
- Ride for Roswell

### **Supervisor Joseph Weiss**

Upon recommendation from Parks Crew Chief James Burkard, Councilman Weiss will make a motion to promote Paul Meyers from Recreation Attendant to General Mechanic.

Parks Crew Chief James Burkard is requesting the posting of (2) laborers part-time seasonal at the rate of \$11.60 per hour with an overtime rate of \$17.40 per hour with no benefits. He would like these two openings in addition to the laborer part-time that just work in the summer.

The Parks Department is declaring at 1998 10' Salter/sander, 1994 Ford post hole auger and a obsolete 2-way radio as surplus.

Parks Crew Chief James Burkard is requesting a bid date be set for a 1992 FMC tire changer 7600 DP w/tools.

Highway Superintendent Ted Donner is requesting Town Board approval to place drainage pipe on Main Street behind the Farmers Market to be funded from the Drainage District account at a price not to exceed \$2,000.

Highway Superintendent Ted Donner is requesting a bid date be set for April 13, 2010 at 10AM for the grinding of brush at our recycling area on Sheridan Drive.

Last year discussions took place regarding Town brush collection. Currently the highway department is doing a monthly collection usually starting in mid April and ending late fall. Highway Superintendent Donner is requesting the Town Board by resolution determine if they want the same schedule to continue or be reduced. The decision must be made so that it can be advertised. Councilman Weiss suggested that brush collection be scheduled for Spring and Fall (April and May and September through October). Councilman Casilio stated that he would hope that the Highway Superintendent would enforce this and stick to the two times a year. It has gotten out of hand with brush being picked up weekly. Supervisor Bylewski stated that his office has already received calls from people wanting their brush picked up, he is referring all these calls to Krantz Topsoil on Lapp Road, and they will take your brush free of charge.

Councilman Weiss will discuss this further with Highway Superintendent Donner as to the duration of the Spring and Fall brush pickup. Councilman Casilio asked that the

Deputy Highway Superintendent Greg Giblin or Jeff Hemline police the situation and if people have brush sitting out after the scheduled pick up dates, they be informed to put it in their backyard until it is time for a pickup.

A woman's bike was found at Sunset Park last year, it is in excellent condition. A notice will be put on the Town's website, if anyone lost a bike and is able to identify it, they can contact the Parks Department.

Councilman Weiss will announce the Fishing Derby will be held on April 24<sup>th</sup>. The pond will be stocked with approximately 400 fish for this event.

### **Councilman Bernard Kolber**

Councilman Kolber received notification from Time Warner regarding upcoming channel changes.

The Clarence Senior Center would like to drop the joining age from 55 to 50 years of age to increase membership. There are a number of people that want to do things at the Senior Center but they do not live in Clarence. The Clarence Senior Center is looking for approval from the Board to have a "general membership category" – they would pay more than a "regular membership category" basically so the town is not subsidizing their membership.

Supervisor Bylewski did not see a problem with this as long as the town was not subsidizing the new members.

Councilman Kolber has one item to discuss in Executive Session regarding the acquisition of real property.

Councilman DiCostanzo left the meeting at 6:45 PM.

### **Councilman Patrick Casilio**

Councilman Casilio will make a motion awarding the bid for the sanitary sewer project for Ransom Road, Sawmill and Boyd Road.

Councilman Casilio is working with Highway Superintendent Donner regarding requests being made by residents in Waterford Village.

National Fuel has not followed through with their maintenance agreement for the lights on Willow Brook. The residents pay approximately \$400 a year for those lights and we can't get anything done the way it should be.

Councilman Casilio is working with Paralegal Cindi Rosel regarding the gas lights on Tuscany Lane and the possibility of eliminating them.

There was a request for a street light on Strickler Road however; Councilman Casilio surveyed the road at night and during the day. It is one of the better lit sections of the road that has street lights every four poles. Councilman Casilio could not see a reason to honor this request and will notify the resident of his findings.

One of the existing light poles in the Harris Hill area fell down. Councilman Casilio would like to replace this light with a decorative pole. The decorative pole is \$800. – Which is less than a NYSEG pole. The lights are lower and can be maintained better. There are approximately six lights out in the neighborhood and it is very difficult to get NYSEG to respond to get the lights working. There are several people trying to move forward and form a lighting district in the Harris Hill area – it involves changing between 55 – 57 light poles at once. Town Engineer Latona is working with Councilman Casilio to prepare numbers for a cost and possibly put this to a vote.

Councilman Kolber suggested having either the Parks or Highway Department examine the poles to make sure there is no other structural damage and one of these poles does not fall on someone or something. Councilman Casilio stated that all the poles were re-welded however this light pole in question must not have had a hole in it to warrant repair.

Councilman Casilio received a request for a Neighborhood Watch on Boncrest. The Supervisor has given Councilman Casilio direction to work with the NYS Police and Erie County Sheriff to see what we can get from them. The Public Safety Committee could be mobilized to get the Neighborhood Watch in place. There have been a number of burglaries in the Harris Hill area as well.

Councilman Weiss submitted the Parks Department action plan in reference to the Satisfaction Survey. It will be discussed at the April 7<sup>th</sup> morning Work Session.

**Town Attorney Steven Bengart**

Town Attorney Bengart has one Attorney-Client item to discuss.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) H of the Open Meetings Law to discuss the proposed acquisition of real property but only when publicity would substantially affect the value thereof. Upon roll call – Ayes: Councilman Casilio, Councilman Kolber, Councilman Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman DiCostanzo.

There being no further business, the Work Session adjourned at 6:52 PM.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:28 PM. Upon roll call – Ayes: Councilman Casilio, Councilman Kolber, Councilman Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman DiCostanzo. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held Wednesday, March 24, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:32 P.M. Pledge to the flag was led by Councilman Bernard Kolber, followed by a moment of silence to keep our thoughts and prayers with the men and women who put themselves in harm's way to protect us.

Members of the Town Board present were Councilmembers Patrick Casilio, Bernard Kolber, Joseph Weiss and Supervisor Bylewski. Councilman Peter DiCostanzo was not present. Other Town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Asst. Town Engineer Tim Lavocat, Planner Brad Packard and Building Inspector David Metzger.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held March 10, 2010. Upon roll call – Ayes: Councilmembers Casilio, Kolber, Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman DiCostanzo. Motion carried.

Supervisor Bylewski announced that next Wednesday from 4:00 to 8:00 p.m. there will be an open house at the Town Clubhouse conducted by FEMA regarding the proposed flood zone. There is no formal presentation. They will present the proposed maps and people are welcome to ask questions.

Supervisor Bylewski said we received a number of applications from the Clarence Hollow area regarding the New York Main Street Grant Program. We will be evaluating the applications.

Supervisor Bylewski announced that Carl Schaefer, a crossing guard for the Town of Clarence, will be taking a leave of absence for medical reasons up to September 2010. He will be required to submit a doctor's note in order to return to work.

Supervisor Bylewski announced the resignation from the part-time clerk pool of Paula Gregorio-Hebler. He thanked her for her work.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to appoint Diane Nardolillo of 4035 David Road in the Town of Clarence, as Clerk, P/T at the budgeted rate of pay of \$11.60 per hour, effective March 29, 2010, subject to the completion of all pre-employment requirements being met. She will be added to our current pool of part-time clerks. This appointment is being made to fill the vacancy of Beverly Campochiaro. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said we are accepting applications for the part-time clerk pool, as well as, a 19-hour part-time position.

Motion by Supervisor Bylewski, seconded by Councilman Casilio that upon the recommendation of Clarence Town Justice Robert Sillars, the Clarence Town Board appoints Karl C. King of 9215 Clarence Center Road in the Town of Clarence, NY, as Security Officer P/T effective as of March 25, 2010, at the budgeted rate of pay, subject to all pre-employment requirements being met for the position. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve a Special Event Request for The Ride for Missing Children to be held May 14, 2010 from 3:30 p.m. to 4:00 p.m. at the Clarence Town Park. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve a Special Event Request for the Memorial Day Parade on May 31, 2010 at 11:00 a.m. On the question, Supervisor Bylewski said the parade route is from the Clarence High School to the Town Park on Main Street. In the event of in climate weather, the ceremony will be held in the Clubhouse. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to approve a Special Event Request for The Ride for Roswell on Saturday, June 26, 2010 from 7:00 a.m. to 3:00 p.m. beginning at UB's North Campus and traveling through various parts of Clarence including Stahley Road, Clarence Center Road, Delaware Road and Wolcott Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to grant authorization for the Highway Department to place approximately 200 ft. of drainage pipe in the drainage ditch on Main Street behind the Farmers Market parking lot at a cost not to exceed \$2,000 to be funded by the Drainage District Account. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to set a Bid Date of April 13, 2010 at 10:00 a.m. for the grinding of brush at the Sheridan Drive site. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to grant the request to move the Town brush grinder to the Clarence Fire Hall to grind some accumulated dead brush and trees. The cost of moving the grinder will be covered by the Clarence Fire District and the work will be done as time permits. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that upon recommendation of Parks Crew Chief James Burkard, Paul Meyer be promoted from recreation attendant to general mechanic effective 3/27/2010. The position was posted per the contract to replace Jim Schlabach. Mr. Meyer is the most qualified as he has worked with Jim Schlabach for the past year. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon recommendation of Parks Crew Chief James Burkard, two laborer part-time seasonal positions be posted at the rate of \$11.60 per hour and an overtime rate of \$17.40 per hour with no benefits. On the question, Councilman Weiss said this would be in addition to the laborer part-time seasonal positions for the summer. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to declare the following items to be declared as surplus from the Parks Department: P-433 - 1998 10 ft. Salter/Sander; P-011 – 1994 Ford post-hole auger; and obsolete 2-way radios with all of the above taken to auction. P-252 – 1992 FMC Tire Changer to be sold by submitted sealed bids to the Town Clerk by April 15, 2010 at 10:00 a.m. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss announced that the Parks Department has a mountain bike found last year that is in very good condition. If anyone lost a bike and is able to identify it, they should contact the Parks Department.

Councilman Weiss said they finished the Deer Abatement Program for this year. They took 235 animals to the Buck and Doe Shop for processing and distributed to the food bank. There was a reduction in deer/car accidents this year and fewer complaints from homeowners regarding their vegetation. He thanked all of the guys who participated in the program.

There is also a Goose Abatement Program being conducted. They did eliminate some geese from the parks last year. They have talked to residents in Meadowlakes to get their permission to try to eliminate some of their problems with geese.

Councilman Weiss announced that the Fishing Derby for children up to 15 years of age will be held on April 24<sup>th</sup> beginning at 9:00 a.m. to Noon. There will be prizes. The pond will be stocked with around 400 fish for this event. They will not be stocking the ponds for the April 1<sup>st</sup> trout opening season. Fisherman will be allowed to fish after the derby is held. The pond at the town hall will not be stocked with trout.

Councilman Weiss said he was displeased with the article in the Bee regarding the school superintendent getting a raise in these tough fiscal times. There is also a business manager, a curriculum manager and an account manager. The middle school has three principals. It is getting absurd. The cost is going to be on the taxpayers and something has to give.

Councilman Kolber added that it is also at a time when there could be a loss of millions of dollars in State aid to all school districts.

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

WHEREAS, Keep America Beautiful, Inc. is a national organization dedicated to helping individuals improve their community environments and has established the “Great American Cleanup” as its signature national effort for involving American citizens in environmental stewardship; and

WHEREAS, Keep America Beautiful’s “Great American Cleanup” is celebrating its 26<sup>th</sup> Anniversary in 2010, featuring over 3 million volunteers participating in over 30,000 events in over 32,000 communities in all 50 states; and

WHEREAS, the Town of Clarence is proud of its natural resources and its neighborhoods and seeks to protect and improve our community through the action of citizens, schools, governments and businesses working together; and

WHEREAS, the Town of Clarence has recognized the important commitment to improve American communities through litter prevention, beautification and solid waste management initiatives and are committed to help spread the work about the importance of volunteerism and motivate everyone in our communities to become stewards of the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board calls upon the residents and businesses in the Town of Clarence to join in activities that promote responsible environmental stewardship and to help us renew our commitment to build a better world today and for future generations; and be it further

RESOLVED, that the Clarence Town Board hereby proclaims April 1 through April 30, 2010 as “Keep America Beautiful’s Great Clean Up Month “ in the Town of Clarence.

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

Councilman Kolber announced that Time Warner Cable has notified us that they are making changes to digital format only on or about April 15, 2010. There will also be some channel changes. The letter will be on file in the Town Clerk’s office.

Councilman Kolber said that it was brought up at the Senior Citizens Center meeting that 90% of those answering the satisfaction survey were satisfied with the current senior center and the programs provided there. The greatest increase in membership age is 75 and above, however, they are considering dropping the membership age to 50.

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

WHEREAS, The Month of April is designated as “Autism Awareness Month”; and

WHEREAS, Autistic Services, Inc. was founded in 1982 by Angela Lagenor, the mother of a child with autism, who recognized the need to provide specialized services to meet the unique needs of individuals with autism and to make the public aware of such needs; and

WHEREAS, Autistic Services, Inc. is committed to a core group of objectives in treating, educating and caring for individuals with autism spectrum disorder which are, independence at its highest level, development and attainment of personal goals and objectives, maximizing educational, vocational and cultural opportunities, and societal inclusion and normalization; and

WHEREAS, Autistic Services, Inc. through its caring staff and professionals provide treatments from an array of options, including Occupational Therapy/Sensory Integration, Speech/Language Therapy and varying types of Behavior Intervention and Support to individuals at any age, any functioning level and at any point on the autistic spectrum.

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board recognizes the dedication of Autistic Services, Inc.’s staff and professionals and their commitment to promote public awareness of the programs available to individuals with Autism; and be it further

RESOLVED, that the Clarence Town Board hereby proclaims that the month of April 2010 be known as “AUTISIM AWARENESS MONTH” in the Town of Clarence.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to award the Bid for the Sanitary Sewer Project for Ransom Road from the pedestrian bridge, south to Royal Oak Drive; Boyd Drive from Ransom Road to Sawmill Road; and Sawmill Road north and south of Boyd

Drive within Clarence Sewer District No. 9 to Milherst Construction, Inc. of Getzville, New York being the lowest responsive bidder in the amount of \$742,574.86 with authorization for the Supervisor to sign and enter into a contract agreement with Milherst Construction, Inc. upon approval of the Town Attorney.

On the question, Councilman Kolber said this came in substantially below the estimates that we had.

Supervisor Bylewski said part of that has to do with the state of the economy that any time there is a large infrastructure project, there are people out there looking for work. Now is the time, if you have money, to do larger projects. The prices are right. The County is looking at that for their infrastructure projects as well.

Councilman Casilio said we have money budgeted for future expansions and he thinks we are going to try and bid that out in the near future.

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

Motion by Councilman Casilio, seconded by Councilman Weiss to award General Services during construction and Resident Services during construction of the Ransom/Boyd/Sawmill Sanitary Sewer Project to Donald Gallo, Consulting Engineer, P.C. at an hourly rate with total not to exceed \$53,000.

On the question, Councilman Casilio said this will involve daily inspectors from his firm that have to measure every amount of earth that is removed from the trenches for placement of the sewer lines. They also document the proper installment of the sewer lines.

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

Councilman Casilio said a street light came down in Harris Hill and the Town will be replacing that in the very near future.

Councilman Casilio reported that there has been a rash of burglaries in the Harris Hill area recently. Items were stolen from detached garages and unlocked cars. He encourages residents to lock garages and cars and possibly leave a light on.

Councilman DiCostanzo announced that there is an opening for a part-time clerk in the Youth Bureau for anyone interested.

Councilman DiCostanzo said the Youth Bureau just held a family fun night at the middle school that was very well attended.

Councilman DiCostanzo said Recreation Director Chip Trapper is going to have a sports swap to be held after the fishing derby at the Clubhouse. It is to offer a venue for people to bring and trade equipment.

Councilman DiCostanzo announced that the Clarence Jaycees Antique Show will be held at the Clubhouse this weekend.

Councilman DiCostanzo thanked Assessor Christine Fusco and her staff for the classes they held for residents who wanted to fight their assessment. She explained how assessments are determined and answered questions.

Councilman DiCostanzo commented on a website he recently searched and was amazed at the salaries of some New York State employees.

Town Clerk Nancy Metzger received minutes of the Erie County Water Authority Meeting of March 3, 2010 amending the Water Tariff effective April 5, 2010. A copy of the Tariff is on file in the Town Clerk's Office.

Supervisor Bylewski thanked department heads present for attending.

A Public Hearing was held to consider a Special Exception Use Permit for a secondary living unit at 9080 Wehrle Drive. James Callahan said the location is the north side of Wehrle Drive, east of Shimerville Road in the Residential Single Family Zone.

Pandora and Frederick Rathgeber, owners of the property were present.

Supervisor Bylewski asked if they were aware of the conditions for a secondary living unit according to the Town Code. The applicants said they are aware.

Councilman Kolber said we received a letter from Buffalo Crushed Stone. They are not opposed, but want to make sure that the applicant is aware of their operation and the blasting that occurs.

Frederick Rathgeber said he has lived there for many years and knows they are there.

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

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

Resolved, that the Clarence Town Board, after a public hearing duly held on March 24, 2010, and after all interested parties having being heard, grants a Special Exception Use Permit to the applicant, Pandora Rathgeber, for the construction of a secondary living unit as an addition to the existing structure for an in-law apartment on the residential property located at 9080 Wehrle Drive, subject to the following conditions:

1. Unit must be secondary to the principal dwelling and not converted to a rental unit.
2. Occupancy shall be limited to family members, paid employees or temporary guest.
3. Occupancy shall be restricted to 2 persons to occupy the unit.
4. Deed restriction to be placed into the deed for the property restricting its use so as not to allow for the two-family dwelling to be utilized or converted into a rental unit and such deed restriction language **is to be submitted and approved by the Town Attorney prior to filing the deed.**
5. Proof of filing of the approved deed is required and must be submitted to the Town Attorney's office before a Certificate of Occupancy can be issued to the applicant.

On the question, Councilman Kolber said the specific language for the deed restriction may be obtained from the Town Attorney's office.

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

A Public Hearing was held to consider a Temporary Conditional Permit for a television repair shop at 8347 Sheridan Drive. James Callahan said the location is the south side of Sheridan Drive, west of Harris Hill Road consisting of a residential property in the Restricted Business Zone. The applicant is proposing a television repair shop in the lower garage level.

Clayt Ertel, real estate broker for current owner and Joseph Scimia owner of Amherst TV were present. Mr. Scimia said 90% of the business is onsite service and installations. The shop is an added service for customers to come in to the shop. There could possibly be two or three per day. He would like to change the garage door to look like a store front. The remainder of the house would stay as is. It is not retail. He may have a UPS delivery occasionally.

Mr. Scimia said there is a driveway with three parking spaces and he would look at expanding that to accommodate tenants and a few customers.

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

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

Resolved, that the Clarence Town Board, after a public hearing duly held on March 24, 2010, and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, Joseph Scimia, for a Television Repair Shop to be located in the garage of 8347 Sheridan Drive subject to the following conditions:

1. Temporary Conditional Permit is for a period of one year.

2. Parking to occur for operation in present turnaround on the easterly side of the driveway and not to exceed 3 spaces.
3. The hours of operation are to be 9:00 a.m. to 6:00 p.m.
4. Signs to be reviewed and approved by sign review board.
5. Any modifications to structure to be approved by the Building Department.

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

A Public hearing was held to consider a Temporary Conditional Permit for an automotive repair shop at 8441 Sheridan Drive. James Callahan said the location is the south side of Sheridan Drive, west of Harris Hill Road consisting of a residential property in the Restricted Business Zone.

Michael Giammarise said he is not looking for parking or signage. His business would be by appointment only involving a couple cars a day.

Supervisor Bylewski said we received a letter from Dr. Altman expressing a concern with this project relative to the aesthetics and compatibility of the other uses in the area.

Councilman Casilio said this is the first he has heard of a repair shop at a residential property like this. He is worried about the direction Sheridan Drive is going. He does not know if this is the right location.

Michael Giammarise said he does not think he has had a fair shake at this from the beginning. He sees businesses going up all along Sheridan Drive. There are parking lots and signs all over. He is going to side the garage to match the house. He is going to live there and does not want it to look bad.

Councilman Weiss said he is not in favor of this use.

Speaking to the subject:

Dr. Altman said he does not think this is an appropriate use for this area. He believes the potential for fire would be an issue with all of the automotive related chemicals. This is not in line with the Master Plan and what the Town should look like. It is important to encourage areas like this to be higher end businesses, not retail or industrial uses. It also protects the other businesses and the residences to have aesthetically pleasing businesses.

Supervisor Bylewski read the type of businesses allowed in the Restricted Business Zone. There is no exact definition of home-occupied businesses.

James Callahan said they identify that there is no more than 25% of the home being used, no signs, and no dust, noise or odor created as a result of the use. It does not take away from the principal use as a home.

Linda Clark said she owns a couple properties along Sheridan Drive. We do not have an exact flavor of what that area of Sheridan Drive should be. She believes that auto repair is the same as television repair. She is opposed to the auto repair.

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

Motion by Councilman Weiss, seconded by Councilman Kolber to deny the request for a Temporary Conditional Permit for an automotive repair shop at 8441 Sheridan Drive. On the question, Councilman Kolber said he does not think it is the right use for the property. Councilman Casilio said he believes we are trying to do light professional all along there like there is now. Councilman Weiss said there are oils, toxins and smells that are related to that industry that are not with television repair. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider the request for a Temporary Conditional Permit for outside display at 10165 Main Street. James Callahan said the location is the south side of Main Street, west of Shisler Road with Traditional Neighborhood District frontage and commercial in the rear.

Christopher Morgan was present.

Supervisor Bylewski said they received a letter of support from Roger Bickert on behalf of the applicant. He thanked the applicant for removing the box plow.

Mr. Morgan said he would like to display 4 to 5 plow blades in front of his home on a seasonal basis. The purpose is to catch people's attention.

Councilman Weiss said he does not understand why a sign is not enough.

Mr. Morgan said the display would be in the limited grass area in front of his house.

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. Motion carried.

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

Resolved, that the Clarence Town Board, after a public hearing duly held on March 24, 2010, and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, Christopher Morgan/Cam Services for the display of snow plows for sale at 10165 Main Street, subject to the following conditions:

1. Temporary Conditional Permit is for a period of one year.
2. No more than 2 snow plows to be displayed at any given time.
3. The months of display are September 1 through February 28.
4. Display area as per plan on file with the Planning and Zoning Office in front yard setback area.
5. No streamer/banners.

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

Councilman DiCostanzo excused himself from the meeting at 8:45 p.m.

Joe Dinisco, California Detailing requests a Public Hearing to consider a Temporary Conditional Permit for Outdoor Automobile Storage at 8200 Main Street. James Callahan said the location is the northeast corner of Main Street and Bryant Stratton Way in the existing retail plaza in the Commercial Zone. The applicant proposes to operate a detailing shop in the building, which may involve some outdoor storage of vehicles.

Joe Dinisco said the parking would be behind the building. The number of vehicles will vary. Most of their clients are dealers. They clean the vehicles coming in from auction.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set a Public Hearing for April 14, 2010 at 7:45 p.m. to consider the request for a Temporary Conditional Permit for Outdoor Automobile Storage at 8200 Main Street. Upon roll call – Ayes: Councilmembers Casilio, Kolber, Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman DiCostanzo. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to set a Public Hearing for April 14, 2010 at 7:50 p.m. to consider annual renewal of various Temporary Conditional Permits due at this time. On the question, Councilman Casilio asked if we could make it a condition when the auto sales permits renew, they let us know who their DMV representative is so if we get a complaint, they can call the DMV rep. Councilman Kolber asked if we are looking at various terms. James Callahan said the Town Board can approve up to five years. There have been varying terms for different applicants. Upon roll call – Ayes: Councilmembers Casilio, Kolber, Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman DiCostanzo. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence High School Rifle Team – March 30, 2010; B. CSEA Blue Collar – March 25, April 1, Oct. 7, 2010; Legion Hall Applications – A. Harris Hill Mens Club – April 16, 2010; B. CSEA Blue Collar – Dec. 3, 2010; Pavilion Special Requests – A. Cub Scout Pack 27 – June 12 – 13; Oct. 2 -3, 2010; B. Clarence Chamber of Commerce – Aug. 2, 2010; Nature Center – A. Clarence Center Elementary – June 4, 2010.

Upon roll call – Ayes: Councilmembers Casilio, Kolber, Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman 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 March 18, 2010 are approved for payment: General Fund - \$169,927.86; Highway Fund - \$106,822.58; Water District - \$3,567.15; Central Alarm - \$69.13; Fire Protection Districts - \$480.37; Drainage District - \$119.21; Lighting Districts - \$798.84; Sewer Districts - \$286,747.60; Capital Fund - \$51,861.62; and Trust and Agency 203 - \$452.50 for a total amount of \$620,846.86. Upon roll call – Ayes: Councilmembers Casilio, Kolber, Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman DiCostanzo. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:55 p.m.

Nancy C. Metzger  
Town Clerk