

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, June 23, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

Deputy Supervisor Patrick Casilio called the meeting to order at 6:00 P.M. Members of the Town Board present were Councilmember's Peter DiCostanzo, Bernard Kolber and Joseph Weiss. Supervisor Bylewski was absent. Other Town officials present were Director of Community Development James Callahan, Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Senior Building Inspector David Metzger, Director of Administration Finance Pam Smith, Planning Board Chairman Al Schultz, Confidential Secretary to the Supervisor Karen Jurek and Highway Superintendent Ted Donner.

Director of Community Development - James Callahan

Paul Bonito/F&B Construction 9650 County Road

Applicant is requesting a Clearing, Filling and Grading Permit in preparation for future development. The proposed site is located on the north side of County Road, east of Goodrich Road; the existing vacant lot is located in the Industrial Business Park District. Per the Clearing, Filling, Grading Law, the Town Board has the authority to approve site work not associated with an existing approval or currently issued Building or Engineering permit. Landscape considerations and proposed plans for future development should be addressed. Based on existing inventory maps, the site does not appear to be inclusive of wetlands or floodplains.

Christopher Smith 8137 Sheridan Drive

Applicant is requesting approval of a Temporary Conditional Permit for the operation of a used automotive sales facility. The proposed site is located on the south side of Sheridan Drive, east of Transit Road in a commercial zoning classification. This application has previously been forwarded to the Planning Board for their review and recommendation. Per the Zoning Law, the Town Board has the authority to review and approve Temporary Conditional Permits. The Planning Board recommendation was inclusive of a number of conditions regarding paving of the display area, hours of operation, site lighting, number of vehicles to be displayed etc. Residents raised concerns regarding the operation and condition of the current site at the Planning Board meeting.

Dan Snyder 5655 Newhouse Road

Applicant is requesting a Fireworks Display Permit. The proposed site is located on existing residential property on the northeast corner of Roll and Newhouse Road. Per Town Law, the Town Board has the authority to approve Fireworks Display Permits. Surrounding residents have drafted a petition opposing this proposed application. The Right to Farm Committee has taken a preliminary assessment of this proposal and has recommended the application be denied based on impact upon surrounding agricultural uses. All application requirements are in order including proof of insurances and fire department review and approval. *(Due to a recent business transaction with Mr. Snyder, Deputy Supervisor/ Councilman Casilio will recuse himself from voting on this proposal).*

Brookfield Country Club

Brookfield Country Club is requesting a Fireworks Display Permit for July 4th and July 10th.

Work Session items for consideration July 14, 2010:

West Herr Automotive Group 5535 Transit Road

Applicant is requesting recommendation on a building permit for the renovation of an existing car sales facility. The proposed site is located on the east side of Transit Road, south of Roll Road. The existing new car sales facility is located in the Major Arterial Zoning District. Per the Zoning Law, the Town Board has the authority to review and approve renovations and additions to existing commercial buildings.

Patrick Development – Waterford Village PURD

Applicant is proposing to amend the previously approved designs to reduce the overall density and introduce some residential uses to the Campus Area. The proposed site is located on the north side of Roll Road between Shimerville and Thompson Roads. The previously approved Development Plans under PURD related to the Waterford Campus Area of the overall PURD. Per the zoning Law and the

former PURD Law, the Town Board has authority to amend the PURD Development Plans. The Planning Board has forwarded a recommendation to approve the proposed amendments which reduces the amount of commercial space in the Campus and introduces a residential component in conformance with the overall density requirements within the PURD.

Clarence Sewer District #2 – north of Pinyon Court and Via Cimato Drive

Construct a gravity sewer line to service the Shadow Woods Subdivision and to eliminate the Keller Road Pump Station. The proposed site is located on the west side of Goodrich Road, opposite Keller Road intersection and north of the Pine Breeze and Beech Meadows Subdivision. The Town Board represents management of Clarence Sewer District #2 and has authority to approve capital projects. The Planning Board has forwarded a recommendation to approve the project with conditions.

Excavation Permit Renewals 2010:

The following applications are requesting renewal of existing Excavation Permits:

- Buffalo Crushed Stone
- Emeritus Holdings
- 10000 Grand Corporation
- Lakeside Sod

Per the Excavation Law, the Town Board has the authority to review and approve local excavation operations. The Office of Planning and Zoning has not received complaints regarding the existing operations to date this year.

Garth Davis – 6300 Salt Road

Applicant is requesting to split off a corner lot at Salt and Keller Roads in conformance with zoning to create one new residential building lot in the Agricultural – Residential Zoning District.

St. Mary's Church – Frank Wailand

Applicant is requesting a Clearing, Filling and Grading Permit for the installation of athletic fields in association with the newly completed church campus. The proposed site is located at 6919 Transit Road in the Traditional Neighborhood District. Applicant received approval from the Army Corp of Engineers and the DEC relative to the Clearing, Grading operation to accommodate the athletic fields. The Engineering Department has identified that they will require a Flood Plain Permit.

John Roba - JR Products 9680 County Road

Applicant currently owns and operates an existing facility on this property and is requesting a fill permit to prepare the rear of the property for development and expansion of their current operation. The proposed site is located at 9680 County Road in the Industrial Business Park.

Greg Arrison

Applicant requests Minor Subdivision approval for the creation of one additional building lot. The proposed site is located at 5650 Salt Road in the Agricultural Rural Residential Zone.

Historic Preservation Commission – Clarence Center Road

The Historic Preservation Commission is recommending the designation of 9455 Clarence Center Road as a Local Historic Landmark.

Deputy Supervisor Patrick Casilio

Deputy Supervisor Casilio will make a motion awarding the bid for the sanitary sewer project for Boyd Road from Sawmill Road easterly to Schurr Road, Bickert Road and Schurr within Clarence Sewer District #9 to Mark Cerrone, Inc.

Deputy Supervisor Casilio will make a motion awarding the general services during construction and resident services during construction to Nussbaumer and Clarke, Inc.

There was a house/garage fire on Boyd Drive today and there were issues with the fire hydrant not working properly. When the firemen broke the top of the fire hydrant loose, it cracked loose from the

base also. Councilman Casilio wrote a letter to the Erie County Water Authority asking for an explanation and when the last time maintenance was done - the Town pays ECWA \$390,000 a year for hydrant maintenance. Deputy Supervisor Casilio suggested the town could do a better job maintaining the hydrants and just pay ECWA for water. Town Attorney Bengart will draft a letter to the water authority.

Councilman Joseph Weiss

Councilman Weiss has two items for Executive Session pursuant to § 105(1) A matters which will imperil the public safety if disclosed and § 105(1) F the employment history of a particular person.

Councilman Weiss congratulated Sara Schlagenhuf who has signed a letter of intent to play lacrosse for St. Bonaventure University.

Councilman Bernard Kolber

Councilman Kolber contacted the Clarence Girls Softball and Clarence Boys Baseball. They indicated that they are not interested in a game between both teams. Councilman DiCostanzo suggested using a pitching machine.

Councilman Kolber will report on information he has received from Time Warner regarding channel changes.

Councilman Peter DiCostanzo

The Youth Bureau has an opening for one adult and three high school students.

The Recreation Department is offering more programs this year and the town pool was opened earlier.

Councilman DiCostanzo has one Attorney-Client item to discuss.

Councilman DiCostanzo will set a Public Hearing to consider Historic Designation status for the Hoffman residence at 9455 Clarence Center Road. At one time, the property was the residence of Jacob Eshelman, a patriarch of the Clarence Center hamlet and the Eshelman family.

Town Attorney Steven Bengart

Town Attorney Bengart has several Executive Session items to discuss regarding matters leading to the discipline of an individual, the employment history of a particular person, acquisition of real property but only when publicity would substantially affect the value thereof and several Attorney-Client items to discuss.

Motion by Deputy Supervisor Patrick Casilio, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) F the employment history of a particular person, matters leading to the discipline of a particular person, §105(1) H the proposed acquisition of real property and the sale of real property but only when publicity would substantially affect the value thereof. Upon roll call – Ayes: Councilman DiCostanzo, Councilman Kolber, Councilman Weiss, Deputy Supervisor Casilio; Noes: None. Absent: Supervisor Bylewski. Motion carried.

There being no further business, the Work Session adjourned at 6:21P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Deputy Supervisor Casilio, seconded by Councilman Kolber to adjourn the Executive Session at 7:21 PM. Upon roll call – Ayes: Councilman DiCostanzo, Councilman Kolber, Councilman Weiss, Deputy Supervisor Casilio; Noes: None. Absent: Supervisor Bylewski. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held Wednesday, June 23, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

Deputy Supervisor Patrick Casilio called the meeting to order at 7:38 P.M. Pledge to the flag was led by Councilman Peter DiCostanzo, followed by a moment of silence for our servicemen who are fighting overseas.

Members of the Town Board present were Councilmembers Peter DiCostanzo, Bernard Kolber, Joseph Weiss and Deputy Supervisor Casilio. Supervisor Scott Bylewski was absent. Other Town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Sr. Building Inspector David Metzger, Planner Brad Packard and Planning Board Chairman Al Schultz.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to accept the minutes of the previous meeting held June 9, 2010. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Bylewski. Motion carried.

Motion by Deputy Supervisor Casilio, seconded by Councilman Kolber to award the bid for the sanitary sewer project for Boyd Drive from Sawmill Road easterly to Schurr Road, Bickert Road and Schurr Road within Clarence Sewer District No. 9 to Mark Cerrone, Inc. of Niagara Falls, NY, being the lowest responsive bidder in the amount of \$743,957.00 and also authorizing the Supervisor to enter into a contract agreement with Mark Cerrone, Inc. upon approval by the Town Attorney. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Bylewski. Motion carried.

Motion by Deputy Supervisor Casilio, seconded by Councilman Kolber to award the General Services during construction and resident services during construction to Nussbaumer and Clarke, Inc., at an hourly rate total not to exceed \$50,000.00. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Bylewski. Motion carried.

Councilman Weiss said he has received calls from people concerned about Ransom Road due to the sewer project in that area. There is still a lot of work to be done before the final touches are completed.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to grant approval for Jerry Schuler to attend the National Animal Control Training Academy Level I from July 12 – 16, 2010 in Rochester with use of a Town vehicle and reasonable and necessary expenses. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Bylewski. Motion carried.

Councilman Weiss congratulated Clarence High School lacrosse player Sara Schlagenhuf on her accomplishments and her plans to attend St. Bonaventure.

Councilman Kolber said he received a communication from Time Warner Cable stating that they are moving a lot of channels that people like off of the basic cable to needing an additional box to pick up the channels. He is upset that they are trying to force people to move up to a more expensive package. He will prepare a resolution objecting to this for adoption at the next meeting.

Councilman Kolber said at the last meeting Councilman Weiss offered to give money as a fundraiser by having a softball game between the high school baseball and softball teams. He tried to get them to participate, but no one is interested.

Councilman Weiss said he is disappointed that they would not take the challenge. He felt it would have been a great fundraiser and a lot of fun for everyone.

Councilman DiCostanzo announced that the Youth Board is still looking for one adult member and three student members for anyone who is interested.

Councilman DiCostanzo said the drug drop-off held over the weekend went well. It is disturbing to realize how much is out there.

Councilman DiCostanzo said the recreation department has a lot to offer this summer. The information flyers are out.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to set a Public Hearing for July 28, 2010 at 7:45 p.m. to consider Historic Designation status for the Hoffman Residence at 9455 Clarence Center Road. On the question, Councilman DiCostanzo said this property was at one time the residence of Jacob Eshelman, a patriarch of the Clarence Center hamlet and the Eshelman family. The Historic Preservation Commission is in favor of this designation and will forward their recommendation. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Bylewski. Motion carried.

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

That the Clarence Town Board ratifies the appointment of Kenneth W. Pearl and Paul Gross for the purpose of inspecting the premises located at 8553 Sheridan Drive pursuant to the Code of the Town of Clarence, Chapter 75, section 75-7 and further, pursuant to all of the requirements of the Code of the Town of Clarence Chapter 75 being met, the Clarence Town Board further:

1. Authorizes the Town Attorney's office to proceed with an application to a Special Term of the Supreme Court of Erie County for an order to remove, secure and/or demolish the structure or parts of such structure pursuant to 75-7 and 75-8 and further permits the Town Attorney's Office to obtain a money judgment in favor of the Town to recover the costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including the cost of actually removing, said building or structure or part or parts thereof; and
2. Pursuant to section 75-9 that the Town shall assess all costs and expenses incurred by it in connection with the proceeding to remove or secure, including the cost of actually removing said building or structure or part or parts thereof, against the land on which the same is or was located.

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

Town Clerk Nancy Metzger reminded everyone the last day to pay 2010 Town & County taxes in the Town Clerk's Office is Wednesday, June 30th. Payments made after that date must be made to Erie County.

Deputy Supervisor Casilio thanked department heads present for attending.

Public Participation

Carol Landreville said she has lived and has had horses on Newhouse Road for 27 years. She asked that the request for a Fireworks Permit be denied. A petition was submitted with 33 signatures opposed to this request. People from Casilio's farm say it is disruptive to their horses also. Her vet has written a powerful letter telling how it would put the horses with a compromised immune system in jeopardy. She asked that her horses not be put through this again. The Right-to-Farm Committee has also recommended denial of this request.

Ms. Landreville said it is cruel and inhuman behavior toward her and her animals. She has a right to live in peace without fireworks being shot off 100 feet from her property with all of the debris falling all around. She spoke with other towns and they do not allow such permits to be issued. Again, she asked that this request be denied.

Deputy Supervisor Casilio said he will recuse himself from discussion on this subject.

Jackie Fatta said she lives next to Carol Landreville and is an employee of Mr. Snyder who is moving offices to Clarence. Part of her job is to help relocate employees to the area if needed. After this debacle with an upstanding member of our community, she is not sure that she could recommend the Town of Clarence any longer. As a neighbor, she has never seen the horses freaked out by anything at all. She does not understand why this neighbor is picking on Mr. Snyder for no apparent reason. He has tried to reach out to her and has installed a new fence for her horses at no cost or conditions. She hopes that Mr. Snyder is treated equally as anyone else who makes this type of request and not denied because of one person.

Lucas Montanino, employee of Mr. Snyder said this is one day of the year to celebrate our freedom. Horses do not pay taxes. This is a tradition they have been celebrating for four years. The fireworks display is done by a professional company.

Douglas Braun said he was a guest at the display last year. He would like to clarify that there is not a great deal of smoke. The event is attended by people of all ages and is not hazardous to them. He brings his dog and there is not a problem.

Tyler Husted, niece of Mr. Snyder said that fireworks can be seen everywhere on the 4th of July. She has attended her uncle's celebration and enjoyed the fireworks along with all the other displays you can see around the neighborhood. Professionals put on the display ensuring safety precautions are taken. She never heard anyone complain about the smoke or the noise. She has never seen any movement or noise from the horses next store. She and her boyfriend are thinking about relocating next year, but she does not think she would like to live in a place that is so tightly regulated. She hopes that this 20-minute, one day display is permitted to go on.

Jeff Taylor works for Dan Snyder and has noticed that Ms. Landreville has made improvements on her barn. The noise from the saws did not seem to bother the horses. He owned horses and he knows that they are not disturbed that easily. They used a goose cannon this year to keep the geese out of the pond and no one has complained about that.

John Husted, Dan Snyder's brother-in-law said he attended the party last year and he would like to commend Dan for everything he has done with his property. He is a veteran of the army and was moved by this patriotic gesture. He is very comfortable being at this event with his family. He sees no reason to deny this permit. He also has considered buying a home in the Clarence area, but not so sure now. It seems it would be an easy decision to allow someone to do something legal and patriotic on their property.

David, an employee of Dan Snyder said it is a nice event. He has never been exposed to so much smoke that he felt would compromise his health at the party. There is a certain amount of smoke when fireworks go off but it goes away. In regard to the noise level, there are fireworks going on all over the place. He asked that this request be considered for approval.

Timothy Curtis, employee of Dan Snyder said he can attest to Dan's charitable nature. He makes certain that his employees are well attended to. They all look forward to the July 4th party. He also understands the concern of the Town. It is an extremely modest and fitting display to celebrate the holiday. Mr. Snyder's commitment to the community includes the recent purchase of a building at Gunnville and Wehrle. It would be inappropriate to deny the request for this modest celebration.

Colby Husted, nephew and employee has attended previous 4th of July celebrations on his uncle's farm. The fireworks display is brief and the smoke is not that bad. A lady across the street told him she enjoys the fireworks. He is sure others do also. He does not understand why someone would not want to enjoy the celebration of our freedom.

Jeff, an employee said he met Dan's niece at the party last year. His family is coming from Atlanta to meet her family for the first time at the 4th celebration. That is what it should be about and not one lady stopping the fireworks.

An employee of Dan Snyder said he has done work on the property on Newhouse Road. He does not understand the issue about smoke because Ms. Landreville burns garbage a couple days a week. The fireworks show is brief. He does not understand what the issue is unless it is a personal vendetta.

Hans Mobius, Chairman of the Farm Committee said he also has a horse farm. It is important that farmers have protection. The right-to-farm law protects the farmer from people who move from another place and then complains about the farmer. It also protects the homeowner. There was also a petition signed by 33 people including people in the neighborhood and horse owners. The Town puts on a very nice fireworks display. These are the reasons why the committee recommended denial of the request. There are farmers being affected. We do have a right-to-farm law and they should be considered.

Councilman Kolber said a letter from Dave Saleh dated June 16th stated that during a conversation with Hans Mobius, Ms. Landreville's horses could be brought to his stables. Mr. Mobius said he never offered to bring the horses to his farm. They have a full house. Mr. Mobius said he did talk to Dan Snyder's attorney and told him there are 33 people who signed a petition that they do not want it there. There are a lot of people from out of the Town who do want it, but we should listen to the people who live here.

Paul Bonito of F & B Construction requests a Fill Permit at 9650 County Road. James Callahan said the location is the north side of County Road, east of Goodrich Road consisting of a vacant lot in the Industrial Business Park Zone. The applicant is requesting a fill permit in advance of future development of the site.

Paul Bonito said he would like to put approximately 2,000 yards of fill on the site to prepare for a new building in the future. Some of the fill is coming from the stone plant. It will be clean fill.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the request of the applicant, Paul Bonito/F & B Construction, for a fill permit for the property located at 9620 County Road pursuant to the provisions of the Code of the Town of Clarence, Chapter 79 Clearing, Filling and Grading Law and subject to the following conditions of the Town Engineer:

1. Applicant cuts defined drainage swales along the east and west property lines.
2. Fill shall not extend any further to the north than the existing fill locations on the properties to the east and west of the site.
3. Total land disturbance to be less than one acre.
4. Applicant to provide written verification stating the origin and quantity of fill. If the fill is to be from multiple locations, written verification must be submitted for each separate location prior to hauling the fill on-site. The written verification must include a certification that the fill is free of hazardous material.
5. The volume of fill is not to exceed 2,000 cubic yards.
6. Should a drainage issue arise as a result of the fill, the owner agrees to resolve the problem in accordance with Engineering Department recommendations.
7. No other work is approved on site without approval/permits from the Town of Clarence.

Upon roll call - Ayes: All; Noes: None. Absent: Supervisor Bylewski. Motion carried.

Christopher Smith requests a Public Hearing to consider a Temporary Conditional Permit for Automotive Sales at 8137 Sheridan Drive. James Callahan said the location is the south side of Sheridan Drive, east of the entrance to Eastern Hills Mall in the Commercial Zone. The Planning Board forwarded a recommendation with conditions.

Christopher Smith said he is aware of and will follow the conditions of the Planning Board.

Councilman Weiss asked Mr. Smith if he has settled things with the woman that came in to speak at a previous meeting. Mr. Smith said she actually had nothing to do with the disagreement between him and a longtime friend. There is an arrangement between Mr. Smith and her boyfriend. Councilman Weiss asked if we could have that in writing before the next meeting.

Deputy Supervisor Casilio asked if there was a problem putting in blacktop. Mr. Smith said he does not think he should have to do it because there is stone there. If that is what he needs to do it to get the permit he will put in the blacktop.

Mr. Smith said he would like to start out with seven vehicles.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to set a Public Hearing for July 14, 2010 at 7:50 p.m. to consider the request for a Temporary Conditional Permit for Automotive Sales at 8137 Sheridan Drive. On the question, Councilman Weiss said his only concern is that customers of Mr. Smith are handled fairly. Town Attorney Steven

Bengart said an affidavit from the woman would suffice. Mr. Smith said other than this particular issue; he has never had any complaints about anything. He also said that what they heard was one side of the story and he would be happy to discuss it in private. Councilman Kolber said he is not a big fan of used car lots, but in this case the cars are not visible from the street. Mr. Smith said his intention is to prove himself with the seven cars and then expand his business. Upon roll call - Ayes: All; Noes: None. Absent: Supervisor Bylewski. Motion carried.

Deputy Supervisor Casilio will recuse himself from discussion on the next item as he has had a recent business transaction with Mr. Snyder.

Dan Snyder requests a Fireworks Display Permit for July 4, 2010 at 5655 Newhouse Road. James Callahan said the location is the northeast corner of Newhouse and Roll Roads. All fees and insurance are in order. The Fire Chief has identified required conditions for the issuance of a permit. The Right-to-Farm Committed has identified significant concerns related to the impact on neighboring horses and has recommended denying the application. A petition from the neighbors requesting the denial of the permit has been received.

Dave Saleh, attorney and vice president of Mr. Snyder's company said Mr. Snyder purchased the property on Newhouse Road and made a significant investment. He has turned it into his home and family estate. He hosts the 4th of July party for his family and employees. The property can accommodate the event. The Penal Law states that if you are going to have a fireworks display and can meet certain setback requirements, you are entitled to a permit. These are consumer fireworks and you can see them going on all over the area from the property.

Councilman Weiss said this is not a normal activity. The Town issues very few of these permits.

Mr. Saleh said there are two other requests on the agenda. Mr. Snyder said we will do this legally and it meets every requirement. The law says an application can be made to the Town if you meet the setbacks.

Councilman Weiss said there is the petition opposing the permit and the recommendation from the Right-to-Farm Committee.

Mr. Saleh said in his conversation with Mr. Mobius, he also suggested that Ms. Landreville consider moving her horses and offered to allow them to come to his farm.

Mr. Snyder made the offer to pay to relocate the horses during the display. Mr. Casilio offered his barn down the road. Mr. Saleh said it was not accepted. In regard to right-to-farm, Ms. Landreville has a small parcel with two horses shoehorned in there with no real opportunity to move around. We already have problems with improper fencing and piles of manure that create odors and insect infestation. It affects the family when they are sitting out by the pool. Mr. Snyder has tried very hard to work with the neighbor. This is not a right-to-farm issue. This is not an agricultural district. This property does not meet the definition of a farm. He does not believe this is about the horses.

Mr. Saleh said the consumer fireworks used do not impact the horses or people.

Councilman Kolber asked what the difference is between consumer fireworks and commercial fireworks. Mr. Saleh said there are different classes according to the amount of gunpowder and explosive hazard. Consumer fireworks will more likely burn than explode. It is a well done reasonable display. This should not be a decision based on who screams the loudest.

Councilman Weiss said she should not have to move her horses.

Mr. Saleh said they have tried to prove that the concerns are not legitimate. They met all the obligations and the Board should approve it.

Councilman Kolber suggested that they move the display to the building that Mr. Snyder recently purchased on Gunnville and Wehrle. Mr. Saleh said he does not think they could meet the setbacks and it would be difficult to try at this point in time.

Councilman Kolber asked if Mr. Snyder lives on the property. Mr. Saleh said he is finishing it up and will be moving there in a few months. Councilman Kolber said we have a petition and a letter from a vet. Aside from a country club and the Town display, he can only think of one individual resident that ever applied for a permit. There were no complaints from the neighbors in that area.

Mr. Saleh said the vet has never seen the display and from what he can gather the horses were never treated for anything as a result.

Councilman DiCostanzo said there should be a compromise worked out. The horses can be moved. Ms. Landreville said her horses have never been moved.

Councilman Weiss said she does not have to compromise. He will vote for the people in the neighborhood.

Town Attorney Steven Bengart said he disagrees with Mr. Saleh and believes that the right-to-farm law applies.

Motion by Councilman Weiss, seconded by Councilman Kolber to deny the request for a Fireworks Display Permit for July 4, 2010 at 5655 Newhouse Road. On the question, Councilman Weiss said the decision is based on all the comments made, the petition with 33 signatures opposed, the fire chief documentation and the right-to-farm recommendation. Councilman Kolber said this is a tough decision, but based on the information we received this is the decision. Upon roll call – Ayes: Councilmen Kolber and Weiss; Noes: Councilman DiCostanzo; Recuse: Deputy Supervisor Casilio. Absent: Supervisor Bylewski. Motion lost.

Motion by Councilman Weiss, seconded by Deputy Supervisor Casilio to approve the request by Brookfield Country Club for a Fireworks Display Permit for July 4, 2010. Application, fee, insurance and fire chief approval have been submitted. Upon roll call - Ayes: All; Noes: None. Absent: Supervisor Bylewski. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the request by Brookfield Country Club for a Fireworks Display Permit for July 10, 2010. Application, fee, insurance and fire chief approval have been submitted. Upon roll call - Ayes: All; Noes: None. Absent: Supervisor Bylewski. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following: Legion Hall Application - A. Anthony Cross – July 25, 2010. Upon roll call - Ayes: All; Noes: None. Absent: Supervisor Bylewski. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of June 24, 2010 are approved for payment: General Fund - \$59,638.63; Highway Fund - \$20,898.34; Drainage District - \$3,325.20; Lighting District - \$816.00; Capital Fund - \$30,516.00; Aquatic Growth District - \$310.00; and Trust and Agency 203 - \$5,510.84 for a total amount of \$121,015.01. Upon roll call - Ayes: All; Noes: None. Absent: Supervisor Bylewski. Motion carried.

“For the Good of the Town”

A resident wanted to know where to complain about horse manure and stuff on Ms. Landreville’s property.

Town Attorney Steven Bengart said she can take specific issues to the Building Department or the Zoning Department or have her attorney contact him.

There being no further business, Deputy Supervisor Casilio adjourned the meeting at 9:00 p.m.

Nancy C. Metzger
Town Clerk