

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, January 5, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

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

**Director of Community Development – James Callahan**

***(Agenda items for consideration January 19, 2011)***

Michael Drennan 5810 Thompson Road

Applicant is proposing to coordinate with Waterford Village PURD to extend the designed Donegal Manor further south onto the applicants property to terminate in an extended cul-de-sac creating 10+/- additional lots at the southern end of the extended Donegal Manor. The proposed site is located on the west side of Thompson Road, south of Curry Lane/Waterford Village PURD on existing residential property consisting of approximately 19+/- acres in the Residential Single Family Zone. The project would be classified as a Major Subdivision and subject to full environmental review. The number of lots on a dead end street and coordination with existing infrastructure will be issues that will need to be addressed. A major issue that came up during the preliminary review is the current cul-de-sac within Waterford would violate our current zoning in terms of the number of lots – extending this would be a violation of that section of the Subdivision Law. The Town Board would have the authority to approve this with a super majority vote. The other issue is sewer connectivity – the applicant would require approval from the Heise-Brookhaven Trunk Sewer for additional taps.

Councilman Kolber stated that he met with Planner Brad Packard and discussed this proposed project.

Councilman Casilio asked if this project was discussed at all when the Waterford project was first presented. James Callahan stated that this is the first he has heard about this, it was basically Michael Drennan idea – he approached Waterford. Councilman Casilio stated that he does not like tapping into “pregnant” cul-de-sacs - there was a similar situation in Harris Hill.

Main-Transit Plaza 8200 Main Street

A Public Hearing is scheduled for January 19, 2011 to consider a Special Exception Use Permit or a Temporary Conditional Permit for an automotive collision shop at 8200 Main Street. The proposed site is located on the northeast corner of Main Street and Bryant Stratton Way in the Commercial Zone. The applicant proposes an upgrade to the front of the building and the installation of a sign. He is also looking at storage in the back of the building with fencing and a berm.

**Supervisor Scott Bylewski**

Supervisor Bylewski noted that there are several Town Board meeting minutes to be adopted.

Supervisor Bylewski has one clarification to the minutes on page 319 dealing with the Greiner Road access.

Supervisor Bylewski has a resolution in support of Community School Day of Caring and Sharing and a resolution regarding the Municipal Agricultural and Farmland Protection Plan.

Beginning this year, the agenda format will include a “consent agenda.”

Supervisor Bylewski reminded the Town Board about the Association of Towns annual meeting. The delegate and alternate will be assigned at the next Town Board meeting. Ethics Board Chairman Debra Fine is requesting approval to attend the Association of Towns meeting for the Ethics portion of the meeting as well as other classes - she is waiting for the final agenda. Ms. Fine is looking for reimbursement for the \$100 registration fee and transportation to and from Manhattan. Debra has made other accommodations for lodging.

Supervisor Bylewski has a line item transfer for the Justice Court office.

Supervisor Bylewski has several Executive Session items regarding collective negotiations, matters leading to the employment of an individual and acquisition of real property.

**Councilman Joseph Weiss**

Councilman Weiss questioned why he is no longer liaison to Highway Department and only has 4 liaison assignments when Supervisor Bylewski has 11 assignments, Councilman Kolber has 10 assignments, Councilman Casilio has 13

assignments and Councilman DiCostanzo has 7 assignments. Councilman Weiss spoke with Highway Superintendent Donner and he knew nothing about this. Councilman Weiss felt he was being singled out because he questioned the Supervisor and criticized Six Sigma. Supervisor Bylewski stated that it was his decision to remove Councilman Weiss from his highway department liaison assignment. If any other Council members are interested in giving Councilman Weiss one of their liaison assignments, that would be fine.

Councilman Weiss referenced an article in the Cheektowaga Bee regarding how they handle snow removal on sidewalks. After receiving a complaint, the office sends a notice. Two days later an official checks on the property, if it is still not cleared of snow, the office posts another notice giving the person two more days meaning in actuality that people have four days to clear their sidewalks. If the sidewalks are not clear after 4 days, a criminal summons is posted on the door. A town justice decides whether to punish the offender with a fine, imprisonment or both. Approximately 10 people go to court per year. After a typical snow storm of 4 – 8 inches, the office will wait 24 hours before sending notices. This last snow storm, they waited a week before sending them. Supervisor Bylewski asked if Councilman Weiss talked to Animal Control Officer Jerry Schuler about this policy. The policy we have in place is you contact Jerry Schuler and he issues the enforcement letters as necessary; he goes door-door as necessary. Councilman Weiss stated that the Town Board has discussed this and we cannot have the dog catcher out there enforcing this. Councilman Weiss gave the article to Deputy Town Attorney Donohue to be reviewed by the legal department.

Several Town Board members received information from Clarence Mustang Hockey relative to a hockey rink they want to locate to the Eastern Hills Mall. The Town would have to come up with approximately \$100,000 per year. Councilman Kolber stated that if the town gets involved than we will have to do prevailing wage. Councilman Kolber would like to see them get private funding. Councilman Weiss stated that the only way this can go is if the Town bonds it. Councilman Weiss further stated that he is not sure of what the status of the Community Center is, but he feels that a hockey rink would enhance Eastern Hills Mall which is a big tax base.

Councilman DiCostanzo stated that he read the draft and there would be no cost to the town other than borrowing the money. The Hockey Association feels that what the town currently spends on sports fields and employees etc. they are already contributing \$100,000 to each of those sports organizations.

Councilman DiCostanzo further stated that we also have to look at the economic development part of it as well. A tournament could bring in revenue to the area restaurants, hotels and shopping mall.

Councilman Casilio asked Parks Crew Chief Jim Burkard for a break-down as to what soccer, football, baseball etc costs the town per year. He is presuming it costs more than what the board thinks it is. Councilman Casilio stated that we have to be prepared if the mall is not there, could this facility still operate. Malls are torn down all the time and replaced with plazas so we have to be prepared to operate without the mall.

Councilman Weiss stated that Clarence Mustang Hockey would like to meet with the Board.

Councilman Casilio said that before any more work is done regarding the community center, the board has to decide whether we want to go forward.

Councilman Weiss stated that in talking with Carla Madrid at the Senior Center, her only need for the center is a bigger room to do exercises.

Animal Control Officer Jerry Schuler is requesting a transfer of funds to cover materials for the addition to the animal shelter.

#### **Councilman Bernard Kolber**

Councilman Kolber and the Cable Committee met with Time Warner and one of the things they came away with was the arrogance of Time Warner. The problem is that Time Warner has the monopoly, and they basically said that we cannot go out to bid because no one else would bid on cable service for one town. Councilman Kolber stated that he feels it would be worthwhile to contact all the other towns in Erie and Niagara County that contract with Time Warner and try to negotiate as a group. As a group, we may have more power and it may entice another carrier to come in.

Time Warner has indicated that they are looking for a 15 year contract when their current contract expires in 2015.

Supervisor Bylewski suggested Councilman Kolber contact the Association of Towns and the Association of Erie County Governments and arrange a meeting to discuss Time Warner issues.

**Councilman Patrick Casilio**

Councilman Casilio is making head-way with the utilities in the Harris Hill and Spaulding Lake area.

Councilman Casilio is working with National Fuel Gas relative to extending gas service to Heroy Road. There are logistic problems with the houses being so far apart.

Councilman Casilio has one item to discuss in Executive Session regarding the employment history of a particular person.

**Councilman Peter DiCostanzo**

Winterfest is scheduled for January 30<sup>th</sup>.

Councilman Weiss spoke with Erie County Sno-Seekers and they have indicated that they will give a presentation at Winterfest.

Councilman DiCostanzo commented on the new bistro in Clarence Hollow – The Hollow Bistro and Brew is nicely done and business was booming the both times he visited.

Councilman DiCostanzo said Councilman Weiss could take over as liaison to the Assessor's Office.

Councilman Casilio said Councilman Weiss could take over as liaison to Clarence Hollow Association, he will fist check with the Association and report back at the next Town Board meeting.

**Deputy Town Attorney David Donohue**

Deputy Town Attorney Donohue has one item to discuss in Executive Session regarding pending litigation - Destefano vs. Town of Clarence.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1)D pending litigation - Destefano vs. Town of Clarence; §105(1)E Collective negotiations pursuant to Article 14 of the Civil Service Law (The Taylor Law); § 105(1)F the employment history of a particular person and matters leading to the appointment of a particular person; § 105(1)H the proposed acquisition of real property but only when publicity would substantially affect the value thereof. On the question, Deputy Town Attorney Donohue and James Callahan were asked to remain. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:30 PM.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 6:58 PM upon roll call - Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.



Organizational Meeting of the Clarence Town Board was held Wednesday, January 5, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:05 p.m. Pledge to the flag was led by Councilman Peter DiCostanzo, followed by a prayer read by Supervisor Bylewski.

Members of the Town Board present were Councilmembers Peter DiCostanzo, Patrick Casilio, Bernard Kolber, Joseph Weiss and Supervisor Bylewski. Several Town employees were also present.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held October 14, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held October 21, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held October 28, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the previous meeting held December 15, 2010. On the question, Supervisor Bylewski said he would like to clarify what was mentioned on page 319 regarding the Greiner Road/Eastgate access that it would be coming back to the Town Board. After further discussion with the Planning Department, it has been determined that under the new Zoning Law that issue would not be coming back to the Town Board. The Planning Board will make the final decision on that issue. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held December 16, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to authorize the transfer of \$165 from account 1.1110.470 to 1.1110.432 in the 2010 budget to cover additional expenses for receipt books for Judge Powers. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

WHEREAS, the Town of Clarence has recognized the value of agricultural development and preservation and has moved to protect open space farmland within the community through the tools of Master Planning, amendments to existing zoning and land use regulations, the creation of a Greenprint program and the establishment of the Right-to-Farm Resolution Committee; and

WHEREAS, the Town of Clarence has successfully preserved properties through the Greenprint program with financing provided through the Bond Act as passed by a public referendum; and

WHEREAS, the Town of Clarence intends to create a more specific and refined farmland preservation program to be administered and implemented in coordination with our existing Greenprint program; and

WHEREAS, the Town of Clarence has applied for and has successfully received funding in the amount of \$25,000 to aid in the development of a Municipal Agricultural and Farmland Protection Plan from the New York State Department of Agriculture and Markets, and

WHEREAS, a required component of said plan is the creation of a Farmland Protection Plan Committee intended to aid the Office of Planning and Zoning and any related consultants in the development of and potential recommendation for adoption of said plan to the Town Board, and

NOW, THEREFORE, BE IT RESOLVED, that Daniel Corbett, Keith Dawydko, Melvyn Hedges, Joanne Jackson, Charles Kelkenberg, Sr., Brett Kreher, John Leamer, Hans

Mobius and John Szulis be appointed to the **Farmland Protection Plan Committee**, with appointment to begin on January 5, 2011 and to terminate on February 29, of 2012.

On the question, Supervisor Bylewski said this committee is considered an ad hoc group of the Recreation Advisory Committee and is strictly voluntary in nature with no compensation planned for the members in association with the Town of Clarence or administration of the grant award.

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

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

WHEREAS, a local group known as Educators Totally Committed (E.T.C.), comprised of teachers and support staff from the Kenmore Town of Tonawanda School District and the Clarence School District, as well as students from these districts, have held an annual Sleep-out on the first Friday of February since 1988 in order to help people in need in the Western New York area, and

WHEREAS, ETC and its Sleep-out Event help to raise public awareness and money to help those in need living in Western New York, and

WHEREAS, ETC's three-phase social program of awareness, commitment, and compassionate action can be easily applied to communities world-wide, and

WHEREAS, when groups of people of all ages come together on a designated day, they can maximize the cumulative worldwide effect of people in their community, and

WHEREAS, ETC is presently working with the United Nations Education, Scientific and Cultural Organization (UNESCO) to establish the first Friday in February of each year as a **WORLD WIDE SCHOOL DAY OF HELP PEOPLE IN NEED**,

**NOW THEREFORE BE IT**

**RESOLVED**, that the Town of Clarence Town Board hereby commends the humanitarian efforts of Educators Totally Committed and supports the group in its on-going efforts to raise awareness as to the needs of the community, and be it further

**RESOLVED**, that the Town of Clarence supports ETC's efforts to establish, through UNESCO, the first Friday in February of each year as a **WORLD WIDE SCHOOL DAY TO HELP PEOPLE IN NEED**, and be it further

**RESOLVED**, that the Town of Clarence encourages its residents to support the efforts of ETC to help people in our community who are in need, and be it further

**RESOLVED**, that the Town of Clarence hereby permanently proclaim that the first Friday in February shall be known in the Town of Clarence as **COMMUNITY SCHOOL DAY OF CARING AND SHARING**.

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

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve the attendance of Ethics Board Chair Debra Fine at the New York Association of Towns with transportation to and from Manhattan with the conference fee in the total amount of \$163.50 to be paid by the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to authorize the following transfer of funds in the 2010 budget: \$1,500 from account 001.3510.0416 Gas and Oil to 001.3510.0450 Repairs & Maintenance of Building and Grounds to cover materials purchased for the addition to the animal shelter. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said we received a letter from NYMIR notifying us that there will be significant decreases in commercial property rates and automobile liability rates. We took a chance on this a few years ago and are now enjoying the benefits.

Councilman Weiss said Kreher Farms is doing a lecture on January 18<sup>th</sup> at the Senior Center. He has attended it in the past and found it very interesting.

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize Supervisor Scott Bylewski to sign the yearly Intermunicipal Agreement between the Town of Clarence and the Town of Newstead for 2011 relative to the shared use of the Erie County Van, subject to Town Attorney review and approval. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Supervisor Scott Bylewski to sign the renewal Agreement between U & S Services Inc. and the Town of Clarence for preventative maintenance for HVAC system at the Clarence Town

Hall and the Clarence Library subject to review and approval by the Town Attorney. On the question, Supervisor Bylewski said this agreement came in after the last meeting of 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Supervisor Scott Bylewski to sign the annual agreement between the Town of Clarence and the Clarence Concert Association, subject to Town Attorney review and approval. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo announced that WinterFest will be held on January 30<sup>th</sup>.

Councilman DiCostanzo said the owners of the Clarence Deli have opened up the Hollow Bistro & Brew next to the deli and it is an excellent place to go.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve the following items 1 – 8:

1. **Town Board Meetings:**

Regular Town Board meetings will be held on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 7:30 p.m., except as noted:

January	5 and 19
November	2 and 16
December	7 and 21

Work Session to start at 6:00 p.m.

Work Session may be held at 9:00 a.m. on the first Wednesday of each month, as called by the Supervisor.

2. **Agenda Format:**

1. Call to Order
2. Pledge to the Flag
3. Prayer
4. Roll Call
5. Minutes of Previous Meeting
6. Consent Agenda
7. Supervisor’s Report
8. Council Reports
9. Public Announcements
10. Departmental Reports
11. Public Participation (Limit of 3 minutes on Town Board Member and Department Reports only.)
12. Balance of Agenda Items (Limit of 3 minutes for public participation on Agenda Items)
13. “For the Good of the Town” (Limit of one minute)

**NOTE:** Council members shall vote by reverse seniority, with the Supervisor voting last.

3.1 **Agenda Policy for all non-land use projects or items** - any person or entity wishing to be placed on the Agenda must notify the Town Clerk with subject matter by noon on Thursday prior to the Wednesday Board Meeting. The Supervisor upon consultation with the Town Board may make exceptions.

3.2 **Agenda Policy for Land Use Proposals** –All proposed land use projects or items to be placed on the Town Board agenda must have all appropriate applications or approvals completed and submitted, including appropriate fees, to the Planning & Zoning Department on or before 4:30 pm of the Wednesday the week before the Town Board meeting.

- If the item is a new application, then it may be placed on the Town Board’s Work Session to determine an appropriate review process. The item may be placed on the next available Town Board Agenda.
- **Exceptions:**

- a. Any item on a Planning Board agenda the Wednesday before a Town Board meeting that receives a Planning Board recommendation, be it approval or denial, may be placed on the next Town Board Work Session.
- b. Case-by-case determination by the Town Supervisor in consultation with the Planning & Zoning Department.

3.3 **Agenda Policy for Town Board Notification Policy for Land Use Proposals:**

This policy is developed in accordance with Master Plan 2015, Chapter VIII, page 32, to allow for the public to have a voice in local land use decisions. This policy supersedes but does not replace any notice required by law.

- Unless required by law, an item’s first appearance on any Town Board agenda does not require any additional notification.
- Any and all items referred to the Planning Board shall be noticed for the Planning Board’s first agenda. All above-mentioned notices shall be sent by the Planning & Zoning Department by first class mail to property owners within five hundred feet (500’) from the subject property. Notification of an item on any other future meeting may be sent at the discretion of the Director of Community Development, the Planning Board Chairperson, or Planning Board Executive Committee.  
After the Planning Board’s first meeting regarding the proposed project, all affected property owners may stay involved by visiting the Town’s Website, speaking with Town staff in the Planning and Zoning Department, or by reading the Clarence Bee, where such notices and agendas are published. Also, all meeting agendas are posted in Town Hall as required by Town Law.

4. **Town Hall Offices:**

Supervisor	-Week Days	8:30 a.m. – 4:30 p.m.
Town Board	-Week Days	8:30 a.m. – 4:30 p.m.
Town Clerk*	-Week Days	9:00 a.m. – 5:00 p.m.
	*-July & August	8:30 a.m. – 4:30 p.m.
Town Attorney	-Week Days	8:30 a.m. – 4:30 p.m.
Court	-Week Days	8:30 a.m. – 4:30 p.m.
	-Note: Window Hours	9:00 a.m. – 4:00 p.m.
Administration & Finance	-Week Days	8:30 a.m. – 4:30 p.m.
Zoning Office	-Week Days	8:00 a.m. – 4:30 p.m.
Zoning Office – Clerical	-Week Days	8:30 a.m. – 4:30 p.m.
Assessor	-Week Days	8:30 a.m. - 4:30 p.m.

**Highway and Parks Departments:**

Office Hours- Clerical	-Week Days	8:00 a.m. – 4:00 p.m.
Shop Hours & All Others	-Week Days	7:00 a.m. – 3:30 p.m.

**Engineering and Building Departments:**

Clerical Hours	-Week Days	7:30 a.m. - 3:30 p.m.
Hours for all Others	-Week Days	7:00 a.m. – 3:30 p.m.

**Youth & Recreation Departments:**

-Week Days	8:30 a.m. – 4:30 p.m.
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- 5. All items which pertain to conditions of employment, pay, vacation and the like are applicable to employees not covered under collective bargaining agreement (except seasonal, part-time and temporary).
- 6. Adoption of Employee’s Salary Schedule as within the 2011 Adopted Budget except as noted in the Organizational Minutes.
- 7. New York State Retirement: The Town shall pay for all employees under the Retirement Plan Section 75-1.
- 8. All appointments are contingent upon completing and filing the annual Ethics Disclosure. Failure to do so will automatically revoke such appointment.

On the question, Supervisor Bylewski said in regard to the item on the agenda format, Consent Agenda, there are a number of resolutions on the agendas that are ministerial in nature. They would include items such as authorization to sign ongoing contracts or agreements. The resolutions would be mentioned in the work session and if there are no objections to any of them, they would be presented at the regular meeting on the Consent Agenda item. Under this item a caption of the motions would be read and acted upon all at once.

Supervisor Bylewski said the other item is public participation. They have decided to allow the public to speak on all agenda items with a limit of three minutes.

Supervisor Bylewski said the other item that is new is that appointments are contingent upon completing and filing the Annual Ethics Disclosure. Failure to do so will automatically revoke such appointment. In the past there have been more significant numbers of people who did not turn them in. The numbers have dwindled in recent years. People who want to volunteer for Town positions should fill out the Annual Ethics Disclosure and turn it in.

Town Clerk Nancy Metzger asked what the timeframe is and how many reminder letters should be sent out. She believes that this is in the Ethics Code already.

Supervisor Bylewski said the timeframe has to be discussed with the Town Attorney. It is to make sure this is explicitly set forth as the appointments are made today.

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

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following items 9 – 20:

9. **Holidays:**

January 17, 2011	Monday	Martin Luther King Day
February 21, 2011	Monday	Presidents' Day
April 22, 2011	Friday	Good Friday
May 30, 2011	Monday	Memorial Day
July 4, 2011	Monday	Independence Day
September 5, 2011	Monday	Labor Day
October 10, 2011	Monday	Columbus Day
November 11, 2011	Friday	Veterans' Day
November 24, 2011	Thursday	Thanksgiving Day
November 25, 2011	Friday	Thanksgiving Holiday
December 26 2011	Monday	Christmas Day Holiday
January 2, 2012	Monday	New Year's Day Holiday

**NOTE:** Employee must work the day before and the day after the holiday to be paid unless on vacation or approved paid sick or personal leave.

\* Christmas Eve ½ day Holiday occurs only when Christmas falls on Tuesday thru Friday.

10. Designation of **Trick or Treat Night** on Monday, October 31, 2011 from 5:00 p.m. to 8:00 p.m.

11. March 11, 2011 is proclaimed **Founder's Day** in honor of Asa Ransom, the first settler and one of the founders of the Town of Clarence.

12. **Longevity payments:** Except for elected officials, longevity will be paid to full time employees in accordance with the following schedule in a lump sum payment in a separate check in the pay period of the employee's affected anniversary date.

5 – 9 years of full-time service	\$ 825.00
10 – 14 years of full-time service	\$ 950.00
15 – 19 years of full-time service	\$ 1,025.00
20 – 24 years of full-time service	\$ 1,125.00
25+ years of full-time service	\$ 1,225.00

13. Any employee who is an active **Volunteer Fireman** may, with Department Head approval, respond when needed, to any working fire, first aid or mutual aid call within the Town of Clarence and within their fire district. Log in/out procedures per Section 604 of the Town Personnel Policy Manual.

14. **Residency** Requirement as set forth in the Town of Clarence Local Law 1-2004, code 39.11-39.15.
15. Approval for all Elected Officials, Code Enforcement Officers, Town Engineer, Assistant Town Engineer, Clerks to Town Justice, Director of Administration and Finance, Zoning Department, Town Attorney and Assessor's Office to attend their respective **association meetings** with reasonable and necessary expenses to be paid by the Town. All meetings must have Department Head approval prior to attending. Pursuant to General Municipal Law §77-c, a per diem allowance in accordance with the rates adopted for federal income tax purposes will be allowed and paid in lieu of actual and necessary expenses.
16. **Use of Vehicles:** Upon advance Town Board approval, employees using personal vehicles for official Town business shall be paid a mileage allowance in accordance with IRS rates. No Town vehicles will be allowed to leave the Town except when on official business and with prior Department Head approval. The only Town vehicles which may be taken home after regular working hours will be those used by the Supervisor, Parks Crew Chief, Highway Superintendent, Highway Deputy Superintendent, Parks and Highway General Crew Chiefs, Town Engineer, Assistant Town Engineer, Dog Control Officer, Dog Control Officer RPT, Director of Community Development, Junior Planner, Code Enforcement Officers, Sr. Code Enforcement Officer and Plumbing Inspector.
17. All **mail** will be distributed by the Supervisor's Office.
18. All appointments are for the year 2011 unless otherwise noted or unless otherwise set forth by law.
19. The Supervisor is the **appointing officer** for the Town of Clarence pursuant to the New York State Civil Service Law. The appointing officer's responsibilities include signing appointment and personnel change forms submitted to Erie County Dept. of Personnel, certifying the Civil Division payroll, making sure it is accurate and in accordance with Civil Service Law and canvassing candidate eligibility lists assuring all procedures under the Civil Service Law are followed.
20. The Town Board approves the recommendation of Judge Powers for the appointment of Mary Zimmerman as his Clerk to the Town Justice. The Town Board approves the recommendation of Judge Sillars for the appointment of Marilyn Taton as his Clerk to the Town Justice. **Clerks to the Town Justice** to work additional hours as requested by the Town Justices for all Court Sessions.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the following items 21 – 40:

21. Appointment of David Wetzler, Guy Fleming, Randall Haentges, Suzanne H. D'Arcangelo, John Micciarelo, Thomas Fulton and Karl King as **Security Officer** PT in the court office at the rate of \$16.47 per hour – minimum pay of two (2) hours. Appointment of Guy Flemming, Security Officer-Court Office as Supervisor in charge of equipment and scheduling of officers at a stipend of \$250.00 per year.
22. Appointment of Dawn Trippie, Shirley Moore, Sara Krawczyk, Amy Major, Diane Nordolillo and Jessica Viola as **Clerks P/T** at the rate of \$11.83 per hour. Appointment of Robin Sendlbeck as Clerk PT in the Supervisor/Town Board Office at the rate of \$13.77 per hour. Appointment of Deborah Griffiths as Clerk PT in the Supervisor/Legal/Town Board Offices at the rate of \$12.75 per hour and Diane Petrik-Huben in the Youth Department at the rate of \$11.83. All Clerks-P/T will be called by the Supervisor's Office upon request from the Department Head. No payment will be authorized if this procedure is not followed.

Appointment of Robert Anderson as **Van Driver**, RPT, Vincent Delgato and Camille O'Reilly as Substitute Van Drivers. *(There is currently one opening available).*

- Appointment of Camille O'Reilly as Laborer-RPT at the rate of \$13.18. Appointment of Robert Dickinson as Laborer PT at the rate of \$13.18. Appointment of Anne Cimato, Donna Giezycki and Albert Festauti as Dog Control Officers-RPT.
23. Town Clerk Nancy Metzger appoints Darcy Snyder and Gayle Brace as **Deputy Town Clerks**. Appointment of Nancy Metzger as Registrar of Vital Statistics, Records Management Officer and FOIL Records Officer, Darcy Snyder as Deputy Registrar of Vital Statistics and Gayle Brace as Sub Registrar of Vital Statistics with all fees for registrar services remitted to the Town of Clarence General Fund.
  24. Appointment of Steven Bengart Town Attorney as **Town Prosecutor**. Appointment of David Donohue as Deputy Town Attorney/Deputy Town Prosecutor. Appointment of Cynthia Rosel as Paralegal.
  25. Appointment of Joseph Latona P.E., **Town Engineer** as Department Head for the Engineering and Building Departments, and Administrator of Flood Plain and Town Sewer Districts.
  26. Appointment of Timothy Lavocat P.E. as Deputy **Flood Plain** Administrator.
  27. Appointment of Lauri Plis as **Accountant RPT** in the Accounting Department.
  28. Appointment of David Bissonette as Natural Disaster Services Coordinator and David Baumler as Area Director of Civil Defense to coordinate emergency services. In addition to the budgeted rate of pay, the Natural Disaster Services Coordinator, David Bissonette and the Area Director of Civil Defense, David Baumler will be paid at the rate of \$78.00 per hour, per the adopted 2011 Budget – Long Term Disaster budget line with said payment to occur only in operations exceeding four (4) hours with the intent that the Town may possibly be reimbursed by FEMA, state aid, or insurance including third-party insurance.
  29. Appointment of Joseph Meacham and Anthony Haas as **Security Officer PT** at the rate of \$15.34 per hour. Appointment of William O'Donnell and Alan Wolbert as Security Officer PT at the rate of \$14.21 per hour. Appointment of Roseanne Goetz, Rita Savage, Theodore Adrian, Peter Bordin, Ronald Kline, Ronald Bosela, George Brown, James Schmeigiel, Robert Sugg and Adam Muchow as Security Officer PT at the rate of \$13.59 per hour. *(There is currently one position available)*.
  30. Appointment of **School Crossing Guards** for a term to expire at the conclusion of the 2010-2011 School Year: Rhonda Carpenter, Eleanor Cename, Lorraine Hunt, Donald Schultz, Carl Schaefer and Judith Turco. Appointment of Arnold Castren, Theodore Adrian and Paul Specht as Substitute Crossing Guards. Appointment of Rhonda Carpenter and Eleanor Cename as School Crossing Guard Supervisors at a stipend of \$250 each.
  31. The Town Board approves the recommendation of the Highway Superintendent Theodore Donner to appoint Gregory Giblin as **Deputy Highway Superintendent**, Jeffery Hemline as General Crew Chief, Gail Englert as Confidential Secretary and Camille O'Reilly Laborer-RPT.
  32. The Deputy Highway Superintendent, General Crew Chiefs, Deputy Town Clerks, the Secretary to the Superintendent of Highways and Secretary to the Supervisor, shall be compensated at **time and a half** for all hours worked over normal work week. At the discretion of the Department Head, the above employees would be eligible for four (4) hours call-in pay at the applicable straight or overtime rate for each call-in that occurs following the employees' normal work day. In the event a call-in occurs two (2) hours or less before the employee's normal starting time, the minimum pay at the discretion of the Department Head could be two (2) hours of pay at the applicable straight or overtime rate.
  33. Appointment of Clifford O. Trapper as **Recreation Director II P/T**. Appointment of Christopher Durr as Deputy Recreation Director P/T.

34. Appointment of James Burkard as **Parks Crew Chief** and Administrator of Street Lights. Appointment of Robert Linde as General Crew Chief in the Parks Department.
35. Appointment of James Callahan as **Director of Community Development**. Appointment of Brad Packard as Junior Planner.
36. Appointment of Pamela Smith as **Director of Administration and Finance**.
37. Appointment of Dawn Kinney as **Executive Director-Youth Board**, Kellie Kotwicki as Program Coordinator RPT, Jessica Notarius as Youth Activities Leader RPT and Christiano LiPuma as Youth Activities Leader PT.
38. **Petty cash** allowed for Town Clerk - \$300.00; Justice Court - \$50.00 for each Judge and Engineer - \$50.00.
39. Grant a one year leave of absence to Karen Jurek from the Civil Service Senior Clerk position in the Parks Department effective 1/1/2011 to continue as Confidential Secretary to the Supervisor.
40. Appoint Karen Jurek as in-house **Computer Network Coordinator** with a stipend of \$3,500.00 and Web Site Coordinator with a stipend of \$1,500.00.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the following items 41 – 66:

41. Appointment to the **Arboretum Advisory Committee** for a one year term: Stephen Murtaugh, James Burkard, Roy McCready, Todd Norris, Peter Wolfe and Robert Fogelsonger.
42. Appointment to the **Audit Committee** for a one-year term: Councilman Peter DiCostanzo, as a member of the Town Board, Margaret Weglarski and Richard Forrestel.
43. Appointment to the **Avoidable Alarm Committee** for a one-year term: David Metzger, Building Department Representative, David Stengel and Robert Geiger.
44. Appointment to the **Cable Television Advisory Committee** for a one-year term: Julie Ann McCullough, Chuck Eckert, Henry Becker, Deborah Floss and William Burkard.
45. Appointment to the **Capital Projects Committee** for a one-year term: Town Supervisor, Director of Community Development, Town Engineer, Highway Superintendent, Parks Crew Chief, Director of Administration & Finance and Patrick Casilio, member of the Town Board.
46. Appointment to the **Clarence Hollow Community Character Protection Board** for a one-year term: William Henderson, Scott Kreher and Robert Lenz.
47. Appointment to the **Community Center Committee** for a one-year term: Supervisor Scott Bylewski, member of the Town Board, Dawn Kinney, Executive Director of the Youth Board, Neil Streubing, member of the Senior Center Board, Clifford Trapper, Recreation Director II, and Joseph Latona, Town Engineer.
48. Appointment to the **Community Residence Committee** for a one-year term: Eileen McCallister, Lynette McConnell, David D'Amato and Jeff Wang. *(There is currently one opening)*.
49. Appointment to the **Conservation Advisory Council** for a term to expire 12/31/2013: Linda Costanzo, Dennis Londos, Lynn Merckel and Margaret Walker. Appointment of Peter Wolfe as Chairperson for a one-year term. *(There is currently one opening)*.

50. Appointment to the **Ethics Board** for a five-year term to expire 12/31/2015: Catherine Berchou, Debra Fine and Hans Mobius.
51. Appointment to the **Fire Advisory Board** for a one-year term: The elected year 2011 Fire Chiefs from Clarence, Clarence Center, East Amherst, Harris Hill, Rapids and Swormville Volunteer Fire Companies.
52. Appointment to the **Historic Preservation Commission** for a four-year term to expire on 12/31/2014: Suzette Altieri. Appointment of Henry Brodowski as Chairperson and Linda Mosher Vice-Chairperson/Secretary to the Historic Preservation Commission for a one-year term. *(There are currently two openings with terms to expire 12/31/2014).*
53. Appointment to the **Clarence Industrial Development Agency** for a one-year term: Clayton Ertel, Mary Powell, Christopher Kempton, Michael Buettner, Scott Bylewski, David Hartzell and David Schuster.
54. Appointment to the **Landscape Review Committee** for a one-year term: Albert Schultz, as member of the Planning Board, Michael Petroci and James Delellis.
55. Appointment to the **Clarence Library Board** for a five-year term to expire 12/31/2015: Marjorie Ebersole, Harold Enstice and Michael Rockwell. *(There is currently one opening with a term to expire 12/31/2012).*
56. Appointment to the **Planning Board**: Albert Schultz as Chairperson, Wendy Weber-Salvati 1<sup>st</sup> Vice Chairperson, and Richard Bigler as 2<sup>nd</sup> Vice Chairperson. Appointment of Gregory Todaro as alternate for a one-year term. Appointment of Wendy Weber-Salvati with a term to expire 12/31/2017, Robert Sackett with a term to expire 12/31/2016 and Paul Shear with a term to expire 12/31/2012.
57. The **Sign Review Board** shall consist of the Planning Board Chairperson and two members of the Planning Board.
58. Appointment to the **Plumbing and Drainage Board** for a one-year term: Larry Merkle, Richard Haag, Daniel Loudenslager, Timothy Lavocat (as representative of Engineering Dept.), and Joseph Latona as Chairperson.
59. Appointment to the **Recreation Advisory Committee** for a one-year term: Michael Powers, Peter Wolfe, Henry Brodowski, Robert Geiger, Clifford Trapper, Margaret Walker and James Burkard.
60. Appointment to the **Senior Center Board** for a three-year term to expire 12/31/2013: Violet Oldenski, Henry Becker, Darlene Feinen, Paul Schulz and Holly Zuffranieri.
61. Appointment to the **Traffic Safety Advisory Board** for a one-year term: John Wind, Kim Silvestro and Joseph Nemmer.
62. Appointment to the **Youth Board** for a three-year term to expire 12/31/2013: Michele Mogavero. Appointment of Stephen Sharkey with term to expire 12/31/2011 *(There is currently one opening with a term to expire 12/31/2012).*
63. Appointment to the **Zoning Board of Appeals** for a five-year term to expire 12/31/2015: Robert Geiger. Appointment of Arthur Henning, Chairperson for a one-year term and Daniel Michnik Vice-Chairperson for a one-year term. Appointment of Patricia Burkard as Alternate with a term to expire 12/31/2011.
64. Approval of the **Investment Policy, Procurement Policy and Policy Manual** for the Town of Clarence, which are available from the Offices of the Supervisor or the Town Clerk.
65. Appointment of Supervisor as **504/ADA Officer** for Erie County Community Development Program.

66. Appointment of Amato, Fox & Company as Auditors and Drescher & Malecki and Capital Markets Advisor, LLC as **Financial Consultants** to the Town Board at their standard hourly rates.

On the question, Councilman DiCostanzo said there are two openings on the Historic Preservation Commission and one of them needs to be an architect.

Councilman Casilio will recuse on item 53 only as Mary Powell is his sister.

Upon roll call – Ayes: All; Noes: None. Recuse: Councilmen Casilio on item 53 only. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following items 67 – 73 and the resolutions pertaining to the Highway Department:

67. Town Board authorizes the Assessor to bill and the Supervisor's office to collect for the **Town's PILOT agreements** for all IDA inducements. Town Board authorizes Town Clerk to bill and collect for **Avoidable Alarm** charges.
68. Appointment of Manufacturers and Traders Trust Co., HSBC/Clarence Branch, Key Bank/Clarence Office, Bank of America/Transit Road Branch, Bank of Akron/Clarence Center and Main Street Branches, Citizens Bank, JP Morgan Chase Bank, First Niagara Bank, Northwest Savings Bank, Lake Shore Savings and Evans Bank as **depositories** for the Town of Clarence.
69. **Minutes** of the Town Board meetings will be published in the Clarence Bee and on the Town's website at the Town Clerk's discretion.
70. All Boards and Committees are reminded that they are subject to the Open Meetings Provisions of the Public Officers Law.

For all meetings scheduled at least one week in advance, public notice of the time and place of the meeting must be given to the news media and posted on the Town Hall bulletin board at least 72 hours in advance. Whenever possible, the meeting schedule for the entire year shall be posted in January.

Minutes of all Meetings subject to the Open Meetings Law must be filed with the Town Clerk within 2 weeks.

Minutes of Executive Sessions must be filed with the Town Clerk within one week.

71. Committee and Board appointments made during the year shall be brought up at a work session and then acted upon at the next Town Board Meeting after thorough review.
72. Set Public Hearing date of February 23, 2011 at 7:45 pm for the Annual Review of the Master Plan.
73. **Adopt the following resolution pertaining to the New York State & Local Retirement System Regulation 315.4:**

**WHEREAS** the New York State and Local Employees' Retirement System requires that the Town of Clarence establish by Resolution the number of hours which constitute a standard work day for retirement reporting purposes for all elected and appointed positions,

**NOW THEREFORE BE IT RESOLVED** that the Town of Clarence hereby establishes the following standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

*(See next page for table listing work days)*

TITLE	NAME	STANDARD WORK DAY	TERM BEGINS/ ENDS	PARTICIPATES IN EMPLOYER'S TIME KEEPING SYSTEM	DAYS/ MONTH (Based on Record of Activity)
<b>ELECTED OFFICIALS:</b>					
Supervisor	Scott Bylewski	6	1/1/2008 -12/31/2011	N	20
Town Clerk	Nancy Metzger	7	1/1/2008-12/31/2011	N	20
Highway Supt.	Ted Donner	8	1/1/2010-12/31/2013	N	20
Board Member	Joseph Weiss	6	1/1/2008-12/31/2011	N	20
Board Member	Bernard Kolber	6	1/1/2008-12/31/2011	N	20
Board Member	Patrick Casilio	6	1/1/2010-12/31/2013	N	20
Board Member	Peter DiCostanzo	6	1/1/2010-12/31/2013	N	20
Town Justice	Robert Sillars	6	1/1/2008-12/31/2011	N	20
Town Justice	Michael Powers	6	1/1/2009-12/31/2012	N	20
<b>APPOINTED OFFICIALS:</b>					
Town Engineer	Joseph Latona	7	1/1/2010-12/31/2011	Y	20
Town Attorney/ Prosecutor	Steven Bengart	6	1/1/2010-12/31/2011	Y	20
Assessor	Christine Fusco	7	9/1/2007-12/31/2013	Y	20
Deputy Town Attorney/Deputy Prosecutor	David Donohue	6	One-Year Term	Y	Hours determined by hours on time card.
Dir. of Comm. Development	James Callahan	7.5	One-Year Term	Y	20
Deputy Hwy. Superintendent	Gregory Giblin	8	One-Year Term	Y	20
General Crew Chiefs	Jeffery Hemline Vacant - 1	8	One-Year Term	Y	20
Deputy Town Clerks	Darcy Snyder Gayle Brace	7	One-Year Term	Y	20
Clerks to Tn. Justice	Mary Zimmerman Marilyn Taton	7	One-Year Term	Y	20
Dir. of Admin. & Finance	Pamela Smith	7	One-Year Term	Y	20
Confidential Sec. to Supervisor	Karen Jurek	7	One Year Term	Y	20
Secretary to Highway Supt.	Gail Englert	7	One-Year Term	Y	20
Parks Crew Chief	James Burkard	8	One-Year Term	Y	20
Parks Gen. Cr. Chief	Robert Linde	8	One-Year Term	Y	20
Town Historian	Mark Woodward	6	One-Year Term	Y	Based on hrs.
Natural Disaster Services Coordinator	David Bissonette	6	One-Year Term	N	3.34
Planning Board Members 7 year terns	Richard Bigler Wendy Salvati George VanNest Timothy Pazda Albert Schultz Robert Sackett Paul Shear Gregory Todardo	6	Expire-12/31/2015 Expire-12/31/2017 Expire-12/31/2011 Expire -12/31/2013 Expire -12/31/2014 Expire- 12/31/2016 Expire -12/31/2012 One-Year Term	Y	Note days are determined on number of hours at a meeting.
Alternate Zoning Board Members	Robert Geiger Arthur Henning David D'Amato Daniel Michnik Ryan Mills Patricia Burkard	6	Expire-12/31/2015 Expire-12/31/2011 Expire-12/31/2012 Expire -12/31/2013 Expire - 12/31/2014 One-Year Term	Y	Note days are determined on number of hours at a meeting.

**Adopt the following resolutions pertaining to the Highway Department:**

**Resolved**, that pursuant to the provisions of section 284 of the Highway Law, Town Board agrees that the monies levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, shall be expended as follows:

The sum of \$1,482,399.00 may be expended for general repairs upon 119.44 miles of Town Highways including sluices, culverts, and bridges (having a span of less than five (5) feet and boardwalks or the renewal thereof.

Miscellaneous road resurfacing Pine Ledge, Clarence Center Area, and Overlook Drive

**Resolved**, that pursuant to Section 143 of Highway Law, the Town Board authorizes the Town Superintendent of Highways to rent or hire equipment within the approved 2011 budgetary appropriations.

**Whereas**, Section 103 of the General Municipal Law requires public bidding for purchases of equipment in excess of \$10,000.00 and

**Whereas**, the Highway Superintendent of the Town of Clarence makes numerous purchases from time to time throughout the year in total amount not to exceed the annual budget, and

**Whereas**, pursuant to Section 142 of the Highway Law it is desirable for the Town board to authorize the Highway Superintendent to purchase said equipment, tools and other implements in excess \$1,000.00 and

**Now therefore be it resolved**, that the Highway Superintendent is hereby authorized to purchase without prior approval of the Town Board, equipment, tools and other implements to be used for highway maintenance, construction, or reconstruction, snow plows or other devices for the removal of snow from highways in a sum not to exceed the limitations as prescribed under 103 of the General Municipal Law as amended from time to time.

The Town Board has adopted a purchasing procedure in accordance with section 104B of the General Municipal Law. The Highway Superintendent will comply with that procedure.

The Town Board authorizes the Highway Superintendent and or the Deputy Highway Superintendent to attend all functions of Erie County Highway Superintendent's Association, New York State Highway Superintendent's Association 2011, along with the Town Engineer. All reasonable expenses will be covered by the Town of Clarence.

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

Supervisor Bylewski thanked all department heads present for attending.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of December 23, 2010 are approved for payment: General Fund - \$117,694.42; Highway Fund - \$58,257.72; Water District - \$1,750.00; Lighting Districts - \$848.16; Sewer Districts - \$747.81; and Capital Fund - \$246,030.79; Trust & Agency 203 - \$3,134.88; Trust & Agency 202 - \$4,515.86; Trust & Agency 205 - \$50.20 for a total amount of \$433,029.84. On the question, Supervisor Bylewski said this is the last bill pay of 2010 and 94.67% of the budget has been used. There may still be some encumbrances and the audit has to be done, but he would like to the department heads for keeping within our budget. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of January 6, 2011 are approved for payment: General Fund - \$144,954.17; Highway Fund - \$113,793.82; Water District - \$36,813.16; Drainage District - \$1,600.00; Sewer Districts - \$334.75; and Capital Fund - \$154,412.41 for a total amount of \$451,908.31. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski read his liaison assignments as follows: Arboretum Committee, Capital Projects, Clarence Center Community Association, Computers, Ethics, Grants, Industrial Development Agency, Law-Legislation, Municipal Agricultural & Farmland Protection Plan Committee, Recreation Advisory Committee and Town Hall.

Councilman Weiss read his liaison assignments as follows: Animal Control, Assessor, Environmental Management Council, Insurance and Parks.

Councilman Kolber read his liaison assignments as follows: Cable TV, Clarence Senior Center, Clarence School District, Clergy Association, Community Residences, Fire Companies, Highway Department, Library, Service Organizations and Zoning Board of Appeals.

Councilman Casilio read his liaison assignments as follows: Avoidable Alarms, Clarence Hollow Association, Emergency Services, Engineering Department, Labor Management, Master Sewer, Park Security, Public Safety Issues & Recycling, Public Utilities/Street Lights, Sewer Districts, Sidewalk Task Force and Traffic Safety.

Councilman DiCostanzo read his liaison assignments as follows: Clarence Chamber of Commerce, Historic Preservation, Historical Society, Planning Department, Youth Bureau and Recreation Department.

Supervisor Bylewski announced his appointments as follows: Karen Jurek, Confidential Secretary; Patrick Casilio, Deputy Supervisor; Mark Woodward, Town Historian; and Hans Mobius to serve on the Right-to-Farm Resolution Committee for a term of one year.

Councilman Casilio thanked the Supervisor for appointing him as Deputy Supervisor.

There being no further business, Supervisor Bylewski adjourned the meeting at 7:58 p.m. in honor and memory of Joan Kessler, wife of Neil Struebing who serves on the Senior Center Board.

Nancy C. Metzger  
Town Clerk