

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, February 2, 2011, at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 9:00 A.M. Members of the Town Board present were Councilmember's Peter DiCostanzo, Patrick Casilio and Joseph Weiss. Other Town officials present Town Engineer Joseph Latona, Assistant Engineer Tim Lavocat and Town Attorney Steven Bengart.

Supervisor Scott Bylewski

Motion by Supervisor Bylewski, seconded by Councilman Casilio to declare the following TV surplus office equipment: 32" View Sonic LCD TV/Monitor Serial #QNF074921244. On the question, the TV is not repairable. Upon roll call – Ayes: Councilman DiCostanzo, Councilman Casilio, Councilman Weiss, and Supervisor Bylewski. Noes: None. Absent: Councilman Kolber. Motion carried.

At the next Town Board meeting, Supervisor Bylewski will have a motion for a Special Event for a 5K walk/run The Red Devil Run for Recovery on June 11, 2011 beginning at the Epiphany United Church of Christ on Clarence Center Road. No streets will have to be blocked off; runners will use the side of the street mostly on the bike path. No tents will be set up.

Supervisor Bylewski has several Executive Session items regarding the employment history of individuals and matters leading to the appointment of individuals.

Councilman Joseph Weiss

Motion by Councilman Weiss, seconded by Councilman Casilio to authorize Supervisor Bylewski to sign the Grant Application with East Hill Foundation for the Historical Museum. On the question, this is for a 5 year grant of \$2,500.00 per year that is paid to the Town and applied towards the maintenance of the museum. Upon roll call - Ayes: Councilman DiCostanzo, Councilman Casilio, Councilman Weiss and Supervisor Bylewski. Noes: None. Absent: Councilman Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to approve the request by Animal Control Officer Jerome Schuler to attend a training program at FEMA's Center for Domestic Preparedness in Anniston, Alabama from May 15, 2011 to May 20, 2011. The training course is completely funded by the Department of Homeland Security at no cost to the Town. On the question, Supervisor Bylewski spoke to Jerry Schuler about the course and basically it is being paid entirely by FEMA. Upon roll call - Ayes: Councilman DiCostanzo, Councilman Casilio, Councilman Weiss and Supervisor Bylewski. Noes: None. Absent: Councilman Kolber. Motion carried.

Councilman Kolber arrived at 9:15AM.

Councilman Weiss attended a meeting sponsored by Congressman Chris Lee; it was very well attended and very informative.

Councilman Patrick Casilio

Motion by Councilman Casilio, seconded by Councilman Weiss to approve the following encumbrance of funds from the 2010 Engineering Department budget into the 2011 Engineering Department budget: \$5620.00 from Account 1440.0100, \$3,461.00 from Account 1440.434, \$1,056.00 from Account 1440.467, \$2,797.00 from Account 1440.470, \$1,066.00 from Account 1440.471 for a total of \$14,000. Upon roll call- Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Weiss to authorize the transfer of \$14,000.00 from Account 1440.0100 (Personal Services) into Account 1440.434 (Professional Services). Upon roll call – Ayes: All; Noes: None. Motion carried.

The Day in the Park and Clubhouse Committee met last week for three hours to coordinate events for that day including the celebration of the Clubhouse (former Automobile Club) 100th birthday - everything is well under control

A labor meeting is scheduled for February 7th at 3PM. A pre-meeting regarding a labor management issue will begin at 2PM.

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

Councilman Peter DiCostanzo

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to grant permission for Youth Director Dawn Kinney to attend the State Association of Youth Bureaus Youth Leadership Forum and Legislative breakfast in Albany on February 7th – February 8th, 2011 at a cost of \$320. The cost includes dinner and bus transportation for Ms. Kinney and three high school students. Upon roll call – Ayes: All; Noes: None. Motion carried.

The ice rink at Main Street Park was discussed. During Winterfest, there was a Curling demonstration and there were approximately fifty other people other than the Curling members skating on the ice as well. Councilman DiCostanzo is hoping that more people have discovered there is an ice rink in the park and will use it. In talking to other parents, Councilman DiCostanzo was asked why hockey cannot be played in the park. Hockey is played in Cuomo Park in Lancaster and Akron Park. Town Attorney Bengart stated that he does not have an answer for Cuomo Park and how they handle it, but he has several concerns. We don't have anyone to supervisor it, should the town require helmets, mouth guards and face masks for anyone playing hockey. Town Attorney Bengart does not know if we have the appropriate insurance to cover it if someone were to get a head injury. The Northtown Center at Amherst (former Pepsi Center) has a skate and shoot day - helmets and face masks are required however, they are self-insured. USA Hockey requires helmets, mouth guards and neck guards at all times. Hockey is a physical sport, Town Attorney Bengart concern is the head injuries that can happen are forever not to mention other injuries. He does not feel the town is appropriately set up for the liability issues. Town Attorney Bengart stated that you could not have hockey and open skate at the same time, you would have to set up different time schedules.

Supervisor Bylewski agreed with Town Attorney Bengart, he has no problem with residents playing hockey however, you could not have both open skate and hockey at the same time.

Supervisor Bylewski suggested Councilman DiCostanzo check with Cuomo Park and Akron Park and see how they handle it and what they require.

Councilman Weiss stated that we have had the perfect weather for the ice rink so this may not be an issue down the road. The other day when he was walking through the park there were several individuals playing hockey on the ice rink. Town Security told them that they could play as long as there were no other skaters. From an enforcement standpoint, are we going to tell Town Security to enforce the "no hockey" rule or let them handle it as they see fit. Personally Councilman Weiss would like to see kids playing hockey and utilizing the ice rink. He has witnessed people playing hockey and skating at Akron Park and it seems to work pretty well.

Councilman Casilio would like to see a sign indicating "Skate at your own risk."

Councilman Kolber is concerned about unsupervised hockey and the liability aspect.

Town Attorney Bengart will speak with our insurance agent to see if we are adequately insured.

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

Councilman Bernard Kolber

The Senior Center Van and Youth Center Van issue has come up again.

A meeting is scheduled for February 16th, 2011 at Eastern Hills Mall relative to the ice rink.

Town Attorney Steven Bengart

The Ethics Board is requesting a link be added to the Whistle Blower hotline on the town's website that would be linked to NYS Law. Town Attorney Bengart thought it was a good idea and will forward the information to Karen Jurek.

Town Attorney Bengart has one item to discuss in Executive Session regarding the appointment of a corporation which pertains to firematic, proposed acquisition of real estate and one Attorney-Client item to discuss.

Outcome-Based Budgeting

Parks Department – James Burkard

Jim stated that his Focused Goals remain the same to efficiently utilize park staff with a goal of 9 full time equivalent employees per 100 acres developed parkland in the next year. This is the national average and Mr. Burkard is currently below that figure. To ensure a reasonable per capita cost to Clarence citizens by attaining an annual operating expense of \$72.00 per capita in the upcoming year, to maintain developed parkland at 13 acres for every 1,000 Clarence residents. Staffing did increase this year, a new park pavilion was added at Parker for a total of eleven pavilions. Buildings increased - the Parks Department is maintaining three additional buildings the Passmore house on Thompson, Kreitner house on Main Street and the Rapids Road house which is part of the green print project. Jim Burkard will have his department remove the cabinets from the Passmore house and install them in the Legion Hall.

Staff utilization is down this year, the Parks Department is operating with five less full time employees, two seasonal employees and more summer help have been hired to balance that. The Parks Department currently employs 28 full time employees or 7.5 per 100 acres of developed park land.

The Town currently has 365 acres of developed parkland or 12.67 acres per 1,000 residents. (This does not include the Kreitner property).

From 2009 – 2010 wages decreased by \$59,870. Revenue was up \$8,765. The Legion Hall and Clubhouse were booked prior to the fee increase and those reservations were "grandfathered" in. Mr. Burkard is anticipating an increase in revenue from fees collected this year.

Only two groups that use the Clubhouse had issues with the fee increases. Mr. Burkard spoke directly with the Book Review Club and after he explained the increase to them, they accepted it. The Book Review Club has approximately 120 members that meet each month; the fee increase would be less than \$1 per person. They already pay a fee because they have a catered luncheon. They are getting a great deal as it cost more just to wash the dishes than what they are being charged. It would cost you more to buy paper products than what it cost to rent the dishes.

A water-line will be installed at Memorial Park this winter. The pipe was going to be hauled in this week but is being held off because of the weather. The Highway Department will haul the stone. This will be a joint project with the Highway and Parks Department. Town Engineer Latona stated that he has had discussions with NYSEG about installing power. When the water line is installed, the conduit will be installed as well (two separate trenches).

Jim Burkard stated that he is working within a tight budget, within the sports groups there is an increase in costs and he is continuing to find ways to balance that to keep a good product and keep his costs down. He bids everything he can and gets the best price – the more they do, the more it costs.

With water and power being installed at Memorial Park, Town Engineer Latona and Jim Burkard have met with the sports organizations - meters will be installed to monitor water usage. Clarence Baseball Association has inquired about constructing a concession stand and lavatory at Memorial Park. They were told the Town will work with them on it but it will be at their expense.

Jim Burkard long term goal for the Main Street Park is to construct a multi use lavatory facility at the former Parks Department office. The small lavatory near the tennis courts would be eliminated completely. Town Engineer Latona stated that the sewer line would have to be run and there is rock in that area it will be difficult to do. There are also four houses located behind the Parks Department and they would like to tie into the sewers as well.

A new back-stop was installed at Parker field. The Parker Pavilion will not be rented out this year. There is no power so residents can use it on a first come, first served basis. The Recreation Department may be pulling out of Parker this year because the number of participants has gone down. Once the lavatory is hooked up and power is installed, the pavilion will be rented out.

By March 2012 a new ADA code requires two handicap accesses to the pool. The town will have to put a lift in the pool at a cost of \$4,000 - \$7,000. The existing ramp will count as one access to the pool.

Engineering Department – Joseph Latona and Tim Lavocat

The Focused Goals and Measurements remain the same. The budget has steadily increased. The 2010 budget was almost even with last year however they encumbered left over funds and used that to off-set some of the engineering costs for the solar projects and professional services.

To effectively establish a capital program you need accurate project numbers. The Engineering Department had to use outside consultants for architectural estimates and mechanical estimates which figure into the Engineering Department budget.

Compliance Certifications are at 100% for DEC certifications, part of the storm water program and EPA requirements.

The number of contracted projects has increased. The Engineering Department is up to 13 major projects which were started in 2010 and are spilling over into this year (3 major solar projects, the sprinkler project in the Clubhouse and Museum, Miles Road bridge project, auditorium seating, town park sewer project, Sewer District #9 project to be completed this year, Legion Hall project, Memorial Park waterline project, energy efficiency in the town buildings, Senior Center insulation project, town wide drainage and the updated FEMA mapping which will all take place this year). A bid date will be set at the next Town Board meeting for the Miles Road bridge project – estimated cost \$850,000.

As a result of the economy, internal reviews which include developmental plan reviews, storm water permit reviews, floodplain permits, public and private permits went down this year.

Joseph Latona and Tim Lavocat achieved six of their professional development hours last year – they are on a three year cycle where they have to complete a set number of hours within a three year period for a total of 36 hours. Most of the education time was put into Lean Six Sigma – green belt training.

As far as efficiency, the engineering department started tracking in 2010 - with all the reviews it came out to 10.5 hours per project. Some reviews are fast and others are lengthy and involved mainly those in the Capital Program.

In 2010 the Engineering Department took great effort in documenting emails, phone calls and walk-ins. They had over 4,000 responsible e-mails, over 2,000 inquiries via the phone and over 500 walk-ins. When people come into the office, you have to educate them on their question and many of the questions are relative to our flood plain which is our density flood way in the north end which is a very unique flood plain management ordinance. So when people come in and they want to understand that, a lot of time is spent with them to educate them.

Looking at the numbers, the amount of time spent interacting with the public and educating the public stands out. If there is a rain storm people will call about the water in their yard, each call has to be addressed, it is

very time consuming. The Engineering Department has documented the more pressing issues that seem to occur and attempt to solve the problems and come up with a solution. Many times, it is not a town problem but a private issue that the person is looking to the town to solve.

Town Engineer Latona informed the Town Board that he has been corresponding with the Town of Amherst and hand delivered the draft contract February 1, 2011.

Planning and Zoning – James Callahan and Brad Packard

The focused goals are tied to the Master Plan and Jim and Brad have been tracking this for quite some time.

The enforcement numbers have not changed significantly in the last several years. The Planning and Zoning office is complaint based, they are not control based so the number of complaints is not going to change significantly through the years. They try to stay on top of everything, if there is a violator, they will work with the person to solve any problems.

As a reflection on the economy, this year' single family housing numbers are down. The net revenue per unit remains fairly consistent and the impact associated with each unit has remained fairly consistent throughout the years.

The Office of Planning and Zoning closely monitors the impact new commercial/industrial construction is having upon the community. There has been a slow down because of the economy however, over a ten year period we are well above what they identified as a minimum requirement to sustain the tax rates at a reasonable level.

Mr. Callahan and Mr. Packard have tracked the green print and the acquisition of open space and the impacts. They have done some preliminary studies identifying the value of surrounding land does increase in value so there will be an offset to the net loss.

Supervisor Bylewski asked if there was any correlation that we have had ongoing between our commercial growth and our residential growth in terms of value being added.

Mr. Callahan stated that they have identified from the start, it is part of the overall Master Plan and the balance of growth we'll need to sustain the community and that includes open space preservation. The correlation is there but they have not dealt with hard numbers. The Master Plan was set up as a balance between commercial and residential, open space, agricultural. With the lack of sewers, we are restricted in our commercial development.

Assessor – Christine Fusco

The focused goals are all the same, the Assessor's Office operates under NYS rules, IAAO Standards. The appropriations remained the same. The IAAO acceptable uniformity standards are well within our ranges. Verification is at 100%. Beginning this year, the Assessor's office will look at all 12,000 properties in the town, they will not necessarily change the assessments but they will do drive-bys on 12,000 properties. They will be looking at all commercial properties as well.

Councilman Weiss asked what kind of changes in a home the Assessor's office can see by doing a drive-by. Town Assessor Christine Fusco stated that it is not so much what you are looking at when you are driving by. The actual physical house may not have changed but the analysis is based on a sales analysis so the Assessor is doing a market survey. A house selling for \$150,000 last year might be selling for \$175,000 this year. The Assessor's office looks at all the multiple listings on the properties that have not sold yet and compare that to their inventory. They contact the building department and compare the ML to what was originally applied for.

There has been a decrease in the number of assessment reviews. In 2010, the Assessor's office did a town wide mailing of disclosure notices which was a state requirement at the end of the six year plan for 2010. The challenges went down along with Small Claims, Board of Review and Article 7's.

Mrs. Fusco stated that there are major issues with NYS regarding the STAR Exemption; there is an income limit of \$500,000. for the basic star exemption.

Youth Bureau – Dawn Kinney

Dawn stated that she has met and exceeded her goals especially her volunteer program. The numbers jumped significantly from 2009. Dawn has 254 youth registered in the program; they gave 2,684 hours of volunteer time. Amherst Youth Bureau has over 400 youth registered in their program and they limit their volunteers to two events per month. Dawn stated that she does have to turn some kids away; certain programs get filled up immediately so she is monitoring it and at some point she may have to limit the volunteers.

There were 350 youth participants for the summer series. It is difficult to gauge accurately because different programs are offered each year. The summer of 2010, two movie nights in the park were offered. In 2008, our movie night had to be cancelled and rescheduled in 2009.

The Youth Counseling Services, the contract we have with Child and Adolescent Treatment Services numbers more than doubled. It is their third year being known in the district which brings more awareness and an increase in need. We are getting a small increase in State Aid for 2011 so the plan is to contract with CATS (Child and Adolescent Treatment Services) again for those services.

According to the 2009 Satisfaction Survey, 96% of residents surveyed are satisfied with the services they receive from the Youth Bureau.

Supervisor Bylewski stated that he has budgeted for another survey to be done at the end of this year.

Ms. Kinney stated that she is pleased with the numbers and continues to add more programs.

Councilman Weiss asked if the Youth Bureau could offer programs for town youth when the kids are off from school. Dawn stated that the Recreation Department and the Youth Bureau have activities planned over the February break for a couple of hours. Dawn stated that there are challenges with this type of programming such as staffing, finding space and Health Department regulations but they are working on that.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) F the employment history of a particular person, the employment history of a corporation, matters leading to the appointment of a particular persons; § 105(1)H acquisition of real property but only when publicity would substantially affect the value thereof. Upon roll call – Ayes: All; Noes: None. Motion carried.

The Work Session adjourned at 11:06 A.M.

The Work Session reconvened at 11:39 A.M.

Supervisor Bylewski announced that janitor Tim Sayers injured his back last night and was taken by ambulance to Millard Fillmore Suburban Hospital.

Animal Control – Jerome Schuler

Mr. Schuler is hoping to have the final architect drawings for the addition to the kennel by Friday. Senior Building Inspector David Metzger is requiring the driveway be stripped for handicap parking.

The total calls and number of field service calls has increased by approximately 500. Typically this time of year is usually slow but the calls have been pretty consistent. The adoption program is a work in progress. There is a link to our website that residents can go to if they want to adopt a pet - Pet Finder.

Mr. Schuler stated that his costs are minimal; much of the pet food he gets is donated by Wal-Mart.

The State Inspector inspected the dog kennel last week, everything is in compliance.

Mr. Schuler had court ordered individuals performing 686 hours of community service to help clean kennels.

Mr. Schuler informed the Town Board that he is finding it hard to keep up with the sidewalk complaints and he asked that the Board find someone else to police it. Supervisor Bylewski stated that until they can get someone else in place, Mr. Schuler will have to handle any complaints.

Recreation Department – Cliff Trapper

Winter Recreation – General Recreation/Hockey – over all the participation numbers are off. They went down slightly in hockey but should rebound. Cliff Trapper attempted to start a Middle School floor hockey league. Cliff is hoping the same thing will happen in the Middle School that happened in the elementary school where it started as an open venue however, it has become more organized.

Summer participation hours are up; football and archery were not offered for lack of instructors. Track participation was down because the high school track was being rebuilt. Pool crafts were offered this year – parents who took their older kids to swim lessons could have the younger kids to crafts outside the pool.

Volleyball peaked and Pilates jumped because it was not offered last year. Tai Chi has been added this year. Pilates will begin again in February at Sheridan Hill School and will run for seven continuous weeks.

The Special Events bring the most success; everyone likes the one day events.

Summer programs for adults will continue with Pilates, Tai Chi and fly casting will be introduced this year. The pad at Meadow Lakes will be converted for supervised street hockey – the Parks Department will resurface the pad and install new hockey nets.

During the winter, children’s evening programs were added at the schools. There was a charge for that and for hockey. Mr. Trapper is considering a nominal fee for general recreation. Chris Durr is working with Karen Jurek on the identification passes and security issues. They are considering requiring children that take swim lesson purchase a season pass. There will be a minimal fee to enter the fishing derby this year as well - \$2.00 residents/\$4.00 non-residents.

There will be an increase in fees for general recreation this year. Volunteer hours have dropped. It is difficult to have high school youth volunteers in recreation they don’t stay through the program. To be effective, Mr. Trapper stated that he needs the volunteers for a longer period of time. Volunteers are used for special events.

Two more teams have committed to softball; Cliff is hoping to add a third team. Chris Durr is looking into adding special day events at the pool - possibly one in July and one in August.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to reconvene the Executive Session at 12:35 PM. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 12:35 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 12:44 PM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

