

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, May 11, 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, Senior Building Inspector David Metzger, Town Attorney Steven Bengart, Town Engineer Tim Lavocat, Director of Administration and Finance Pam Smith, Planning Board Chairman Al Schultz and Animal Control Officer Jerome Schuler

**Director of Community Development – James Callahan**

***Public Hearings:***

William Richer III – west of 9950 County Road

A Public Hearing is scheduled for 7:45 PM to consider a Temporary Conditional Permit for a roadside food service trailer west of 9950 County Road. The proposed site is located on the north side of County Road, west of Strickler Road on existing vacant land located in the Industrial Business Park Zone. Per the Zoning Law, the Town Board may consider the temporary use via a Temporary Conditional Permit. Operational details and parking issues need to be addressed. ***(Councilman Kolber will recuse himself from voting on this request as he has a business relationship with the applicant).***

GC Supply, Inc. – 9992 Main Street

A Public Hearing is scheduled for 7:50 PM to consider a Temporary Conditional Permit for outside display and storage at 9992 Main Street. Applicant is proposing to operate a golf cart supply operation at the former furniture store/appliance store. The proposed site is located on the north side of Main Street, east of Kraus Road in existing commercial structure located in the Commercial Zone. Per the Zoning Law, the Town Board may authorize outside storage/display of materials/merchandise. The Planning Board has approved the change in use to operate the business at this location. The applicant is requesting approval of areas to store and display golf carts outside.

***Formal Agenda items:***

Paul Bonito/Dave Sutton 9620 County Road

Applicant is proposing an addition to existing structure to accommodate an automotive service operation. The proposed site is located on the north side of County Road, east of Goodrich Road at existing industrial structure located in the Industrial Business Park Zone. Per the Zoning Law, the Town Board has final authority to approve automotive service operations. Applicant is proposing an addition to existing building as opposed to previously approved new building.

Brookfield Country Club 5120 Shimerville Road

Applicant requests approval for Fireworks Display Permit for May 28 and July 4, 2011. Permit application, fees, insurance and fire chief approvals are on file.

***Work Session items for consideration June 8, 2011:***

The next Work Session/Town Board meeting is tentatively scheduled for May 25, 2011 however the board room and the auditorium will not be finished by then. Two of the items scheduled for the May 25<sup>th</sup> agenda will require a public hearing. After discussion with Director of Community Development James Callahan, Supervisor Bylewski suggested the May 25<sup>th</sup> meeting be cancelled and the Town Board set the two public hearings tonight so that they will be ready to be acted upon at the June 8<sup>th</sup> Town Board meeting. The Town Board was in agreement with this.

Larry Matteson 4715 Thompson Road

Applicant is seeking approval to continue operation of Excavation Business. The proposed site is located on the east side of Thompson Road, north of Main Street at existing vacant former trucking business that previously operated under a Temporary Conditional Permit. The property has been split and the new owner of northern property is seeking approval to operate a similar business to the one that currently operates immediately south of this property. Per the Zoning Law, the Town Board may

consider the application via a Temporary Conditional Permit. Issues include the fact that a new owner/operator is seeking to operate under similar conditions to operation that immediately adjoins property to the south. **(For the record, Councilman Kolber stated that this property adjoins his property).**

Ann Marie Turello 10500 Miland Road

Applicant is seeking permission to construct a secondary living unit at existing residential property located on the west side of Miland Road, north of Salt Road in the Agriculture Rural Residential Zone. Per the Zoning Law, the Town Board may consider secondary living units via a Special Exception Use Permit. A public hearing will be required to consider the permit. The applicant has been made aware of all the conditions that are required in the Zoning Law.

Dan Snyder – 5655 Newhouse Road

Applicant is requesting approval of a Fireworks Permit for July 4, 2011 at 5655 Newhouse Road. The Planning and Zoning Office will notify the surrounding neighbors.

### **Supervisor Scott Bylewski**

Supervisor Bylewski will announce the motion that was passed at the May 4<sup>th</sup> Work Session relative to the posting of the Civil Engineer position as well as the resignation of Part-time Clerk Sara Krawczyk.

Supervisor Bylewski received a thank-you letter from the Chamber of Commerce regarding their stipend that the Town has been providing for the last several years and again this year.

The Town will be receiving a \$5,000 check from Waste Management regarding their “Keep America Beautiful” grant.

The Association of Erie County Governments is hosting a meeting in the Town of Clarence on May 26<sup>th</sup> at Orazio’s Restaurant. Anyone interested in attending should RSVP to the number listed on the invitation.

Supervisor Bylewski received a letter from the CDBG Consortium regarding the local cooperation agreement between the Town of Clarence and Erie County. The agreement goes back to 2003 and will be renewed for an additional 3 years automatically unless the Town Board objects. The town is not large enough to get Block Grant monies on our own. By pooling together with other communities in the County we have a better chance of obtaining funding.

Library Director Monica Mooney sent a letter to the Town Board about a smoke free campus around the library. Supervisor Bylewski suggested contacting Parks Crew Chief James Burkard about installing signage.

Supervisor Bylewski has one item to discuss in Executive Session regarding the employment history of particular people.

### **Councilman Joseph Weiss**

Councilman Weiss received several phone calls from people regarding the Mosque situation on Transit Road. He forwarded an e-mail to Amherst Supervisor Weinstein to see if he could deflate the situation because of all the negative press it is receiving both locally and internationally.

Councilman Weiss attended the Clarence School District candidate’s forum on Tuesday night however only 38 people were in attendance.

Councilman Weiss attended a meeting at Senator Gallivan’s office where they discussed working with the schools to hire qualified people with excellent skills without having them go through the certification process (ex. an ex football player/baseball player that would like to coach in the schools).

Councilman Weiss received several phone calls regarding some minor problems throughout the town, he forwarded the calls to the appropriate department heads and they took care of it.

Upon recommendation of Parks Crew Chief James Burkard, Councilman Weiss will make several part-time seasonal appointments in the Parks Department.

Councilman Weiss will make a motion to post the position of Senior Clerk in the Assessor's office.

The Town of Webster Police Department sent a letter thanking Animal Control Officer Jerome Schuler for taking the time to be a part of the Town of Webster's fifth annual Animal Control Conference. They received many positive comments about the class that Jerry taught and look forward to working with him in the future.

Parks Crew Chief James Burkard is requesting a bid opening on June 3, 2011 for the purchase of a 2011 Field Groomer.

Councilman Weiss will make a motion authorizing the Supervisor to sign an Agreement between the Town of Clarence and the Town of Amherst regarding shelter services for seized dogs. Supervisor Bylewski stated that we have a similar agreement with the Town of Tonawanda. We will evaluate the Town of Tonawanda contract at budget time.

#### **Councilman Patrick Casilio**

Councilman Casilio has been working with Jim Burkard on the security cameras for the pool and Karen Jurek has been working on the computer system for the pool office.

There have been numerous complaints concerning Verizon. Service was interrupted along the entire east coast due to a vendor.

Councilman Casilio will award the bid for the installation of Solar Panel System on the highway garage to Kaplan-Schmidt Electric, Inc. At their bid of \$154,870.

A pre-construction meeting has been scheduled for Friday, May 13<sup>th</sup> for the renovations to the Legion Hall. Construction work will begin on the auditorium tomorrow.

#### **Councilman Peter DiCostanzo**

The TCBA is requesting a Special Event for Baseball Night in Clarence to be held at Town Place Park on May 20<sup>th</sup>, 2011. The request will be approved contingent upon receipt of the proper insurance certificate for bounce houses.

The Rotary Club annual Lobsterfest is scheduled for Saturday, June 4<sup>th</sup>, tickets are still available.

Councilman DiCostanzo commended Planner Brad Packard on passing the Civil Service test, Brad scored highest.

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

#### **Councilman Bernard Kolber**

Upon recommendation of Highway Superintendent Donner, Councilman Kolber will make several part-time seasonal appointments in the Highway Department.

Councilman Kolber will comment on the Annual Library report.

Councilman Kolber attended the Zoning Board of Appeals meeting last night. Councilman Kolber stated that many times people will come in requesting something and then they sell the property. Councilman

Kolber is suggesting a "sunset clause" be incorporated into the variance portion of our Zoning Law that unless a particular action is initiated within a certain period of time the variance would revert back after one year.

Councilman Kolber commented on the damage that beavers are doing to some property that his friends own - he did not realize they were so prevalent in this area.

**Planning Board Chairman Al Schultz**

Planning Board Chairman Al Schultz stated that a meeting is scheduled for next Wednesday with the residents on Pinyon Court regarding the Shadow Woods Subdivision. Town Attorney Bengart recommendation to bring Essex Homes to the table was extremely effective; he is of the opinion that the residents will be very pleased with the proposal by Essex which will include 2 different species of hardwood trees and 5-6 foot evergreens for a total of 23 trees every 100 feet.

The June 29<sup>th</sup> joint Town Board/Planning Board meeting will include strategizing how to implement the sewer priorities that are in the Master Plan. The Erie County Sewer Authority will be in attendance for discussion as well.

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

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) E Collective negotiations pursuant to Article 14 of the Civil Service Law (The Taylor Law); § 105(1)F the employment history of particular people. On the question Town Attorney Bengart and Director of Administration and Finance Pam Smith were asked to remain in the meeting. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

Darcy A. Snyder  
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Casilio to adjourn the Executive Session at 7:31 P.M. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, May 11, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:35 P.M. Pledge to the flag was led by Councilman Patrick Casilio, followed by a prayer given by Pastor Bennett of Eastern Hills Wesleyan Church.

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

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held April 27, 2011. 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 May 4, 2011. Upon roll call – Ayes: Councilmembers Casilio, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman DiCostanzo. (He was not present.) Motion carried.

Supervisor Bylewski said per past practice, there was one motion from the work session held on May 4, 2011 to post the position of Civil Engineer with a salary range of \$43,000 to \$48,000. There was also a resignation of Sara Krawczyk as a part-time clerk. This position is also posted.

Supervisor Bylewski said we received a petition for sidewalks on Goodrich Road and will be acting on that as a capital improvement later tonight.

Supervisor Bylewski announced that the meeting of the Town Board for May 25, 2011 is cancelled. This is due to the auditorium renovations that will not be completed by that date. The next meeting will be held June 8, 2011.

Supervisor Bylewski said the monthly meeting of the Association of Erie County Governments will be held in Clarence on May 26<sup>th</sup> at Orazio's.

Supervisor Bylewski said we received the automatic renewal note notice from the Erie County Consortium of Community Development Block Grants. It is advantages for the Town to be in the Consortium with a number of other municipalities. We have received grant monies for projects and the current project is improvements to the Legion Hall.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for June 8, 2011 at 8:05 p.m. to consider the request by Larry Matteson for a Temporary Conditional Permit for a site development excavation company at 4715 Thompson Road. On the question, Supervisor Bylewski said this is being set tonight due to the cancellation of the May 25<sup>th</sup> meeting. Councilman Kolber said he will recuse himself as this property is next to his. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for June 8, 2011 at 8:10 p.m. to consider the request by Annmarie Turello for a Special Exception Use Permit to allow for a secondary living unit at 10500 Miland Road. On the question, Supervisor Bylewski said this is being set tonight due to the cancellation of the May 25<sup>th</sup> meeting. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to make the following appointments to the position of Laborer PT Seasonal for the Parks Department at a rate of \$8.36 per hour and subject to the completion of all pre-employment requirements being met: Effective May 16, 2011 – Nicholas Bonaventura, Bradley Curtis, Megan Rogers, Hillary Horvath, Jessica Cummiskey, Nicholas Weitz, Joshua Costanzo, Devon Ames, Michael Matyas, Michael Holt and Mark Russell; Effective May 17, 2011 – Anthony Trigilio; Effective May 23, 2011 – Derek

Frost, Edward Dinki and Matthew Tobin; Effective May 31, 2011 – Maximilian Shroyer. On the question, Councilman Weiss said these are the annual seasonal appointments to help out during the summer in the Parks Department. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to post the position of Senior Clerk in the Assessor's Office, step 1, group 4 of the White Collar Contract with starting salary of \$31,149.00. On the question, Councilman Weiss said this is due to retirement of an employee in that department. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to authorize the Supervisor, Scott Bylewski, to sign an Agreement between the Town of Clarence and the Town of Amherst regarding shelter services for seized dogs with said agreement subject to review and approval by the Town Attorney. On the question, Councilman Weiss said we have had an agreement with the Town of Tonawanda and that has been working out fine. This is a similar agreement with Amherst. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to set a Bid Date of Thursday, June 3, 2011 at 10:30 a.m. for the purchase of a 2011 Field Groomer for the Parks Department. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said he had a chance to hear the school board candidates speak last night and only 38 citizens showed up to hear them. They have some pretty good new candidates running for office.

Councilman Weiss said Animal Control Officer Jerry Schuler gave a presentation at the Webster Animal Control Conference. We received a letter that said they received many favorable compliments on the class he taught. Jerry does a great job for the Town and now we know he can give a very good lecture.

Councilman Weiss congratulated Kelly Schultz on selling the vase. He happened to be there that day and it was quite exciting.

Councilman Kolber said Jerry does a great job not only with dogs, but he has seen him with snakes and recently a large snapping turtle.

Motion by Councilman Kolber, seconded by Councilman Casilio to make the following appointments to the position of Laborer PT Seasonal for the Highway Department at a rate of \$8.36 per hour, effective May 16, 2011 and subject to the completion of all pre-employment requirements being met: Rocky Silvestro, Rustin McNiff, John Bosela, Christopher Courman, Edward Kohout, Anthony Boneventura and Theodore Jarmuz. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said we received the 2010 Library Report. They do a great service and they just keep getting budget cuts. There were 145,399 visitors to the library in 2010. They held 298 special programs and 294 non-library functions were held there.

Councilman Kolber was surprised to hear that there are beavers living all around the Town. Someone told him that they had created a dam on their property that caused a portion to become flooded. Jerry Schuler told him they are all over.

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

RESOLVED, that the Clarence Town Board adopts a Bond Resolution of the Town of Clarence, New York, adopted May 11, 2011, authorizing the construction of improvements to the Parking Lot and Roadways at the Main Town Park, stating the estimated maximum cost thereof is \$130,000, appropriating said amount for such purpose, and authorizing the issuance of \$130,000 of bonds of said Town to finance said appropriation, subject to a permissive referendum.

On the question, Councilman Casilio said the Town Park Clubhouse, formerly owned by the Automobile Club, will be celebrating 100 years this year. We want to spruce it up for the celebration. The Highway Department will be doing the work.

Town Attorney Bengart said a complete copy of the extract of minutes for said Bond Resolution will be on file in the office of the Town Clerk.

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

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

RESOLVED, that the Clarence Town Board adopts a Bond Resolution of the Town of Clarence, New York, adopted May 11, 2011, authorizing the construction of an addition to the Animal Shelter, stating the estimated maximum cost thereof is \$110,000, appropriating said amount for such purpose, and authorizing the issuance of \$110,000 bonds of said Town to finance said appropriation, subject to a permissive referendum.

On the question, Councilman Kolber said a complete copy of the extract of minutes for said Bond Resolution will be on file in the office of the Town Clerk.

Councilman Kolber said this is actually an addition and not a whole new building.

Councilman Casilio said he will amend the motion to reflect that. He added that the Highway Department is doing the work.

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

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

RESOLVED, that the Clarence Town Board adopts a bond resolution of the Town of Clarence, New York, adopted May 11, 2011, authorizing the construction of improvements to the American Legion Hall, stating the estimated maximum cost thereof is \$105,000, appropriating said amount for such purpose, and authorizing the issuance of \$105,000 bonds of said Town to finance said appropriation, subject to a permissive referendum.

On the question, Councilman Kolber said a complete copy of the extract of minutes for said Bond Resolution will be on file in the office of the Town Clerk.

Councilman Casilio said this is to make the building more handicap accessible. This building is the most used of our public buildings. There will also be façade improvements to fit in with the Traditional Neighborhood District.

Supervisor Bylewski said the community development block grant monies will be used toward repaying the bond notice.

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

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

RESOLVED, that the Clarence Town Board adopts a Bond Resolution of the Town of Clarence, New York, adopted May 11, 2011, authorizing the construction of improvements to the Parks Office/Shop Building, stating the estimated maximum cost thereof is \$90,000, appropriating said amount for such purpose, and authorizing the issuance of \$90,000 bonds of said Town to finance said appropriation, subject to a permissive referendum.

On the question, Councilman Kolber said a complete copy of the extract of minutes for said Bond Resolution will be on file in the office of the Town Clerk.

Councilman Casilio said this is primarily for a new roof to replace what is approximately 30 years old and an upgrade of the mechanical system.

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

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

RESOLVED, that the Clarence Town Board adopts a Bond Resolution of the Town of Clarence, New York, adopted May 11, 2011, authorizing the construction of improvements to sidewalks on Goodrich Road, stating the estimated maximum cost thereof is \$60,000, appropriating said amount for such purpose, and authorizing the issuance of \$60,000 bonds of said Town to finance said appropriation, subject to a permissive referendum.

On the question, Councilman Kolber said a complete copy of the extract of minutes for said Bond Resolution will be on file in the office of the Town Clerk.

Councilman Casilio said these sidewalks will tie in the bike path to some existing sidewalks.

Supervisor Bylewski said a petition was received requesting extension of the sidewalks on the east side of Goodrich north to the corner of Countryside Court, and on the west side of Goodrich north to the pre-school.

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

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

BE IT RESOLVED THAT, after holding an open competitive bid, the Town Board awards the bid for the Highway Department Solar Power Project to Kaplan-Schmidt Electrical of Rochester, New York as they were the lowest responsive bidder in the amount of \$154,870 to be funded under the NYSERDA Grant, and

BE IT FURTHER RESOLVED THAT, the Supervisor is authorized to sign and enter into a contract with Kaplan-Schmidt Electrical, subject to review and approval by the Town Attorney.

On the question, Councilman Kolber said this is being paid for with a grant.

Town Engineer Tim Lavocat said the grant was for \$160,000. It is a ground mount system for the Highway Department.

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

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

RESOLVED, that the Clarence Town Board hereby adopts the agreement between the Town of Clarence and the Civil Service Employees Association, Inc., Local 1000 AFSCME, AFL-CIO, Town of Clarence Blue Collar Unit of Local 815 for the period of January 1, 2011 to December 31, 2014 and authorizes the Supervisor to execute same.

On the question, Councilman Kolber thanked all the parties in the negotiations of this contract, including Councilman Casilio and Supervisor Bylewski.

Supervisor Bylewski said the Highway Superintendent and Parks Superintendent were heavily involved in negotiations. He also wants to express his thanks to the union negotiation team and the blue collar union as a whole. They came up to a common solution, especially with insurance costs, a compromise was reached.

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

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to authorize Supervisor Scott Bylewski to sign the engagement letter of Drescher Malecki for professional services provided throughout the year ending December 31, 2011, subject to Town Attorney review and approval. On the question, Councilman DiCostanzo said this is an outside accounting firm that offers consulting and expertise on accounting issues. We also have a separate firm to do the audit. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that upon the recommendation of Dawn Kinney, Director of the Clarence Youth Bureau, Crystal Sterling is appointed to the position of Youth Activities Leader-PT at the rate of \$9.50 per hour effective May 12, 2011 subject to all pre-employment requirements for the position being met.

On the question, Councilman DiCostanzo said we increased the hourly rate as requested by the Director of the Clarence Youth Bureau to attract and maintain qualified candidates. They do work with the youth and have a higher level of responsibility. This person would work a maximum of 19 hours per week.

Supervisor Bylewski said the rate is being raised from \$8.18 to \$9.50.

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

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to appoint the following to the position of Lifeguard PT Seasonal effective June 8, 2011 and subject to the completion of all pre-employment requirements being met: Jocelyn Hohman at a salary of \$3,547; Jillian Kreppel and Joelle Joseph at a rate of \$10.85 per hour; Jessica Kowalski, Sarah Bzibziak, James D. Ferguson, Danielle Esposito, Jessica Biedny, Joshua Geiger, Megan Klyczek, Paul Kreppel, and Olivia Quenneville at a rate of \$10.18 per hour; Adam Weber, Jordan Kowalski, Daniel Salvatore, Emily Schachtner and Adam Terragnoli at a rate of \$9.98 per hour. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that upon the recommendation of Recreation Director, Clifford Trapper, the following are appointed for Summer Recreation effective May 12, 2011: Jamie Krawczyk to Recreation Specialist PT Seasonal at the rate of \$15.92/hr.; Mark Skowron as Recreation Specialist PT at the rate of \$15.92/hr.; and Jenna Snyder as Recreation Supervisor PT Seasonal at the rate of \$17.93/hr. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said his boys have been playing baseball for years and this is the first he remembers opening day being rained out. They finally got to start. He thanked Jim Burkard and his department for getting the fields ready.

Councilman DiCostanzo announced that Clarence Rotary Lobsterfest will be held on June 4<sup>th</sup>.

Supervisor Bylewski thanked all department heads present for attending.

A Public Hearing was held to consider a Temporary Conditional Permit for a roadside food service trailer west of 9950 County Road. James Callahan said the location is the north side of County Road, west of Strickler Road consisting of vacant land in the Industrial Business Park Zone.

Councilman Kolber said he will recuse himself from this item as he has a business relationship with the applicant.

William Richer said he will use a barbeque trailer at this site.

Councilman DiCostanzo said the only concern was with traffic going 55mph in that area.

Mr. Richer said he has plenty of land to do whatever he needs to do. He also spoke with someone from the County and he did not see a problem.

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

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

Be It Resolved, that the Clarence Town Board, after a public hearing duly held on May 11, 2011 and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, William Richer III, for the operation of a roadside food service stand at 9950 County Road, subject to the following conditions: 1. The Temporary Conditional Permit shall be for a period of one year.

Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Kolber. Motion carried.

A Public Hearing was held to consider a Temporary Conditional Permit for outside display and storage at 9992 Main Street. James Callahan said the location is the north side of Main Street east of Kraus Road consisting of the previously approved golf cart supply business.

Spiros Kardambikis, marketing director and sales manager of GC Supply and Douglas Klotzbach of K2 Architect were present. Mr. Kardambikis said they would like a landscaped display in front of the building for up to six vehicles. The display would change seasonally. The sheds have been removed from the site. The outside storage is at the back of the building and they have changed the lighting to be directed toward the building. The number of vehicles stored would vary up to as many as 300.

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

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

Be It Resolved, that the Clarence Town Board, after a public hearing duly held May 11, 2011 and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, GC Supply, Inc., for outside display and storage of golf cart-like utility vehicles and/or customized golf cart-like utility vehicles at 9992 Main Street pursuant to site plan submitted by K 2 Architecture PLLC dated March 30, 2011 and subject to the following conditions:

1. The Temporary Conditional Permit shall be for a period of one year.
2. No other outside storage and/or display shall be permitted.

On the question, Councilman Weiss thanked them for bringing their business into our Town.

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

Paul Bonito/Dave Sutton requests a Special Exception Use Permit for automotive sales at 9650 County Road. James Callahan said the location is on the north side of County Road, east of Goodrich Road consisting of an industrial building in the Industrial Business Park Zone. The applicant is requesting an addition for the relocation of an automotive repair business.

Supervisor Bylewski clarified that this request is for automotive service.

Paul Bonito owner of the building and Chris Caito owner of the repair business were present. Mr. Bonito said he is going to add on to the building instead of constructing a new building.

Councilman Kolber said he prefers a Temporary Conditional Permit over a Special Exception Use Permit.

Motion by Councilman Kolber, seconded by Councilman Casilio to set a Public Hearing for June 8, 2011 at 8:00 p.m. to consider the request for a Temporary Conditional Permit for automotive service at 9620 County Road. On the question, James Callahan said the address of the existing building is 9620 County Road. The applicant was going to build a new building, but has since changed his plans. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant Fireworks Display Permits to Brookfield Country Club for May 28, 2011 and July 4, 2011 at 5120 Shimerville Road. Applications, fees, insurance and fire chief approval have been received. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence HS Track Club – June 7, 2011; B. Clarence Log Cabin Quilters – June 13, 2011; C. Clarence Concert Association – June 17, 2011; D. Clarence Chamber of Commerce – June 24, July 8, 15, 22 & 29, 2011; E. Clarence Youth Bureau – July 7, 12, 14, 19 & 21, 2011; Legion Hall Applications – A. Brian Decker – May 28, 2011; B. Girl Scout Troop 30092 – June 17, 2011; C. Girl Scout Troop 30642 – June 23, 2011; Park Pavilion Special Requests – A. Clarence HS Student Council – May 23, 2011; B. Clarence Baseball Night in Clarence – May 20, 2011; Nature Center Lodge Applications – A. Clarence Chamber of Commerce – June 14, 2011; B. Clarence Recreation – July 11 & 14, 2011; C. Clarence Youth Bureau – Aug. 3, 2011; and D. Boy Scout Troop 27 – May 31, 2011. On the question, Councilman DiCostanzo said he would like Park Pavilion Special Request item B. contingent upon receipt of the proper insurance certificate. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review, the following bills of May 12, 2011 are approved for payment: General Fund - \$303,041.32; Highway Fund - \$18,631.80; Water District - \$34,237.91; Sewer Districts - \$300.00; Capital Fund - \$1,658.00; and Trust & Agency 203 - \$2,122.50 for a total amount of \$359,991.53. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:30 p.m.

Nancy C. Metzger  
Town Clerk