

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, July 24, 2013, at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 6:00 P.M. Members of the Town Board present were Councilmember's Bernard Kolber, Patrick Casilio and Robert Geiger. Councilman DiCostanzo was absent. Other Town Officials present were Director of Community Development James Callahan, Junior Planner Jonathan Bleuer, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Senior Building Inspector David Metzger, Planning Board Chairman Robert Sackett, and Director of Administration and Finance Pam Cuvillo.

Director of Community Development - James Callahan

Formal Agenda items:

William Lorenz 4715 Harris Hill Road

Applicant is seeking a permit to construct an in-law apartment. The proposed site is located on the east side of Harris Hill Road, south of Sheridan Drive at the existing single family residential home in the Residential Single Family Zone. Per the Zoning Law, the Town Board may consider the proposed secondary living unit with a Special Exception Use Permit. A public hearing will be required to consider the request.

Work Session items for consideration August 14, 2013:

McGuire Development 8321 Main Street

Applicant is proposing to demolish the existing structures and construct a new 19,000 +/- square foot professional office building. The proposed site is located on the south side of Main Street, west of Susan Drive on existing residential property consisting of 2.3+/- acres located in the Traditional Neighborhood District. Per the Zoning Law, the Town Board has authority to issue Special Exception Use Permits for structures greater than 10,000 square feet in the TND. The Planning Board has forwarded a recommendation on the project. A public hearing is required to consider the request.

Northwood's Open Space Design Subdivision

Applicant is proposing to develop a 148+/- lot Open Space Design Subdivision. The final step in the SEQRA review process is the adoption of a Final Findings Statement. The proposed site is located on the north side of Greiner Road between Shimerville Road and Thompson Road on existing vacant agricultural land located within the Residential Single Family Zone. The Town Board is Lead Agency under SEQRA and makes the final determinations and findings associated with the development proposal. The Planning Board has forwarded a recommendation on the Final Findings Statement.

There was a discussion relative to bike path connectivity from the Town Hall campus through Waterford - as it turns out the easement with Heise-Brookhaven did not have that type of arrangement associated with it. The Planning Board felt the bike path could be extended through Northwood's and then connect to Waterford. It is part of the site plan and review phase. The Planning Board has made it clear to the applicants that they want to see some type of trail. The SEQRA findings identify that there should be some type of recreational trail. Supervisor Hartzell asked that it be relayed back to the Planning Board that the Town Board is very much in favor of a bike path with connectivity. Instead of calling them Bike Paths, Councilman Kolber suggested calling them Recreational Trails.

Spaulding Green LLC Phase II-C

Applicant is seeking Final Plat Approval for Phase II-C for 18 patio home lots and the dedication of two patio home courts. The proposed site is located at the southeasterly extension of

Meadowglen Drive in a residential classification. Per the Subdivision Law, the Town Board has final authority to dedicate new streets and accept Final Plats. Town Engineer and Highway Superintendent approval of street construction required.

Excavation Permits – annual renewals

Per the Excavation Law, the following applicants are applying for their annual permit: Buffalo Crushed Stone, Clinton Excavating, Emeritus Holdings and Lakeside Sod. No complaints have been filed.

Town Engineer – Timothy Lavocat

Mr. Lavocat updated the Town Board on the library reconstruction project. As of today the project is 35% complete, and on schedule. There have been some minor changes throughout this project and decisions had to be made accordingly to resolve the issues. These changes will affect the cost. There are seven separate contracts so Mr. Lavocat was hoping to (barring any significant changes) combine these into single change orders by contract and bring them before the Town Board. The Town Board was in agreement with this.

There are several Grant applications to act on including the Bike Path Expansion Project, Clarence Historical Museum Roof Rehabilitation Project and sidewalks on Main Street from Thompson Road to Transit Road. Director of Community Development James Callahan said he had some resolutions to put forward to complete the SEQRA process.

The Spaulding Lake feasibility study will be awarded to Nussbaumer and Clarke, Inc.

The bid date for the Library Parking Lot Expansion Project is scheduled for August 20, 2013 at 10AM.

Town Engineer Lavocat will have the revised Pool Contract at the next Town Board meeting along with the design for the Sawmill Road box culvert that is slated for next year.

Director of Administration and Finance – Pam CuvIELLO

Pam CuvIELLO informed the Town Board that the money for the BAN was transferred to the towns account today, the rate is .45%. She said that the Town does not want to be in the Bond market, it is too unstable.

Planning Board Chairman – Robert Sackett

Chairman Sackett reminded the Board of their joint meeting Wednesday, July 31th at 6:30PM. Agendas have been mailed to everyone.

Chairman Sackett spoke relative to the bike path as it pertains to the Northwood's Open Space Design Subdivision stating that what is in the SEQRA findings is consistent with tonight's discussion as it pertains to the site plan. To get a bike plan done properly, the site plan will have to be redone.

Supervisor David Hartzell

- Award the bid for the purchase of a 2013 Extended Cab Short Box pickup truck for the Highway Department.
- Approve a Special Event Request – Remember Flight 3407 5K Run to be held October 5, 2013.

- Resolution in support of the preparation and submittal of the grant application to the NYS DOT Transportation Enhancement Program for the repair, replacement and installation of sidewalks on Main Street from Thompson Road to Transit Road.
- Approve request for a Block Party to be held on July 27, 2013 from 3PM – 9:30PM on Willow Run Court.
- Approve the transfer of funds from the 2013 budget for the building of a second basketball court at Town Place Park (\$12,000 from Recreation Deposits to Highway Resurfacing Materials).

Councilman Bernard Kolber

- Resolution authorizing the Supervisor to accept funds from the NYS Office of Parks, Recreation and Historic Preservation in an amount not to exceed \$500,000 and enter into and execute a project agreement with the State for such financial assistance to the Town of Clarence for the Clarence Historical Museum Roof Rehabilitation Project.
- Resolution to move NYS Thruway Williamsville Toll Barrier.
- Set a bid date of August 20, 2013 for the Library Parking Lot Expansion Project.

Councilman Patrick Casilio

- Resolution authorizing the Supervisor to accept funds from the NYS Office of Parks, Recreation and Historic Preservation in an amount not to exceed \$500,000 and enter into and execute a project agreement with the State for such financial assistance to the Town of Clarence for the Clarence Bicycle Path Expansion Project .
- Approve the Town of Clarence Comprehensive Emergency Management Plan-2013 edition as amended.
- Appoint Todd Trapper as Security Officer PT.
- Award the Spaulding Lake Sewer District Feasibility Study to Nussbaumer and Clarke, Inc. in the amount of \$12,250.

Councilman Casilio has one Attorney-Client item to discuss.

Councilman Robert Geiger

- Appoint Julia Marfurt to the Clarence Youth Board as student member effective July 1, 2013.
- Councilman Geiger will make several announcements including the upcoming Taste of Clarence and the completion of the West Short mural.

At the last Town Board meeting, there was discussion regarding the town stage. Previously Town Attorney Meckler spoke to Highway Superintendent Donner and he said it was a lot of work and effort to deliver and set up. Supervisor Hartzell and Town Attorney Meckler have discussed just allowing the use for town sponsored/non-for-profit events in order to limit exposure and limit liability. The Highway Department has erected the stage and dismantled

after each use. Groups know we have the stage and the request for use has increased. Currently there is no fee to use it. The major issue is that if a private group or event is utilizing the stage the town has to pay employees over-time to deliver and set it up. The fire companies would be allowed use since they built it. The dividing line is if it is going to benefit any private groups. Any non-for-profit/ town sponsored events will be allowed use. Councilman Casilio suggested turning the duties over to the Parks Department, the Highway Department handles roads, not setting up stages in the parks. Councilman Casilio stated that another alternative would be to charge private groups \$500 to use the stage.

Councilman Casilio suggested Town Attorney Meckler put some type of policy in writing for the Board to review. Town Attorney Meckler will follow-up with Parks and Highway.

Motion by Councilman Casilio, seconded by Councilman Geiger to adjourn the Work Session at 6:50 PM.

Darcy A. Snyder
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, July 24, 2013 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David C. Hartzell, Jr. called the meeting to order at 7:30 p.m. Pledge to the flag was led by James Blum, followed by a prayer given by Pastor Andy Broad of Eastern Hills Wesleyan Church.

Members of the Town Board present were Council Members Robert Geiger, Patrick Casilio, Bernard Kolber and Supervisor Hartzell. Councilman Peter DiCostanzo was absent. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler, and Town Engineer Timothy Lavocat.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the work session held the morning of July 10, 2013. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to accept the minutes of the work session and regular meetings held July 10, 2013. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to accept the low bid of \$9,952.60 for the purchase of a 2013- F-150 4x4 Extended Cab Short Bed Pick Up Truck with the trade in of a 2009 F-150 Extended cab pickup truck to DeLacy Ford, 3061 Transit Road, Elma, NY. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to approve the following special event:

Remember Flight 3407 5-K Run:

Date: October 5, 2013 – 7:00 a.m. until 2:00 p.m.

Number of persons expected to attend: 500+/- plus 30-50 volunteers

Route: – start at 9:00 a.m. on Old Goodrich Road; proceed north to Roll Road; west on Roll Road to Thompson Road; north on Thompson Road to Clarence Center Road; east on Clarence Center Road to Goodrich Road; south on Goodrich Road to Town Place; Town Place to Finish Line .(as per submitted route)

On the question, Supervisor Hartzell said all appropriate authorities will be notified and Certificate of Insurance is on file in the Town Clerk's Office.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger that the Town Board of the Town of Clarence expresses its support for the preparation and submittal of the grant application to the NYS DOT Transportation Enhancement Program (TEP) for the repair, replacement and installation of sidewalks on Main Street from Thompson Road to Transit Road in the Town of Clarence; and upon notice of funding, to enter into a formal agreement with the NYS Department of Transportation for reimbursement of project costs.

These sidewalk improvements will create a safer environment for pedestrians of all ages and abilities, will remove barriers to walking, will improve safety for students who walk or bike to school, and will encourage walking and biking as healthier alternatives to motorized transportation.

The Town of Clarence also expresses its commitment to provide a combination of cash and in-kind services to equal at least 20 percent of the total project costs in order to meet the non-federal share requirements of this grant program, to streamline the project, and to ensure its completion in a timely manner for the benefit of the traveling public. In addition, the Town of Clarence is willing to accept responsibility for the project development in accordance with Federal requirements.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to grant the request for a Block Party to be held on July 27, 2013 from 3:00 p.m. until 9:30 p.m. on Willow Run Court. On the question, Supervisor Hartzell said all appropriate agencies will be notified and they expect approximately 45+/- persons to attend. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to approve the transfer of funds from the 2013 Budget as follows: \$12,000 from Account No. 19.19.2089.1901 Recreation Deposits to Account No. 2.5110.413 Highway Resurfacing Materials. On the question, Supervisor Hartzell said the transfer is for the purpose of building a second basketball court at Town Place Park. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

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

Be it Resolved, that David C. Hartzell, Jr., as Supervisor of the Town of Clarence, is hereby authorized and directed to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$500,000.00 and enter into and execute a project agreement with the State for such financial assistance to the Town of Clarence for the Clarence Historical Museum Roof Rehabilitation Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property; and be it further

Resolved, in accordance with the requirements for application for funding from the New York State Office of Parks, Recreation and Historic Preservation, that the Town of Clarence hereby reaffirms the Master Plan, “Town of Clarence New York Master Plan 2015”, adopted in 2001 including any and all amendments to date, as the official land use planning document of the Town of Clarence.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to set a Bid Date for the Library Parking Lot Expansion Project for August 20, 2013 at 10:00 a.m. in the Office of the Town Clerk.

On the question, Councilman Kolber said contract documents will be available in the Office of the Town Clerk on July 31, 2013.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

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

Whereas, the New York State Thruway operates an interstate highway system traversing the State of New York; and

Whereas, the New York State Thruway operates both toll and non-toll sections; and

Whereas, the New York State Thruway operates a section of non-toll interstate roadway in Western New York; and

Whereas, access to the Thruway system is important to businesses and residents of the Town of Clarence; and

Whereas, the availability of efficient highway access is important to a vibrant economy and high quality of life; and

Whereas, the New York State Thruway Authority had planned for the relocation of the Williamsville toll facility to the east of the Transit Road, Route 78 exit; and

Whereas, the present location of the Williamsville toll barrier amounts to a “commuter tax” to residents of the eastern Buffalo suburbs, and

Whereas, the present location of the Williamsville toll barrier hinders economic activity, wastes travelers time, wastes fuel, adds to traffic congestion on adjacent roads, decreases efficiency of travel, and in general detracts from the quality of life of suburban Buffalo residents; and

Whereas, the New York State Thruway Authority recently reversed the decision to relocate said toll facility; and

Whereas, this reversal will have a negative economic impact estimated in excess of \$10 million per year on the Western New York economy.

Now therefore be it

Resolved, that the Clarence Town Board requests that the New York State Thruway Authority immediately abandon plans to rebuild the Williamsville toll facility at its present location and return to the original plan to relocate said toll facility to the east of the Transit Road, route 78 exit; and be it further

Resolved, that the Town Clerk be directed to forward copies of this resolution to the Supervisor and Town Councils of the towns of Amherst, Lancaster and Alden, the mayor and trustees of the Village of Williamsville, Governor Andrew Cuomo, State Senators Ranzenhofer and Gallivan, Assemblywoman Corwin, and the chairman and Board of Directors of the New York Thruway Authority.

On the question, Councilman Kolber said he believes that we need to keep working on this. There should be other town governments, businesses and residents to put pressure on the Thruway Authority to make this happen. The location should be chosen with minimal impact on residents.

Upon roll call – Ayes: Councilmembers Geiger, Casilio and Kolber; Noes: Supervisor Hartzell. Absent: Councilman Peter DiCostanzo. Motion carried.

Supervisor Hartzell said we hired Bernie Rotella as our grant writer last year and we are very excited that we have the best in the area. We hope to receive more awards from the grants he is working on now.

Motion by Councilman Casilio, seconded by Councilman Geiger to award the Spaulding Lake Sewer District Feasibility Study to Nussbaumer and Clarke, Inc. of Buffalo, New York in the amount of \$12,250.00 in accordance with their proposal dated July 1, 2013. This study investigates the potential Spaulding Lake Sewer District relative to Master Sewer Plan 2015.

On the question, Councilman Casilio said this is to be paid from Capital Project 65 Master Plan.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to appoint Todd Trapper to the position of Security Officer PT at the budgeted rate of \$14.00 per hour effective July 28, 2013. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the Town of Clarence Comprehensive Emergency Management Plan-2013 Edition, revised 2/1/13, as amended. On the question, Councilman Casilio said our Town Disaster Coordinators spend a lot of time keeping our plan up to date including contact information for public officials. Councilman Kolber said he wants to make sure that the personal information is for inside and not for public copies. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

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

Be It Resolved, that David C. Hartzell, Jr., as Supervisor of the Town of Clarence, is hereby authorized and directed to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$500,000.00, and enter into and execute a project agreement with the State for such financial assistance to the Town of Clarence for the Clarence Bicycle Path Expansion Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property; and be it further

RESOLVED, in accordance with the requirements for application for funding from the New York State Office of Parks, Recreation and Historic Preservation, that the Town of Clarence hereby reaffirms the Master Plan, “Town of Clarence New York Master Plan 2015”, adopted in 2001 including any and all amendments to date, as the official land use planning document of the Town of Clarence.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Casilio that upon the recommendation of the Clarence Youth Board, Julia Marfurt is appointed to the Clarence Youth

Board as a student member effective July 1, 2013 and ending on June 30, 2014. Upon roll call – Ayes: All; Noes: Absent: Councilman Peter DiCostanzo. None. Motion carried.

Councilman Geiger said the Farmer's Market cordially invites everyone to the unveiling and dedication of the West Shore Railroad mural on August 3rd at 11:00 a.m. at 10717 Main Street.

Councilman Geiger announced that the Annual Taste of Clarence will be held on Monday, August 5th from 4 to 9 p.m. There is a great car show and great food.

Bill Lorenz requests a Public Hearing to consider a Special Exception Use Permit for a secondary living unit at 4715 Harris Hill Road. James Callahan said the location is the east side of Harris Hill Road, south of Sheridan Drive consisting of an existing single family home in the Residential Single Family Zone. The applicant is proposing the unit to be used as an in-law apartment.

William Lorenz, Sr. was present representing his son. He would like to convert the existing garage as the secondary unit and add a new garage. His son is aware of the restrictions for use by family members and not as a rental unit.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for August 14, 2013 at 7:45 p.m. to consider the request for a Special Exception Use Permit for a secondary living unit at 4715 Harris Hill Road. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Councilman Casilio asked Mr. Lorenz how he felt about moving the toll barrier.

Mr. Lorenz said he believes it is a waste of money to redo the Williamsville toll barrier and it should be moved to relieve the traffic on Transit Road. He thinks it should be moved further out, possibly at Pembroke where there is room.

Councilman Kolber said people avoid the thruway because of the congestion at that location.

Motion by Councilman Geiger, seconded by Councilman Casilio to approve the following: Clubhouse Applications - A. Clarence Concert Association – July 28, 2013; B. Town Historian – Dec. 7, 2013; C. American Legion Post 838 – Dec. 11, 2013; May 26, Dec. 10, 2014; D. Welcome Wagon – 2nd Wednesday each month 2014; E. Antique Show – March 29 & 30, 2014; F. VFW Memorial Post 1200 – 2nd Tuesday each month 2014; Legion Hall Applications – A. Karl Tresino – Aug. 18, 2013; B. Alana Tarquinio – Aug. 25, 2013; C. Kathleen Zaprowski – Nov. 29, 2013; D. American Legion Post 838 – Monthly meetings for 2014; E. Swallow Creek Homeowners Association – Jan. 14 & July 8, 2014; F. Girl Scout Troop #1498 – 1st & 3rd Tuesday each month 2014; G. Girl Scouts of Clarence – 1st Monday each month 2014; H. Clarence Mustang Hockey – 3rd Monday each month 2014; Park Pavilion Special Request – A. Remember Flight 3407 5K Race – Oct. 5, 2013; Nature Center Lodge – A. Clarence Conservation Committee – Aug. 1, 2013. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of July 18, 2013 are approved for payment: General Fund - \$183,939.17; Highway Fund - \$101,565.95; Water District - \$855.76; Drainage District - \$39,124.00; Lighting District - \$835.82; Sewer District - \$200.00; Capital Fund - \$12,588.80 for a total amount of \$339,109.50. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

There being no further business, Supervisor Hartzell adjourned the meeting at 7:52 p.m.

Nancy C. Metzger
Town Clerk