A Work Session of the Town Board of the Town of Clarence was held on Wednesday, April 25, 2012, 2012 at the 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, Peter DiCostanzo and Robert Geiger. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler, Civil Engineer Kathryn Vergo, Confidential Secretary to the Supervisor Karen Jurek, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith, Planning Board Chairman Albert Schultz and Planning Board member Robert Sackett.

Director of Community Development James Callahan

Public Hearings:

A Public Hearing is scheduled for 7:45 PM to consider the Annual Renewal of existing Temporary Conditional Permits:

A. Hoemann Auto, 8310 Goodrich Road, Automotive Service
B. Towne Mini, 8200-8230 Main Street, Automotive Display
C. Autobahn Collision, 8200 Main Street, Automotive Collision
D. Miranda Automotive, 8925 Sheridan Drive, Automotive Service
E. K&A landscaping, 8925 Sheridan Drive, Outdoor Storage
F. William Richer III, 9855 Martin Road (County Road), Roadside Stand
G. Rocco's Pizza, 5433 Transit Road, Outside Dining
H. Calhoun Automotive Detail, 8145 Sheridan Drive, Automotive Detail Shop
I. Louie's Car Clinic, 9393 Main Street, Automotive Sales
J. GC Supply Inc., 9992 Main Street, Outside Display
K. Sweet Melody's, 8485 Transit Road, Outside Dining
L. At Your Service Car Care, 9620 County Road, Automotive Service
M. Gianni Mazias, 10325 Main Street, Outside Dining

There have been no formal complaints on any of the mentioned Temporary Conditional Permits. The Town Board has the option of renewing for up to five year terms.

Katie Yu – 10641 Main Street

Applicant is proposing to establish an outside dining area at existing restaurant located on the south side of Main Street, east of Ransom Road in the Clarence Hollow Traditional Neighborhood District. A Public Hearing is scheduled for 7:50 PM to consider the request for a Temporary Conditional Permit for outside dining at The Hollow Bistro and Brew 10641 Main Street.

Formal Agenda items:

Dan Snyder 5655 Newhouse Road

Applicant is seeking approval for a Fireworks Display Permit for July 4, 2012. The proposed site is located on the northeast corner of Roll and Newhouse Roads at existing agriculture and residential property located in the Residential Single Family Zone. Per State Law, the Town Board may have authority to approve fireworks displays. All fees, insurance, site plan and fire chief reviews are on file.

Domenic Piestrak-Spaulding Greens Subdivision

Applicant is seeking approval to remove a portion of stripped topsoil that currently exists in separate piles on the property from road and pond construction. The proposed site is located on the east side of Goodrich Road, north of Greiner Road at existing previously approved open space design subdivision. Per the Excavation Law, the Town Board has final authority to approve topsoil removal from approved projects. The applicant will need to provide assurance that adequate topsoil exists on site to accommodate full build out of homes.

Work Session items for consideration on May 9, 2012:

Affordable Senior Housing of WNY – 8040 Roll Road

Applicant is proposing to develop a 3-story senior apartment complex containing 125 units with associated parking and landscaping. The proposed site is located on the north side of Roll Road, east of Transit Road on existing vacant and residential property containing 9+/- acres in the Commercial and Residential Single-Family Zone. The Town Board recently approved a Master Plan 2015 amendment to allow for Commercial and Restricted Business Zoning on the property. Per the Zoning Law, the Town Board is the final authority for zoning amendments as well a Special Exception Use Permits required for multi-family housing in the Commercial and Restricted Business Zones. The Planning Board is reviewing

the concept. Two separate public hearings will be required to consider the rezoning as previously recommended and the Special Exception Use Permit.

Adam Bomb Productions – Eastern Hills Mall 4545 Transit Road
Applicant is proposing a day long Special Event in the Eastern Hills Mall parking lot on July 21, 2012. Per the Special Event Law, the Town Board may approve community wide special events.

Sanjay & Geeta Sethi – 8295 Ascot Circle
Applicant is seeking approval to construct a secondary living unit (in-law apartment) at existing home on a residential lot in the Residential Single-Family Zone. Per the Zoning Law, the Town Board may consider a secondary living unit with a Special Exception Use Permit. A public hearing is required prior to action on the request. All conditions as established within the Zoning Law must be met.

Woodland Hills Subdivision
Applicant is seeking Town Board approval to create a new town sewer district to service the proposed subdivision. The proposed site is located on the south side of Greiner Road, east of Harris Hill Road. The NYSDEC has identified that downstream capacity does exist through and within the Erie County Sewer District #5 system to accommodate the proposed subdivision. Previous action by Town Board identified an overall community benefit to expand the County Sewer District in a more comprehensive fashion in an attempt to meet long term goals of the community. Consideration of isolated Town sewer districts should also work to achieve long term community goals as identified in Master Plan 2015.

Two proposals were received for the Owen's farm. Director of Community Development James Callahan distributed the proposals to the Town Board for review and comment. In the interim, there is a Farmland Protection Committee meeting and a Recreation Advisory Committee meeting where they could also review the proposals and make a recommendation. The Town Board could consider action at the next Town Board meeting.

Senior Building Inspector David Metzger
Senior Building Inspector Metzger previously sent a memo to the Town Board regarding the abandon property on Fireside Drive South. The Building Department has been dealing with this property since 2009. There has been past experience with hog weed as well as tall grass on the property. The owner utilized the services of The Tree Doctor to cut and treat the hogweed in 2010 and to the best of his knowledge, Dave did not think the 2010 service fees were ever paid and are outstanding to date. Pursuant to our Local Law, the Town of Clarence contracted the services of the same contractor to continue providing proper removal and maintenance in 2011. The owner of the property who lives in California has been sent numerous correspondences over the years with all letters and bills eventually being undeliverable by the US Mail. Due to the fact that the site has shown historical evidence of this dangerous weed and the high probability of spreading to neighboring properties, David Metzger is requesting the Town Board execute the Maintenance Contract as proposed by the Tree Doctor of Shisler Road in Clarence.

The month of May is Building Safety Month. Dave Metzger was considering having an Open House and invite the public visit the Building Department. The specific date has not been scheduled.

Planning Board Chairman – Albert Schultz
Towne Mini met with the Executive Committee of the Planning Board. Given the geography of the site and the frontage on Westwood and Main Street, they do not have a proposal with no curb cuts on Westwood. They suggested that the Planning Board work with them to address the problems that the Town Board saw with access on Westwood and try to mitigate those problems. They have a lot of thoughts about truck access coming in the other way etc. Planning Board Chairman Al Schultz stated that his position was and is that the Planning Board has a stipulation on the referral from the Town Board and they will not entertain anything that does not meet those stipulations unless Towne Mini could work out a solution that the Town Board would be happy with. The applicant has indicated that if they can't have access, they will take their business elsewhere. Councilman Casilio stated that it is not the Town Board's job to come up with a recommendation; Towne Mini should come up with another proposal. Towne Mini has stated that they would come up with another proposal however; Mr. Schultz stated that he will not waste his boards time or the coordinated review agency's time on something where there is a legal stipulation that says they can't do something if that is what they are proposing to do.

The Town Board has concerns with the access on Westwood, test drives through the neighborhood, trucks unloading on Westwood – these are items that Towne Mini will have to address and if they come

up with a solution, the project will be brought back to the Town Board. Their plan appears to address every issue except the access on to Westwood. Councilman Kolber stated that the over-all goal is to protect the character and the people living in that neighborhood. We don't want to chase businesses away but have to protect the character of the neighborhood.

Planning Board member Robert Sackett stated that looking at this project from Towne Mini perspective; they only have 200 feet on Main Street. Trying to get in and out on the 200 feet and protect the character of the neighborhood is something the Planning Board will have to work around to get the best possible solution.

Supervisor David Hartzell
Supervisor Hartzell will make a motion to amend the Town of Clarence Procurement Policy and Appendix One.

Supervisor Hartzell received a letter from a resident commending Animal Control Officer Jerome Schuler.

Councilman Bernard Kolber
In the past, the Board has talked numerous times about creating a Sidewalk District along Main Street for snow removal. The Town of Amherst has a public hearing scheduled for May 7th regarding this for their residents. Councilman Kolber thought perhaps the Town of Clarence could use some of their information and adapt it to our Main Street situation. Copies of the proposed law were distributed to the Board. Supervisor Hartzell asked if Councilman Kolber would be able to attend that Public Hearing and come back with any information.

Councilman Kolber has one Attorney-Client item to discuss.

Councilman Patrick Casilio
Councilman Casilio will make a motion to waive the 30-day notice requirement for sale of the Baker property located on Rapids and Kelkenberg Road.

The bids for the Parks Department building renovations are being rejected, they all came in over what was anticipated. A new bid date will be set.

Councilman Casilio is working on the logistics with Time Warner concerning our camera system. If we can get cable to the cameras, we can get signals at the Town Hall.

Supervisor Hartzell and Councilman Casilio will be meeting with the head of Town Security on Thursday to go over scheduling for the summer.

Councilman Peter DiCostanzo
Catherine Berchou has resigned from the Ethic's Board. There is an opening on the Board for a non-republican. This is a seven member board and you cannot have more than three people from the same political party.

The Youth Bureau will host their Volunteer Recognition Ceremony on May 29th at Clarence Fire Company.

Members of the Youth Bureau made Welcome Home signs for those Honor Flight veterans returning from Washington DC after visiting the WWII memorial.

The Audit Committee met with the auditor and reviewed the draft Financial Statements, everything is in order. An Audit Report will be presented to the Town Board on May 2, 2012 morning Work Session.

There are two openings on the Recreation Committee, Joel Radder and James Delellis are interested in being appointed to that committee. Both men will be introduced at the May 9th meeting.

Lobsterfest is scheduled for June 2, 2012. Preseason tickets are on sale until April 30th.

Councilman DiCostanzo has one Attorney-Client item to discuss.

Councilman Robert Geiger
Councilman Geiger commended Youth and Recreation for the great job they did on the fishing derby.

The Senior Citizens Center is hosting a Basket Raffle and Barbeque on Saturday, April 28th.

Clarence Hollow Farmers Market will be opening June 2, 2012.

Jean O'Connell is working on an *extreme makeover* of a property in Clarence Hollow, more information will follow. Supervisor Hartzell suggested Ms. O'Connell contact David Stapleton who is familiar with this type of work.

Councilman Geiger handed out the expense report for construction of the Animal Control facility.

Councilman Geiger will set a Public Hearing for May 23, 2012 to provide an opportunity for public comment on the proposed draft Farmland Protection Plan.

Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to enter into Executive Session to discuss two Attorney-Client issues. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:35 PM.

Darcy A. Snyder
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, April 25, 2012 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell, Jr. called the meeting to order at 7:30 p.m. Pledge to the flag was led by Councilman Patrick Casilio, followed by a moment of silence.

Members of the Town Board present were Councilmembers Bernard Kolber, Patrick Casilio, Peter DiCostanzo, Robert Geiger and Supervisor Hartzell. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler, Civil Engineer Kathryn Vergo, Sr. Building Inspector David Metzger and Planning Board Chairman Al Schultz.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the previous meeting held April 11, 2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to adopt the amended Town of Clarence Procurement Policy and Appendix 1 in its entirety pursuant to the New York State General Municipal Law Section 103. A copy of the amended policy is attached hereto and made a part of these minutes. A copy will be on file in the Office of the Town Clerk. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell said he received a message from a taxpayer about Jerry Schuler, our animal control officer. The letter commended Jerry for the service he performed at their home. Supervisor Hartzell thanks Jerry, on behalf of the Town Board, for his excellent service in the Town.

Councilman Kolber said we have talked in the past about a sidewalk clearing district for the winter months along Main Street. He will attempt to attend a hearing that the Town of Amherst is going to have on this subject to see if we could learn something from what they are doing.

Motion by Councilman Casilio, seconded by Councilman Kolber to grant the request for a waiver of the 30-day notice provision as set forth in the Deed of Conservation Easement for the property owned by Gary L. Baker wherein the owner shall notify Grantees, Town of Clarence and the Western New York Land Conservancy, 30 days before conveying the Property, or any part thereof or interest therein, to any third party.

On the question, Councilman Casilio said the Deed of Conservation Easement for Development Rights allows the owner to transfer ownership of the property and the Easement goes with the land. The Western New York Land Conservancy has agreed to waive the 30-day notice provision.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to reject the bids received on April 10, 2012 for the Parks Office and Shop Building Roof Project, HVAC Project and Insulation Project as the bids exceed the budget. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a new Bid Date for the Parks Office and Shop Building improvements for May 22, 2012 as follows: 10:00 a.m. – Roof Project; 10:10 a.m. – HVAC Project; and 10:20 a.m. – Insulation Project. On the question, Councilman Casilio said we are possibly going to make some design changes to get the project within budget. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to add $60,000 to the Parks Office and Shop Building Roof, HVAC and Insulation Projects. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo stated that Catherine Berchou resigned from the Ethics Board. This leaves a position open for a person who is not registered to vote as a Republican.

Councilman DiCostanzo announced that the Youth Bureau Volunteer Recognition Ceremony will be held May 29, 2012.

Councilman DiCostanzo thanked Chip Trapper and people from the Youth Bureau who helped with the Fishing Derby. He heard that it was a successful event.

Councilman DiCostanzo thanked the Youth Bureau for doing a bunch of signs for a non-profit organization he is involved with, Honor Flight.

Councilman DiCostanzo said LobsterFest will be held June 2, 2012 and the cheaper tickets are available through the end of this month.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following Special Event: 6th Annual Ride for Missing Children sponsored by the National Center for Missing & Exploited Children – Date: May 24, 2012 at 7:25 a.m. beginning at ECC North Campus; Route: This is a 100-mile, 2x2 paced and police-escorted bike ride throughout Erie County and through some streets in the Town of Clarence; Number of people: 100 +/-. On the question, Councilman DiCostanzo said the applicants must arrange for traffic control. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint Jared Stockwell to the position of Laborer PT-Seasonal in the Parks Department effective April 30, 2012 for a period of up to five months at the rate of $12.18 per hour. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint the following to the position of Laborer PT-seasonal in the Parks Department at the budgeted rate of $8.61 per hour subject to receipt of all pre-employment paperwork and pre-employment requirements being met: Jon Aumiller, Ryan Schroen, Maurice Materise, Bandon DiBerardino and Amanda Atkins effective 5/14/12; John Ptak, Christopher Wright, Andrew Lawrence and Meghan Devine effective 5/21/12; Matthew Huben and Emily Cummiskey effective 5/29/12. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that upon the recommendation of Recreation Director, Clifford Trapper, the following are appointed for Summer Recreation subject to receipt of all pre-employment paperwork and pre-employment requirements being met: Jamie Krawczyk as Recreation Supervisor PT-Seasonal at the rate of $18.47 per hour effective June 1, 2012; and the following as Recreation Specialist PT-Seasonal at the rate of $16.40 per hour – Mark Skowron effective May 1, 2012, Kelly Weisman effective May 23, 2012 and Julie Murray effective June 1, 2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger that upon the recommendation of Recreation Director Clifford Trapper, the following are appointed for Summer Recreation as Recreation Attendant PT-Seasonal subject to receipt of all pre-employment paperwork and pre-employment requirements being met: Rachel Atkins at the rate of $8.11 per hour effective May 23, 2012; Anna Callahan, Ashley Gay, Shannon Letina, Jeffrey Schmidt, Jonathan Sessler and Reid Zaccagnino at the rate of $8.11 per hour effective June 1, 2012; and Maggie Brinkman, Jeff Herendeen, Eric Kinney, Daniel Palino and Angela Staszak at the rate of $8.51 per hour effective June 1, 2012. 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, Victoria Kuberka is appointed to the position of Youth Activities Leader PT-Seasonal at the rate of $9.79 per hour effective May 12, 2012 subject to receipt of all pre-employment paperwork and pre-employment requirements being met. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Board, the Clarence Town Board seeks Lead Agency status and commences a coordinated review of involved agencies and a 30-day comment period for the Proposed Master Plan 2015

Amendment at County and Strickler Roads. This Type I Action involves a Master Plan 2015 amendment leading to a zoning amendment to extend the Industrial Business Park Zoning along County Road, east to Strickler Road. On the question, Councilman DiCostanzo said this starts the process to look at it. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Board, the Clarence Town Board seeks Lead Agency status and commences a coordinated review of involved agencies and a 30-day comment period for the Proposed Master Plan 2015 Amendment at Main Street and Barton Road. This Type I Action involves a Master Plan 2015 amendment leading to a zoning amendment to extend commercial zoning to the east and west corners of Main Street and Barton Road. On the question, Councilman Kolber said this is a single property and the only one in that area that is not zoned commercial. Councilman DiCostanzo said that as discussed, he added both corners because both corners of Barton are zoned the same now. As long as it is being looked at for SEQR purposes, we may as well look at both. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger said the Fishing Derby was a great event last Saturday.

The Senior Center is hosting their basket raffle and barbeque on April 28th from 11:00 a.m. to 4:00 p.m.

The Farmer's Market will open on June 2nd.

The Clarence Hollow Association is looking at a makeover type project for the Hollow area with more details coming.

The Clarence Chamber of Commerce had their ribbon cutting last night at their new location.

Motion by Councilman Geiger, seconded by Councilman Casilio to set a Public Hearing for May 23, 2012 at 7:45 p.m. to provide an opportunity for public comment and any recommended changes on the proposed Draft Farmland Protection Plan. A copy of the proposed Draft is available in the Town Clerk's Office. The Draft Farmland Protection Plan has been developed in accordance with a grant awarded through the New York State Department of Agriculture and Markets in an amount not to exceed $25,000. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider the Annual Renewal of existing Temporary Conditional Permits as listed. James Callahan said the Town Board approves certain uses on a term basis and sets conditions to allow such uses per the Zoning Law. Generally, Temporary Conditional Permits are initially issued for one year to determine if it is compatible with neighboring uses and to ensure compliance with established conditions. The Town Board has the option to renew these permits for up to five years after that. Items a – m as listed on the agenda are up for renewal this year. There have not been any formal complaints received in the Planning and Zoning Office on any of these items.

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

James Callahan said the Board could limit Town Mini to one year because they currently have a project for that location under review.

Motion by Councilman Casilio, seconded by DiCostanzo to grant renewal of existing Temporary Conditional Permits as follows: items a. and c. – m. for the period of three years; and item b. for the period of one year.

a. Hoemann Auto, 8310 Goodrich Road, Automotive Service
b. Towne Mini, 8200-8230 Main Street, Automotive Display
c. Autobahn Collision, 8200 Main Street, Automotive Collision
d. Miranda Automotive, 8925 Sheridan Drive, Automotive Service
e. K&A landscaping, 8925 Sheridan Drive, Outdoor Storage
f. William Richer III, 9855 Martin Road (County Road), Roadside Stand
g. Rocco's Pizza, 5433 Transit Road, Outside Dining
h. Calhoun Automotive Detail, 8145 Sheridan Drive, Automotive Detail Shop
i. Louie's Car Clinic, 9393 Main Street, Automotive Sales

j. GC Supply Inc., 9992 Main Street, Outside Display
k. Sweet Melody's, 8485 Transit Road, Outside Dining
l. At Your Service Car Care, 9620 County Road, Automotive Service
m. Gianni Mazias, 10325 Main Street, Outside Dining

On the question, Councilman Casilio said there have been no complaints about Towne Mini, but the limit of one year is due to the project they have proposed for the site.

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

A Public Hearing was held to consider the request for a Temporary Conditional Permit for outside dining at 10641 Main Street. James Callahan said the location is the south side of Main Street, east of Ransom Road consisting of an existing restaurant in the Traditional Neighborhood District, as well as, the Clarence Hollow overlay. The Town Board can consider the issuance of the permit for a one-year period.

Katie Yu said she is the owner of the Hollow Bistro & Brew. She would like to have a few tables in an area of about 7' x 8' in front of the restaurant before the sidewalk. It could hold about three tables with six people. They would build a fence around it.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Kolber to close the Public Hearing. 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, after a Public Hearing duly held on April 25, 2012 and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, Katie Yu, for outside dining at existing restaurant location at 10641 Main Street subject to the following conditions:

1. Temporary Conditional Permit is granted for one year.
2. Hours of operation: Sunday through Saturday from 11:00 a.m. to 11:00 p.m.
3. Outdoor seating not to exceed three tables and eight seats.
4. No live entertainment permitted.

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

Dan Snyder requests a Fireworks Display Permit at 5655 Newhouse Road for July 4, 2012. James Callahan said the location is at the northeast corner of Newhouse and Roll Roads. The complete application, insurance, fee and fire chief approval are on file.

David Saleh, attorney for Mr. Snyder was present. They could put up cones like they did last year so that parking is only on one side of the road.

Motion by Councilman Kolber, seconded by Councilman Geiger to grant a Fireworks Display Permit to Dan Snyder at 5655 Newhouse Road for July 4, 2012. Upon roll call – Ayes: Councilmembers Geiger, DiCostanzo, Kolber and Supervisor Hartzell; Noes: None. Recuse: Councilman Casilio. Motion carried.

Domenic Piestrak requests a Topsoil Removal Permit for Spaulding Greens Subdivision. James Callahan said the location is the east side of Goodrich Road, between Clarence Center Road and Greiner Road consisting of various stockpiles of topsoil in the active under construction subdivision.

Susan Greene was present for Spaulding Greens LLC.

James Callahan said the amount of topsoil is less than 10,000 yards.

Councilman DiCostanzo asked if they could spare 50 yards to use for Town purposes.

Susan Greene said some of it is going to be used for construction on the site.

Councilman Kolber said he does not want to hold them hostage for this permit.

Councilman Casilio said he will make the motion without that as a condition. If they wanted to donate, that is their business.

Motion by Councilman Casilio, seconded by Councilman Kolber to grant the request of the applicant Spaulding Greens LLC for a Topsoil Removal Permit for approved projects in the Spaulding Green Subdivision on the east side of Goodrich Road, north of Greiner Road subject

to the applicant providing assurance that adequate topsoil exists on the site to accommodate full build out of homes. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to grant approval for the following: Clubhouse Applications - A. Clarence Chamber of Commerce – Apr 27, Jun 15 & 22, Jul 6 & 13, 2012; B. Clarence Concert Association – June 8, 2012; C. Youth Bureau – July 7 & 14, 2012; D. Clarence Holiday Valley Ski Club – September 30, 2012; Legion Hall Applications – A. Anthony Haas/Security Dept. – April 29, 2012; B. Christina Minkler – July 22, 2012; C. Walter Banko – September 16, 2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of April 26, 2012 are approved for payment: General Fund - $318,576.71; Highway Fund - $19,044.18; Water District - $1,012.00; Fire Protection Districts - $2,573.23; Drainage District - $19,942.00; Lighting Districts - $758.74; Sewer Districts - $100,710.46; Capital Fund - $21,335.21; and Trust and Agency 203 - $1,155.00 for a total amount of $485,107.53. Upon roll call – Ayes: All; Noes: None. Motion carried.

"For the Good of the Town"

Paul Shear suggested, that in the future, if you are going to make a recommendation to allow an applicant to remove topsoil, do not discuss whether they are going to donate it prior to making the decision.

Janet Vito, Lawrence Vito, Emilio Corbelli and Ruth Haas were present. Janet Vito said they have a letter to present to the Town Board about some concerns with the Senior Center. Concerns included how dues money is spent, appointments to the board, leadership and questionable finance activities. They asked that the Town Board take another serious look at the operations of the Senior Center.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:07 p.m. in memory of Albert Hartwig.

Nancy C. Metzger
Town Clerk

PROCUREMENT POLICY FOR TOWN OF CLARENCE

(Amended April 25, 2012)

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, § 103 or any other law; and

WHEREAS, comments have been solicited from those officers of the town involved with procurement; NOW THEREFORE, be it

RESOLVED; that the Town of Clarence does hereby adopt the following procurement policies and procedures:

GUIDELINE 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, § 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. The information gathered and conclusions reached shall be documented and kept with the voucher or other documentation supporting the purchase activity.

GUIDELINE 2. All purchases of a) supplies or equipment, where it can reasonable by determined based on the facts and circumstances, will exceed $20,000 in the fiscal year or, b) public works contracts over $35,000 shall be formally bid pursuant to GML, § 103.

GUIDELINE 3. All estimated purchases of:

Less than $20,000 but greater than $10,000 require a written request for a proposal and written/fax quotes from 3 vendors.

Less than $10,000 are left to the discretion of the purchaser.

All estimated public works contracts of:

Less than $20,000 but greater than $35,000 require a written Request for Proposal and fax/proposals from 3 contractors.

Less than $15,000 but greater than $5,000 require a written Request for Proposal and fax proposals from 2 contractors.

Less than $5,000 but greater than $1,000 are left to the discretion of the purchaser.

Any written Request for Proposal shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes offered.
All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

GUIDELINE 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall be documented and filed with the record supporting the procurement.

GUIDELINE 5. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals.

GUIDELINE 6. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

a) Acquisition of professional services;
b) Emergencies;
c) Sole source situations;
d) Goods purchased from agencies for the blind or severely handicapped;
e) Goods purchased from correctional facilities;
f) Goods purchased from another governmental agency;
g) Goods purchased at auction;
h) Goods purchased for less than $500;
i) Public works contracts from less than $1,000;
j) Purchases pursuant to State or County bid.

GUIDELINE 7. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

GUIDELINE 8. Pursuant to the provisions of GML §104-b(f), effective January 1, 2009, those employees authorized for purchases on behalf of the Town and their respective titles shall be listed in Appendix 1 of this policy and said listing shall be updated biennially.