

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, June 27, 2012, 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, Peter DiCostanzo and Robert Geiger. Other Town officials present were Deputy Supervisor Kathleen Hallock, Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, and Confidential Secretary to the Supervisor Karen Jurek, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith, Deputy Town Attorney Steven Bengart, and Planning Board member Robert Sackett.

Director of Community Development – James Callahan

Public Hearings:

Open Space Bond Act renewal

A Public Hearing is scheduled for 7:45PM to consider a 10-year extension to the Open Space Bond Resolution.

Formal Agenda items:

Harris Hill Commons

Applicant is proposing to develop an Open Space Design Subdivision consisting of 70+/- sub lots on 62.73+/- acres. The proposed site is located on the west side of Harris Hill Road between Sheridan Drive and Greiner Road on an existing vacant parcel located in the Residential Single-Family Zone. The area is identified in a residential classification adjoining Sheridan Drive frontage located in a commercial classification. Per the Zoning Law, the Town Board has final authority to approve Open Space Design Developments. Formation of a sewer district to service the project is the principal issue. Isolation of the adjoining frontage on Sheridan Drive and Greiner Road is another factor in framing a comprehensive review of the proposed project. Referral to the Planning Board would initiate a formal review of the proposal.

Main/Barton Master Plan 2015 Amendment 9105 and 9125 Main Street

Applicant is seeking a Master Plan Amendment to allow for a commercial zoning classification on the two corner lots. The parcel is located on the south side of Main Street at the intersection with Barton Road on existing residential property located in the Residential Single-Family Zone. The area is currently identified as residential per the original map cover for the White Acres Subdivision approval. As stewards of Master Plan 2015, the Town Board has ultimate authority to amend the Future Land Use Map within MP 2015. The Planning Board has forwarded a recommendation to amend the Future Land Use Map at 9105 and 9125 Main Street to identify commercial zoning. As a part of the recommendation it is identified that a specific zoning classification would be considered at a future date under a separate application for a change in use on the property. Limiting factors associated with the future land use of the property include lot size and required setbacks to adjoining residential properties as well as the lack of public sewers.

Work Session items for consideration July 11, 2012:

Metzger Civil Engineering 8080 Wehrle Drive

Applicant is proposing to develop a market rate multi-family housing project to be located on existing vacant land located in the Commercial Zone containing 15+/- acres on the north side of Wehrle Drive, east of Transit Road. A Concept Plan for an office park was previously approved by the Planning Board in 2001. Per the Zoning Law, the Town Board has authority to approve multi-family residential projects with a Special Exception Use Permit. Referral to the Planning Board would initiate a formal review of the proposal.

Regent Companies – north of 8230 Wehrle Drive (behind golf dome)

Applicant is proposing to split the property and utilize the northern portion for Senior Housing Project. The project will require an action under the Subdivision Law to create an additional lot and will also require a variance for unit density and a Special Exception Use Permit. Per the Zoning Law, the Town Board has ultimate authority to approve Multi-Family Residential with a Special Exception Use Permit.

Subdivision of land, unit density and sewer capacity are the main issues. Referral to the Planning Board would initiate a formal review of the project.

Larry Engasser – 8346 County Road

Applicant is seeking an amendment to the previously approved project to reduce the lot size and building size associated with the Open Development Area. The proposed site is located on the north side of County Road, east of Stahley Road on existing previously approved 1-lot Open Development Area located within the Swormville Traditional Neighborhood District. Per the Subdivision Law, the Town Board has the authority to grant variances to the Subdivision Law and specifically the Open Development Area regulations. Supermajority approval of the variance requests for lot size reduction and building size reduction is required by the Town Board. The Planning Board has forwarded a recommendation on the variances and has previously approved the Open Development Area as designed.

Walter Peters – Screens Restaurant and Sports Lounge 5445 Transit Road

Applicant is requesting approval for a out-door volley ball court. This is not a permitted use in this zoning classification and will require a Temporary Conditional Permit.

Ronald Martin – 5115 Old Goodrich Road

Applicant is seeking approval to construct a secondary living unit (in-law apartment) at existing home at 5115 Old Goodrich Road. 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.

Day in the Park – Fireworks Permit

The Day in the Park annual fireworks permit was not submitted until the last minute and therefore never authorized. All required approvals are in order for approval. Day in the Park is scheduled for this Saturday, June 30th.

Town Attorney Lawrence Meckler

The Highway Department constructed a mobile stage that will be used for Day in the Park. Highway Crews will transport and install the stage on Friday, June 29th at the Main Street Park. Councilman Casilio stated that previously the town bull dozer trailer had been used; this will be a big improvement.

Supervisor David Hartzell

The work at Beeman Creek is progressing nicely, workers have cut a 2-mile trail and the Parks Department has spread gravel for parking. There are some discrepancies as to who owns the exit area out of the park. Town Engineer Lavocat stated that Parker Road is a public right of way to a certain point which gives the Town access to where we are now. Based on the survey, the area in question belongs to the Town and not the neighbor. Mr. Lavocat will have someone go out and field measure the area in question. Supervisor Hartzell stated that the park is intended for people to walk through; no ATV or snowmobiles are allowed. Conservation Advisory Committee Chairman Peter Wolfe recommended waiting one year before cutting any more trails. Todd Norris said there are protected plants and trees that cannot be cut down.

Councilman Geiger stated that he visited Beeman Creek Park late this afternoon and the Highway Department torn down the sheds. Councilman Geiger commented that there is a cement pad that would be a great place to put a lean-to for hikers.

At the May 9th, 2012 Town Board meeting, the Board made a motion to implement the internal control recommendations by the outside auditor. Councilman DiCostanzo e-mailed Supervisor Hartzell as to whether or not those recommendations have been implemented. Supervisor Hartzell spoke to Director of Administration and Finance Pam Smith and she said all the steps from the outside auditor have been implemented. Supervisor Hartzell is glad that the audit was done and we have responded and changed things according to the auditor's recommendations.

Brother's of Mercy is sponsoring a Bavarian Fest 5K Nature Run September 14, 2012. The required Certificate of Insurance has been received and all appropriate authorities will be notified.

Councilman Geiger will make a motion relative to a grant for a tree inventory project in the Town of Clarence. If successful, this grant will help re-tree Clarence.

Councilman Bernard Kolber

Councilman Kolber will make a motion authorizing the Supervisor to sign agreements with AmeriPride Services for floor mats, apparel and related items for various departments.

Councilman Kolber will make a motion approving the Fireworks Permit for Day in the Park.

Clarence Public Library Director Monica Mooney contacted Councilman Kolber relative to obtaining a grant for the expansion of the library parking lot. The Town was unsuccessful in obtaining a grant three years ago.

Councilman Kolber will make a motion to set a Public Hearing for a six month moratorium on multi-family apartment complexes with the possibility of a six month extension.

The Requests for proposals for the library are due July 26, 2012.

Councilman Patrick Casilio

Upon recommendation of Town Engineer Lavocat, Councilman Casilio will make a motion to award the Goodrich Road sidewalk preparation work project to Milherst Construction, Inc.

Councilman Casilio has been working on some sign issues in town. He was amazed at the number of signs that Town Security has picked up has filled a dumpster. Councilman Casilio main issue is signs placed in intersections/right of ways especially by public officials during election campaigns. Just recently two congressional candidates were littering our intersections with their signs. The Town needs a better plan in place to enforce the law from what we currently have. Supervisor Hartzell stated that our sign law is good but we definitely need to enforce it. We cannot half enforce the law, we either enforce it or we don't. Something could be published in the Clarence Bee stating what the law is and indicate that it will be enforced. Councilman Casilio stated that he has no problem with who the sign law affects including church groups. When intersection rights of ways are congested with signs, it becomes a safety concern.

Councilman Casilio along with Town Engineer Lavocat is pursuing a grant for sidewalks along Main Street.

Councilman Casilio has two items for Executive Session regarding the purchase of vehicles and a personnel issue.

The intersection of Greiner and Shimerville Road received a final coat of blacktop. The County is waiting for equipment (poles and signal) to be able to finish.

Councilman Geiger stated that he has been working with the Freeman family whose house was most affected by the implementation of the signal. They would like to talk to the contractor regarding cracks in their basement walls and they have concerns relative to the foundation for the light.

Councilman Peter DiCostanzo

Councilman DiCostanzo has a correction to the June 13, 2012 Town Board meeting minutes. Colleen McCarriagher is resigning her position as Youth Activities Leader RPT effective July 25, 2012 and not June 25, 2012 as was reported.

A call came in to the Whistle Blower Hotline concerning a fence being installed at 5690 Goodrich Road. A permit was issued to the property owners for the installation of the fence.

The Youth Bureau voted at their Tuesday night meeting to add two youth and two adults to the board to fill current openings. Councilman DiCostanzo will officially appoint the new members at the July 11th Town Board meeting.

Kaitlyn Lipka will be appointed as a Recreation Attendant-PT Seasonal effective June 28, 2012.

Councilman DiCostanzo will make a motion to sell the Owens Farm at 10800 Rapids Road and 10881 Rapids Road to Ben and Lori Gehl.

Councilman Robert Geiger

The Hollow makeover of the former Spoor's Hotel on the corner of Salt Road and Main Street is underway.

The Beatles Play the Hollow concert was well attended.

Councilman Geiger met with residents on the east hill of Main Street. There are approximately 20 dead trees, some have already been removed and others should be removed. Councilman Geiger has been talking with Town Engineer Lavocat and they have been exploring some options. Some of the paving stones in the hollow have dropped down four to six inches; also some herbicide should be sprayed between the sidewalk and the curb. Councilman Casilio stated that the Town did not spray the herbicide last year; it was taken care of by the Hollow Association.

The annual meeting at the Senior Center will be held Thursday, June 28th. Veteran Discount cards will be offered on July 10th.

Motion by Councilman Casilio, seconded by Supervisor Hartzell to enter into Executive Session pursuant to § 105(1) A of the Open Meetings Law to discuss matters which will imperil the public safety if disclosed; § 105(1)H the propose acquisition of real property but only when publicity would substantially affect the value thereof. 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

Motion by Councilman Casilio, seconded by Supervisor Hartzell to adjourn the Executive Session at 7:26PM. 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, June 27, 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 Cat Peters from Clarence High School, who won the Girls State Championship in golf. Prayer was given by The Rev. Vicki Zust of St. Paul's Episcopal Church.

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, Town Engineer Tim Lavocat, Asst. Planner Brad Packard and Sr. Building Inspector David Metzger.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the previous meeting held June 6, 2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Supervisor Hartzell to accept the minutes of the previous meeting held June 13, 2012. On the question, Councilman DiCostanzo said he had a correction on page 133, the motion regarding the resignation of Colleen McCarriagher as Youth Activities Leader effective June 25, 2012, should be July 25, 2012. Councilman Kolber said he did not attend this meeting, so he will recuse. Upon roll call – Ayes: Councilmembers Geiger, DiCostanzo, Casilio and Supervisor Hartzell; Noes: None. Recuse: Councilman Kolber. Motion carried.

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

1. Brothers of Mercy Bavarian Fest and 5K-R Nature Run.

Date: September 14, 2012 from 4:30 p.m. to 11:00

Number of People Expected: approximately 600+/-

Route for 5K-run: Leaving Bros. of Mercy Campus delivery driveway, right onto Ransom Road, right onto Bergtold Road, then left onto Autumn Trail, then right on Homestead Lane, right onto Bergtold Road, left onto Ransom Road back to the Bros. of Mercy delivery driveway point of beginning as per the submitted map.

On the question, Supervisor Hartzell said the required Certificate of Insurance has been received and all appropriate authorities will be notified.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize the Supervisor to sign agreements for floor mats, apparel and related items with AmeriPride Services for the Building Department, Dog Control Department, Engineering Department, Highway Department, Parks Department and for the Town Hall.

On the question, Councilman Kolber said the Town Attorney has reviewed the agreements and approves of same as to form.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to grant a Fireworks Permit for Clarence Day in the Park on June 30, 2012 at the Main Street Town Park. On the question, Councilman Kolber said the application meets all of the requirements. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said the library is looking into getting a grant to increase their parking lot size. Hopefully they can get that and work with engineering on it.

Several people have asked him about the repairs and remediation to the library. According to the Town Engineer, proposals will be opened on July 26th for the design work.

Motion by Councilman Kolber, seconded by Councilman Casilio to set a Public Hearing for June 25, 2012 at 7:50 p.m. to consider initiating a moratorium for a six-month period with the

possible extension of another six months on multi-family housing developments in the Town of Clarence. On the question, Councilman Kolber said we've got a number of projects and the Planning Board is working at setting guidelines on multi-family housing and zoning codes that we do not have at present. It is an allowed use in three of our zoning classifications. He would like to get this as a defined category with defined parameters like other towns have. Councilman DiCostanzo said he has been a little uneasy about the concept of a moratorium, but he will vote yes to set the public hearing because he would like to hear what more people have to say. Councilman Casilio said he feels the same way. Councilman Geiger said he feels we need more information. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber that the Clarence Town Board awards the Goodrich Road Sidewalk Preparation Work project to Milherst Construction, Inc. of Clarence in the amount of \$18,900.00 per their proposal dated June 22, 2012.

On the question, Councilman Casilio said Milherst Construction Inc. was the lowest proposal received. This project will be funded by Capital Project 25. This will provide better access to the bike path when it is completed.

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

Councilman Casilio reported that the bulk of the work is done at the Greiner Road and Shimerville Road intersection. The County is waiting for some equipment to come in for the traffic light. They hope to have it completed sometime in July.

Councilman Casilio announced that Day in the Park is this Saturday at the Main Street Park. Many Town non-profit organizations are working hard along with the committee to prepare for the event. There are many activities planned for the afternoon with the fireworks display at the end of the day. They are focusing on honoring veterans this year from the Afghanistan and Iraq battles.

Councilman DiCostanzo said we have the Whistleblower Hotline at 741-8929 for anyone wishing to leave a message. The other day someone asked if a resident obtained a permit for a fence they were putting up at 5690 Goodrich Road. The caller did not leave a name, but he wanted them to know that there was a permit issued.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint Kaitlyn Lipka as a Recreation Attendant – PT Seasonal at the rate of \$8.11 per hour as of June 28, 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 Supervisor Hartzell to adopt the following resolution:

WHEREAS, the Town of Clarence acquired two parcels of land located a 10800 Rapids Road and 10881 Rapids Road, Clarence, NY (collectively known as the Owens Farm); and

WHEREAS, the Town of Clarence purchased said Property with Open Space Bond Act funds with the intention of maintaining the premises as farm-land by placing a Conservation Easement against the property and thereafter, selling same to a farmer after having extinguished the Development Rights; and

WHEREAS, the Town of Clarence sent out several Requests for Proposals to sell the Premises after placing a Conservation Easement upon the Property; and

WHEREAS, the Town of Clarence wishes to accept one of the proposals, to wit, Ben and Lori Gehl for a purchase price of \$155,000; and

WHEREAS, both the Recreation Advisory Committee and the Town of Clarence Farmland Protection Committee have unanimously endorsed the acceptance of said proposal; and

WHEREAS, the Town of Clarence is no longer in need of retaining said Property and will, in fact, no longer be required to expend funds for insuring and maintaining said Property; and

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board hereby accepts the Ben and Lori Gehl proposal and agrees to sell the Owens Farm to Ben and Lori Gehl for the sum of \$155,000, subject to the final negotiations and preparation of a Sales Contract by the Town Attorney's Office, which contract shall include the transfer of the Property with the extinguishment of all

Development Rights so as to insure the goals of the Open Space Bond Act are maintained, subject to a permissive referendum; and be it further

RESOLVED, to authorize the Supervisor to execute the Sales Contract upon completion.

On the question, Councilman Kolber said this is a nice situation because it gives a family interested in farming and maintaining the property in its present state. It is a win-win for the Town and this family.

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

Councilman Geiger reported that the Beatles Concert in the Hollow was a great success; the Hollow makeover is on target; a complaint was received about dead trees on the east hill in the Hollow; Senior Center annual meeting is tomorrow with a strawberry social to follow; Erie County set up a vet's discount to about 40 vendors and photo id cards will be issued at the Senior Center on July 10th; sheds at Beeman Creek have been torn down and the trail has been blazed.

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

RESOLVED, that David C. Hartzell, Jr., as Supervisor of the Town of Clarence, is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$25,000, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the Town of Clarence for the Clarence Tree Inventory Project.

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

Town Clerk Nancy Metzger announced that July 2nd is the last day to pay taxes in the Town Clerk's office before the collection is turned over to Erie County.

A Public Hearing was held to consider a 10-year extension to the Open Space Bond Resolution. Mike Powers, representative of the Recreation Advisory Committee said he will explain how the greenprint program started, where it has gone and where we hope to take it. The committee is very proud of what they have accomplished on behalf of the Town. He believes it is the most successful program in the state.

In 1997, Supervisor Herberger asked if he could find a location where the Town could add more baseball diamonds. They ended up purchasing the property which is now Memorial Park behind the soccer center. The Town was growing at a rate that required more areas for recreation and the people were concerned that they did not want Clarence to become like Amherst or Lancaster. We wanted to preserve the vistas and the rural character, without impeding growth or causing tax increases.

They surveyed towns across the state to see what they did. The other communities did some good things and some not so good. They studied all of this information in order to come up with the plan. It is a dedicated committee that always has had the backing of the Town Board.

The plan was presented in 2002 with the idea that property had to be purchased outright or purchase the development rights. They proposed having a public referendum so that the residents could make the decision. Presentations were made for the public to explain how it would work and how much it could cost. The voters overwhelming were in favor with 70% voting for the program.

A bond resolution in the amount of \$12.5 million was adopted under General Municipal Law that requires any land purchased must remain in its natural state. It gave them 10 years to see how it would go and if the projections were on target. If all went well in that time, they would go back to the Town and ask for a 10-year extension. That is the purpose of this hearing tonight.

Mr. Powers said they did an economic analysis in 2002 to see what the cost of the bond would be. It was done based on spending the entire amount. The analysis revealed that every \$100,000 of assessed value would pay \$52 per year. They felt the benefits of the program would include increase in property values, limited municipal expenses, more balance to economic growth and value to the quality of life.

The program began with a survey of all the properties over 25 acres and subsequently went back to all the owners with 10 acres or more. They were asked if they wanted to participate in the program. It is strictly a volunteer program. The second step was to analyze the data from all of the people who wanted to sell their property. They assessed the development potential, the natural land features, whether it was open space, had any buildings and also if it could be purchased outside of this project for recreation purposes.

The committee analyzed the information to see if it fit in the parameters of the program and then it went to the Planning Department to be reviewed with the Western New York Land Conservancy. The Conservancy evaluated each property by a ranking system based on points. If a property ranked too low, it was not considered. Based on all of the information gathered, they would decide on the next step to get an appraisal. They discuss this with the property owner to see if they can come to an agreement. It would be decided if it was a purchase of land or purchase of development rights. The land remains in its current state under either of the options. The committee then makes a recommendation to the Town Board. If they agreed, a public hearing would be set and a determination made.

Mr. Powers said they have spent \$6.8 million and purchased 1,236 acres of land. There are some very valuable pieces of land that had intense development pressure in critical areas of the Town.

The committee estimated 10 years ago that with expenditure of the full \$12.5 million, it would cost \$52 per \$100,000 of value. The actual cost if the entire amount was expended would have been \$30.40. The actual cost with the expenditure of \$6.8 million has been \$14.10.

The availability of open space is a significant factor in purchasing property. Local sales data reflects an average 15% increase in property sale value directly adjacent to open space or conservation property compared to similar non-adjacent property. The average appreciation rate of property in Clarence is five times that of comparable towns in the region. Clarence has sustained an average 3% positive appreciation rate for the past decade. When comparing Clarence property taxes to similar communities, they are paying an average of 30% more.

Mr. Powers said that while the greenprint program is not solely the reason, assuming that only 10% of the overall assessed valuation increase can be attributed, the program is responsible for \$1.7 million in additional tax revenue over a 20 year period.

Another option in the program is the resale of purchased properties with the conservation easement protection established. It places the property back on the tax roll. The Owen farm was sold for \$155,000. Applying the cost reduction to the actual current expenditure of \$6.8 million, an actual cost to the taxpayers if only about \$6.60 per \$100,000 assessed valuation annually.

It has been shown that suburban sprawl can cause a dramatic increase in demand for expensive municipal services. This program helps prevent some of that problem.

Mr. Powers said the most important part of the program is the protection of our quality of life. The greenprint program supports a balanced growth pattern that impedes residential sprawl, reduces traffic and human congestion, noise, exhaust emissions and protects aesthetic and scenic vistas. Lands protected include working farms, forests, stream corridors, meadows, vernal pools, areas containing endangered flora and fauna, and habitats for fish and wildlife.

Brad Packard said open space preservation and balanced residential development were identified as primary concerns of residents during the development of the Master Plan. We also updated the subdivision regulations to stress the preservation of open space and added recreational components.

Mike Powers said he is grateful that the people of Clarence gave us the opportunity to do this. We are here tonight to ask the Town Board to endorse what has been done and allow the project to continue for another ten years.

Speaking to the subject:

Renee Bush said this project is very important to her. They bought their property 19 years ago because the people here said they did not want to become like Amherst. She was reassured by the way the people voted for this project. She believes the choices that have been made were wise. It is so important to save the agricultural properties, the habitats and the green. She does not believe that it means zero growth like many people think it is. It means attracting restoration and re-purposing of existing properties. She is not against growth but it should be approached carefully. This project is a commitment to do it right and she asks that it continue for another ten years.

Steve and Erin Blabac said they live in Clarence and lease land on County Road for their business Root Down Farm. Members come to their farm for their products. They serve 110 families this year with a waiting list of more for next year. The land they lease has been purchased by a developer and they do not know what will happen in the future. They came to Clarence because of the greenprint program. As young farmers in Western New York, they are often asked about the greenprint program. Steve added that their goal is to be able to farm on greenprint land. They currently farm on County Road on 7 acres.

Jim Rash thanked Mr. Powers and his team. He asked if there was a breakdown of the agricultural land and the natural habitat land that has been purchased.

Mike Powers said most of the larger pieces are farmland. The information is available in the Planning and Zoning Office. Some land is ranked in both categories. They do consider areas of 10 acres or more because it could be adjacent to something else.

Councilman Casilio said a great example is the 16 acre piece at Goodrich and Greiner because it maintains the nice vista; it appears to be more than it really is.

Councilman Kolber said this does not include property that we obtained development rights for through the State Farmland Protection grants. We have been successful in maintaining miles of road frontage.

Mr. Powers said the Spoth farm was Federal, State and Town money.

John Mosher said he and his family have put their land into the conservation program not just for themselves, but for generations to come. The voters of the Town were in favor of this program. He has been thrilled with the progress that has been made and urges the Town Board to extend it for another ten years.

Peter Wolfe said he is a member of the committee. They work secretly on finding property and do not tell the Town Board until they are ready to make a recommendation. All of the information comes out to present to the Town.

Ben Gehl said he is the purchaser of the Owen Farm. His family has looked for a few years for a place to set up their pasture-based farm. They will sell pastured chickens, eggs, turkeys and hope to add beef and pork. The products are highly sought by high-end restaurants and the health community. This type of program brings a valuable asset to the Town. He encourages the extension of the program.

Mr. Powers explained that if we buy property outright, it is purchased at fair market value. The WNY Land Conservancy monitors the land to make sure that it remains in its natural state. The other option is to purchase the development rights, but that property remains in the hands of the owner. We pay less because they are keeping it, but they cannot develop it. They cannot even build anything additional. They continue to pay taxes.

Brett Kreher said he is a resident and a farmer who farms some of the land owned by the Town from the greenprint program. He supports extension of the program. He believes it has been a favorable program for the residents to help maintain the rural character.

With no one else speaking to the subject, motion was made by Councilman Kolber, seconded by Councilman Casilio to close the Public Hearing. On the question, Supervisor Hartzell stated that this program was conceived under former Supervisor Herberger, nurtured under former Supervisor Hallock and brought to life by Mike Powers, Peter Wolfe and many others. He thanks all of the members of the Recreation Advisory Committee and other visionary citizens who have put in thousands of hours to make this program a success. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that the Clarence Town Board adopts a Bond Resolution of the Town of Clarence, New York, adopted June 27, 2012, authorizing the acquisition of interests or rights in real property in the Town, including, but not limited to, development rights in agricultural lands, for the preservation of open spaces and areas, stating the estimated maximum cost thereof is \$5,500,000, appropriating said amount for such purpose and authorizing the issuance of \$5,500,000 bonds of said Town to finance said appropriation, subject to a permissive referendum and for the period of ten years from the expiration date of the previously approved bond resolution. (A complete copy as read by Councilman Kolber is on file in the Town Clerk's office.)

On the question, Councilman Casilio asked if there is a time limit set on this.

Town Attorney Lawrence Meckler said this is a new bond resolution that is a ten year resolution, which essentially extends the greenprint program for another ten years. This is the

remaining funds that were not spent in the ten years of the original bond resolution for \$12.5 million.

Councilman Kolber said he did not see the time limit of ten years in the resolution. He added the ten year period of time to the authorization.

Town Attorney Meckler said it is not necessary, but it will not hurt.

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

Harris Hill Commons requests Preliminary Concept Review of a proposed Open Space Design Subdivision including extension or creation of a sewer district to service the proposed subdivision on the west side of Harris Hill Road between Sheridan Drive and Greiner Road. James Callahan said this is vacant land located within the Residential Single Family Zoning classification.

Sean Hopkins, attorney for the applicant said this project has been around for approximately 15 years. They are asking for a referral of the proposed design to the Planning Board. The proposed use is consistent with Master Plan 2015. The layout is the same as what was previously reviewed. This is an open space design with about 31 acres of the 62 acre parcel to remain greenspace. The goal was to preserve 4,000 feet of frontage along Harris Hill Road as it is today. They believe they have a layout that works and understand that they will have to go through SEQRA review again.

Supervisor Hartzell said the Town Board will take this under advisement. It will be under discussion for the next several weeks and they will get back to them. No referral will be made tonight.

Sean Hopkins asked why since this has been around for a while and all they are asking for is a referral to the Planning Board.

Councilman Kolber said he likes the design, but would like more time to make sure we have all the information so that they know what should be referred.

Sean Hopkins said the Planning Board does not meet until late July. They understand it will have to go out for a coordinated review of other agencies.

Supervisor Hartzell said the Town Board will consider this at the next work session in July and get back to him then.

Consider a Master Plan 2015 Amendment to allow for a Commercial Zoning classification on Main Street at Barton Road for 9105 and 9125 Main Street. James Callahan said the location is the south side of Main Street at the intersection with Barton Road consisting of residential properties in the Residential Single Family Zone. The Planning Board has forwarded a recommendation to amend the Master Plan. A Negative Declaration was issued on the proposed amendment.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to set a Public Hearing for July 25, 2012 at 7:45 p.m. to consider an amendment to Master Plan 2015 to allow for a Commercial Zoning Classification at 9105 and 9125 Main Street at Barton Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to approve the following: Clubhouse Applications - A. Girl Scouts/Kara Popa – Monthly meetings Sept. – Dec. 2012; and 2013; B. Clarence Arts & Crafts Society – Monthly meetings for 2013; and Nov. 1 - 3, 2013; Legion Hall Applications – A. Robert Henel – July 14, 2012; B. Christine Herberger – Oct. 13, 2012; C. Swallow Creek Homeowners Assoc. – Jan. 8 & July 9, 2013; and D. Father/Child Group – Monthly meetings for 2013. 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 June 21, 2012 are approved for payment: General Fund - \$183,236.85; Highway Fund - \$105,221.39; Water District - \$792.12; Fire Protection Districts - \$7,369.77; Lighting Districts - \$715.36; Sewer Districts - \$124.19; Capital Fund - \$6,184.49; Aquatic Growth District - \$2,763.24; and Trust & Agency 205 - \$20.00 for a total amount of \$306,427.41. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Jim Blum said he knows he is recognized as the “resident tree-hugger,” and he thanked the Town Board for passing the bond resolution for the greenprint program. It was mentioned that the vistas are one of the important aspects of that project. He would like to see the Town

move forward with the designation as a "Tree City". He will get the information for the Town Board to review.

Supervisor Hartzell said the tree inventory is part of the process in order to receive funds from the State to plant trees in the Town.

Conrad Golebiewski said he had a barn sale sign our a few weeks ago and during the sale, code enforcement took the signs from his property. He got them back and then they were taken again the next day. Now they are nowhere to be found. He passed 15 estate sale signs from his house to here tonight. There are many other signs that are still out there from three weeks ago. He would like to know where his signs are and what the procedure is.

Councilman Casilio said he is trying to gather all of the information. One of the signs was at Sawmill and Main and another at Ransom and Main, which is not his property.

Mr. Golebiewski said he puts them there in the morning before his sale and removes them at night at 5:00 p.m.

Councilman Casilio said the signs could have been blocking the view for cars pulling onto Main Street.

Mr. Golebiewski said they were further back.

James Callahan said the sign law states that signs are not allowed in the right-of-way.

Supervisor Hartzell said they looked in the dumpster and his signs were not there. It is an ongoing problem. We will try to make the system fair for everybody.

Councilman Kolber said there are different views on signs. How do we not allow the Town to turn into a cluttered mess? They are working on it.

There being no further business, Supervisor Hartzell adjourned the meeting at 9:08 p.m.

Nancy C. Metzger
Town Clerk