

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, October 10, 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 Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Confidential Secretary to the Supervisor Karen Jurek, Senior Building Inspector David Metzger, Planning Board Chairman Al Schultz and Planning Board member Robert Sackett.

**Director of Community Development – James Callahan**

***Public Hearings:***

Stein Residence 10700 Boyd Drive

Applicant has requested to have their existing residence designated as a Local Historic Landmark. The proposed site is located on the north side of Boyd Drive, east of Sawmill Road. The Historic Preservation Commission has previously reviewed the residence and structure and has recommended unanimously that the Town Board approve the applicants request for designation as a Local Historic Landmark. In association with the Local Historic Preservation Law, the Town Board has the authority to designate Local Historic Landmarks after referral and recommendation of the Historic Preservation Commission.

The residence was originally constructed in 1947. The Commission felt that designation was appropriate as the residence is significant as a mid-twentieth century Colonial Revival home related to the post-WWII development of suburban estate houses that set the tone for contemporary residential subdivisions for those of more modest means. The structure was considered as a contributing property toward the historical resources of the Town of Clarence as per the survey performed by the Clinton Brown Architecture Company.

***Formal Agenda items:***

Roxberry Subdivision Phase II/Helenwood Drive

Applicant is proposing a new subdivision that would be an extension of Helenwood Drive to allow for eleven new single-family lots. The proposed site is located on the south side of Sheridan Drive as an extension of Helenwood Drive on existing vacant land located in the Residential Single-Family and Restricted Business Zones. The property was previously approved for a single-family home subdivision on an extension of Sable Court – a paper street located on the west side of Helenwood Drive. Referral to the Planning Board would initiate a comprehensive review under SEQRA and Town Codes.

***Work Session items for consideration October 24, 2012:***

Northwoods Open Space Design Subdivision

Applicant is proposing to develop an Open Space Design Subdivision and is currently within the SEQRA review process. Applicant has submitted a Draft Supplemental Environmental Impact Statement to address issues of environmental impact identification in the previously adopted scope of issues. The proposed site is located on the north side of Greiner Road between Shimerville Road and Thompson Road on existing vacant land located in the Residential Single-Family Zone and outside of any existing sewer districts. The Town Board has declared Lead Agency Status under SEQRA and has final authority to accept the DSEIS. The Planning Board will be forwarding a recommendation on action to meet the requirements of SEQRA.

**Town Engineer Timothy Lavocat**

- The Goodrich Road Sidewalk Project is complete.
- The Parks Building Improvement Project is 95% complete
- Keller Road Sewer Project and the Lapp Road drainage channel will begin next week
- Library Design Proposals will be presented to the Town Board at the November 7<sup>th</sup> Work Session

After reviewing some information and working on the agreements that have been executed Town Engineer Lavocat will be proposing an increase in our Sewer Tap Fees. In 2006 Erie County raised their fee for inspections by \$100 however we did not increase our fee.

Beginning January 1, 2013, the Town will be doing manual billing for sewers. With the multiple agreements in place, there is a time gap that must be covered. Mr. Lavocat gave an example of when some building permits get issued there is a gap of six to eighteen months until those properties show up on the tax rolls before the Town can start collecting for sewer service. In the meantime, the town is being bill by the Town of Amherst and Erie County on the permit issue date. The Town needs to close that gap, Mr. Lavocat has had several meetings with the Town Attorney, Town Assessor and Director of Administration and Finance on this and they have all come to the same conclusion that this is the best way to cover the town.

The Grant for the Main Street sidewalk project and the library parking lot extension was submitted on October 5<sup>th</sup>, 2012. The Town should receive a response either way the early part of next year.

#### **Planning Board Chairman – Al Schultz**

The next step relative to the Northwoods Open Space Design Subdivision DEIS is to get this item ready for public review and in addition, be sure they provided the information required to answer the twelve scope items. There is also criteria that the information has to be plainly and simple written in common language so that the public can understand it. The Planning Board will be ready to discuss their findings after their next meeting.

In the seven years Mr. Schultz has been on the Planning Board, there have been several times when the Town Board and the Planning Board have operated on different plains. Mr. Schultz met with representatives for Northwoods Subdivision and Gabes Collision. Mr. Schultz would like to give the Planning Board the direction that they need to work on these referrals. When Gabes Collision was referred to the Planning Board, was the Town Board saying that they did not feel that this is an acceptable project for this site or they like the project just make it fit. Or was the Board saying “erase the former plan and come up with a new proposal.” Councilman Kolber stated that there was a significant change to the site plan and felt the project deserved a second look. There are several auto dealers along Transit Road that have paint and auto body shops inside their facilities that are in close proximity to residential areas and we never receive any complaints. Councilman Casilio stated that the project is in the Planning Boards court. Planning Board Chairman Al Schultz stated that he looked at the project again yesterday and it is somewhat different than the original plan submitted.

#### **Supervisor David Hartzell**

Supervisor Hartzell referenced an article in the Buffalo News regarding the City of Buffalo considering fining people who violate their sign law. Supervisor Hartzell suggested the Town of Clarence “put some teeth in the sign law and fine by the sign.”

Director of Community Development James Callahan stated that signs in the right of way are not allowed, we cannot issue permits for them. The Town does not issue a permit for a sign that is in violation. Whoever is in charge of the right of way would have the ability to leverage some type of fee they are mostly County and State right of ways. The Town issues permits for allowed signage some of which may be temporary and applicants are told that the sign cannot be placed in the right of way.

Councilman Kolber stated that he wanted to avoid taking a step that would be “horribly onerous” to schools and nonprofits. Councilman Geiger stated that recently there was an incident where several Autumn Fest signs made out of plywood by the Methodist Church were taken down. This causes a hardship for these church groups, not only are the signs expensive but they are permanent signs that get used from year to year. Councilman Geiger met with the Clergy Association and it was suggested that security call the organization and tell them to correct the violation within 24 hours. Many of these signs are installed by volunteers who are not familiar with the laws.

Town Attorney Meckler stated that the law treats everyone the same, “whatever we would do for someone who has those signs up, we’d have to do for everyone.” If we are going to alert the church groups, we would have to alert anyone else who is in violation. Signs creating a safety issue should be taken down right away. Going forward we have to come up with a system. Even though there are non-profits, town organizations and church groups, the Town has to be consistent in the way we apply any processes we establish that are different from what we have in place.

Supervisor Hartzell suggested the Planning & Zoning Department send a letter to all the churches informing them of the sign policy.

Supervisor Hartzell will set a public hearing for Wednesday, November 14, 2012 at 7:45 PM to consider the Preliminary Budget and Special District Assessment Rolls for the Town of Clarence for the year 2013.

#### **Councilman Bernard Kolber**

Councilman Kolber had no report.

#### **Councilman Patrick Casilio**

Councilman Casilio has been working on gathering more material for the budget meeting scheduled for Thursday at 3PM.

There was a discussion regarding decals for town vehicles. Currently some town vehicles have little or no identification on them. The original yellow and black decals will be phased in when the vehicles are brought in for service or the vehicle is replaced. Councilman Kolber felt the decal should identify the department as well.

Councilman Casilio will hold off awarding the bid for the purchase of 2-2013 Ford Escapes until he can discuss this further with Highway Superintendent Theodore Donner. A decision will be made at the budget meeting scheduled for October 11<sup>th</sup> at 3PM.

Councilman Casilio has several motions for the Town Board meeting:

- Amend the Town Board motion of August 22, 2012 authorizing the Supervisor to sign the Amherst Alarm Inc. proposal
- Installation of Stop Signs – David Road and David Court
- Transfer of funds from the 2012 Town Clerk’s Budget
- Authorize the Supervisor to sign the 2012 Stop-DWI Memorandum of Understanding with Erie County

#### **Northern Erie Sno-Seekers**

A representative from the Northern Erie Sno-Seekers is requesting Town Board approval to use town property for the 2012-2013 snowmobiling season. Supervisor Hartzell stated that there may be an issue with Beeman Creek Park Trail; currently there is a piece of farm equipment blocking the trail which may pose a challenge for the organization. The farmer does not want Clarence residents using this right of way for Beeman Creek Park. Supervisor Hartzell stated that the town is working on resolving the issue but wanted to make the Sno-Seekers aware of this.

#### **Councilman Peter DiCostanzo**

Councilman DiCostanzo will make a motion authorizing the Supervisor to enter into a contract between the Town of Clarence and GAR Associates, Inc.

Recreation Director Clifford Trapper is recommending the appointment of several individuals for the Winter Recreation Program.

The Recreation Department is requesting a transfer of funds from the 2012 Recreation Department Budget.

There is a free Planning Seminar at the Newstead Town Hall tomorrow evening from 6:30 PM until 8:30PM. The seminar will emphasize Zoning Techniques for Alternative and Affordable Housing Options.

The Youth Bureau has several Halloween festivities planned. October 19<sup>th</sup> Haunted Maze at the Main Street Park (no fee, ages: Middle and High School), October 20<sup>th</sup> Halloween in the Park at the Main Street Park from 5PM – 8PM.

**Councilman Robert Geiger**

- Appoint James Dussing to the position of Heavy Motor Equipment Operator for the Highway Department
- Approve the request of Hon. Michael Powers for Court Clerks Marilyn Taton and Mary Zimmerman to attend the Court Clerks District Training on Friday, November 9, 2012.
- Post 2 openings for the position of Clerk P/T for the part-time clerk pool at the budgeted hourly rate of pay.
- Grant permission for Karen Jurek, David Hartzell and Cynthia Rosel to attend the Payroll Law 2013 Seminar on November 8, 2012 at the Marriott in Amherst, NY at a cost not to exceed \$199 per person.
- Authorize the Supervisor to file application and sign contract for State Grant-In-Aid for Municipal Waste Reduction and/or Recycling project
- Adopt Deer Conservation Rules for 2013

The Historical Society along with the University at Buffalo and Clarence High School is scheduling a voluntary dig for four days behind the Asa Ransom House. This will take place in the spring.

The plaques have been installed on the Log Cabin and the Historical Museum.

Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to § 105(1) H of the Open Meetings Law to discuss the sale 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 6:55 PM.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:15 PM. 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, October 10, 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 Kolber, followed by a prayer given by Supervisor Hartzell.

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, Sr. Building Inspector David Metzger and Planning Board Chairman Al Schultz.

Motion by Councilman Casilio, seconded by Councilman Kolber to accept the minutes of the work session and regular meetings held September 26, 2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to set a Public Hearing for Wednesday, November 14, 2012 at 7:45 p.m. to consider the Preliminary Budget and Special District Assessment Rolls for the Town of Clarence for the year 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to amend the Town Board motion of August 22, 2012 authorizing Supervisor David Hartzell to sign the Amherst Alarm Inc. proposals for equipment and the installation of security alarm systems as follows subject to review and approval by the Town Attorney as follows:

Building Dept. at a cost not to exceed	\$ 1,605.00
Highway Dept. at a cost not to exceed	2,478.00
Highway Dept. Bldg. 3 at a cost not to exceed	445.00
Animal Control Bldg. at a cost not to exceed	1,270.00
Parks Dept.-Main Bldg. at a cost not to exceed	3,276.00
Parks Dept.-Old Shop at a cost not to exceed	555.00
Senior Center at a cost not to exceed	1,475.00
Pool Bldg. at a cost not to exceed	<u>500.00</u>
Total cost not to exceed	<u>\$11,604.00</u>

(Plus annual fees for Alarm monitoring services.)

On the question, Councilman Kolber said we talked about using their ANET monitoring service versus a landline.

Supervisor Hartzell said he would have Karen call tomorrow to see if there is an additional cost. We will look into it.

Councilman Kolber said he would like the Town Attorney to review this to make sure we are in compliance with the State bidding procedures.

Councilman Casilio said that after further meetings with each Department to review the proposals submitted, it was necessary to add additional equipment to the alarm systems to be installed to meet the requirements for the systems to operate properly for each department location. The previous approval was for \$8,477.00. The Pool was not included in the last motion.

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

Motion by Councilman Casilio, seconded by Councilman Kolber that upon the recommendation of Highway Superintendent Ted Donner, the Clarence Town Board approves the installation of Stop Signs at the following intersections: The northeast corner of David Road and David Court (south end of David Court). The northeast corner of David Road and David Court (north end of David Court). Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the transfer of funds from the 2012 Town Clerk's Budget as follows: \$196.00 from budget line A1410.479 – Other Unclassified to budget line A1410.434 – Professional Services. On the question, Councilman Casilio said this transfer is needed due to the cost of an information insert included

with the 2012 Town & County Tax Bills leaving the account short for the school tax collection. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that Supervisor David Hartzell is authorized to sign the 2012 Stop-DWI Memorandum of Understanding between the Town of Clarence and the Erie County Stop DWI Office.

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

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

RESOLVED, that the Clarence Town Board authorizes the Supervisor to enter into contract between the Town of Clarence and GAR Associates, Inc. for Professional Services to provide professional appraisal and consulting services for the purpose of annual reassessment support per the terms and conditions of the Contract,

On the question, Councilman DiCostanzo said the contract has been reviewed and approved by the Town Attorney as to content. The annual cost is a maximum of \$30,000.

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

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

Whereas, the Northern Erie Sno-Seekers Inc. Snowmobile Club, has requested permission from the Clarence Town Board to use the following Town owned property for the 2012/13 Snowmobiling season for use as insured New York State Class A corridor snowmobile trails:

1. “West Shore Line” bike path that runs from Salt Road to Davison Road.
2. Trail running through Memorial Park between the parking lots and baseball diamond and the northern side of east/west main driveway.
3. Allow for parking on the Salt Road Parking area for “Drop and Ride” lot.
4. Allow for parking on the stone parking lots at Memorial Park between the baseball diamonds and the north side of the main driveway of for a “Drop and Ride” lot.
5. Beeman Creek Park Trail to connect the trails on the North side of the Town.
6. Ransom Road Bridge for access to area businesses.
7. Town owned property north of Greiner and west of Salt with permission.

Resolved, that the Clarence Town Board grants permission to the Northern Erie Sno-Seekers Inc. Snowmobile Club for the use of the above Town owned property subject to the following conditions:

1. The Northern Erie Sno-Seekers Inc. Snowmobile Club is to provide the Town of Clarence with a certificate of insurance naming the Town as additional insured on the Northern Snow Seekers, Inc. Snowmobile Club’s insurance and name the above areas on said certificate.

2. This use is approved and authorized with the understanding that snowmobiles are allowed only on the right-of-way of the bike path and absolutely not allowed on the paved portions of the bike path.

3. That all trails will be clearly marked with signs and barrels and the path maintained throughout by the Northern Erie Sno-Seekers Inc. Snowmobile Club.

4. That the season will run from December 15, 2012 to April 1, 2013.

5. This approval is for the 2012-2013 term expiring on April 1, 2013 and is to be reviewed on a year to year basis upon receipt of the request for use of said properties by the Northern Erie Sno-Seekers.

6. This is subject to review and approval of the Town Attorney.

On the question, Councilman Kolber said he does not see the minimum depth of snow. They do groom the trails.

Councilman DiCostanzo added item 6 so that the Town Attorney can determine if we should add depth of snow.

Councilman Casilio said they have been taking care of the trails. He asked if they would make an appearance at WinterFest this year if there is snow. It would be greatly appreciated if they came.

A representative of the Sno-Seekers said the State says there must be a minimum of 3 inches of base snow before the trails can be opened, but they recommend more than that.

Councilman Casilio said we will make that a minimum of 3 inches of base snow.

The Sno-Seekers said they would be happy to attend the event if there is snow.

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

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint the following to the Recreation Department Staff for the Winter Recreation Program effective October 15, 2012 subject to the completion of all required employment paperwork being submitted:

Kelly Wiseman as Recreation Specialist P/T at a rate of \$22.70/hr; Kelly Rusin as Recreation Specialist P/T at a rate of \$16.40/hr; and Eric Kinney as Recreation Attendant P/T at the rate of \$8.11/hr.

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

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the transfer of funds from the 2012 Recreation Department's Budget as follows: \$1,700.00 from budget line A7140D.435.1004 - Special Programs to budget line A7140D.430.1004 - Printing and Advertising. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the transfer of funds from the 2012 Youth Bureau's Budget as follows: \$225 from budget line A7310.432 - Dues and Subscriptions to A7310.430 - Printing & Advertising. On the question, Councilman DiCostanzo said this is to help cover the cost of the 2012 Fall/Winter Brochure. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo announced that the Youth and Recreation Departments are holding a Halloween event for middle and high school students on Friday, October 19<sup>th</sup> and for younger children on Saturday, October 20<sup>th</sup> at the Main Street Town Park.

Motion by Councilman Geiger, seconded by Councilman Kolber that upon the recommendation of Highway Superintendent Theodore Donner, James Dussing is appointed to the position of Heavy Motor Equipment Operator for the Highway Department at Step 2 per the Blue Collar Union Contract, effective October 15, 2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Kolber to approve the request of Hon. Michael Powers for Court Clerks Marilyn Taton and Mary Zimmerman to attend the Court Clerks District Training on Friday, November 9, 2012 and Tuesday, December 11, 2012 at the Erie County Courthouse in Buffalo, NY and for the use of a Town Vehicle to attend same with all reasonable and necessary expenses to be paid by the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Kolber to post two openings for the position of Clerk P/T for the Clerk P/T Pool at the budgeted hourly rate. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Supervisor Hartzell to grant permission for Karen Jurek, David Hartzell and Cynthia Rosel to attend the Payroll Law 2013 Seminar on November 8, 2012 at the Marriott in Amherst New York at a cost not to exceed \$199 per person.

On the question, Councilman Geiger said the funds will come from the Travel and Expense budget lines for the Law Department for Ms. Rosel and Supervisor's Department for Ms. Jurek.

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

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

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the Town of Clarence, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between The People of the State of New York, herein called the STATE, and the MUNICIPALITY be executed FOR SUCH State Aid.

NOW, THEREFORE, BE IT RESOLVED,

1. That the filing of the 2013 Peterbilt 320 recycling application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That David C. Hartzell, Jr., Town Supervisor, is directed and authorized as the official representative of the Town of Clarence to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE.
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That this resolution shall take effect immediately.

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

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

RESOLVED, that the Clarence Town Board adopts Deer Conservation Rules for 2013 as follows:

1. All Special Hunting Permit applicants in Clarence must have New York State Hunting License and/or the following: Safe gun handling completion certificate from hunter training program or military/police experience with gun safety and handling.
2. All special permit hunters must be from Clarence and/or be approved by majority of Town Board.
3. Deer will not be shot from inside any building on Town or School Property (Restricted Visibility).
4. Deer will not be shot or taken from the Clarence Nature Center or on any Clarence School property. (These are no hunting or gun carrying zones.)
5. All permit deer will be shot from deer stands or elevations so shots go into ground if target is missed.
6. All special rules still apply as issued by New York State Department of Environmental Control (NYSDEC) on special permits. Any additional restrictions and safeguards as they pertain to Clarence will be coordinated between Conservation Committee Chairman, Hunter Coordinator and the Town Board through their liaison

in writing.

7. This Resolution is effective immediately.

On the question, Supervisor Hartzell said he appreciates Councilman Geiger's work on this resolution. It is important to protect the safety of our children. Councilman Casilio said he believes that through the efforts of this program, our roads are safer. Councilman Geiger commends Peter Wolfe and Dennis Londos for all the work they do with this program. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger announced that the Chamber of Commerce is hosting a Women in Business Conference on October 17<sup>th</sup> at Samuel's Grande Manor.

A group of 250 students from the Middle School will be visiting the Nature Center this Friday as part of a school education project.

Councilman Geiger said we have had an ongoing issue with signs. We have been taking down signs from improper spots in Town. We are working to resolve the issue.

Town Clerk Nancy Metzger reminded everyone that school taxes are due on Monday, October 15<sup>th</sup>.

A Public Hearing was held to consider the designation of the residence located at 10700 Boyd Drive as a Local Historic Landmark. Brad Packard said the property is located within the Clarence Hollow Hamlet, a historically valuable area of the Town. The residence is an example of colonial revival architecture which became popular in the beginning of the 20<sup>th</sup> century with a design to reflect American patriotism and the desire for simplicity moving away from the more elaborate Victorian architectural style. This is a 2 ½ story structure including original wood clapboarding with a central entrance. It serves as a unique example of colonial revival building type furthering the aesthetic value of the Clarence Hollow neighborhood. It was constructed in 1947 representing an executive style post World War II living leading to the development of suburban houses that set the tone for contemporary residential subdivisions. The Historic Preservation Commission, with the endorsement of contributing historical character from the Clinton Brown Company, is confident that this residence is an excellent candidate for designation.

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

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

WHEREAS, the property located at 10700 Boyd Drive and locally known as "The Stein Residence" has been the subject of an Intensive Level Survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 10700 Boyd Drive has been identified to have Historic Value, Association With Historic Personages, and Contains Significant Historic Value Through its Architectural Style and Method of Construction; and

WHEREAS, The Town of Clarence Historic Preservation Commission has unanimously forwarded a recommendation to officially designate the home located at 10700 Boyd Drive as an Historic Landmark within the Town of Clarence; and

WHEREAS, The Clarence Town Board has held a duly advertised public hearing on the proposed designation, per the Town of Clarence Town Board Notification Policy.

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board, approves the designation of 10700 Boyd Drive, known as "The Stein Residence" as a Local Historic Landmark per the Town of Clarence Historic Preservation Local Law; and be it further

RESOLVED, that the affected Site be designated on the Official Zoning Map of the Town of Clarence filed for recording in the Office of the Erie County Clerk.

On the question, Councilman Kolber said he is having trouble with this. He is torn between going with the Historic Preservation Commission recommendation and taking into account that the house was built in 1947. We are trying to protect historic value and he does not know how historic a 1947 house is, especially when it involves a rebate on a portion of the Town taxes.

Councilman Casilio said it is a great example of the design of houses built in the 1930's and that type of construction even though it was built in 1947.

Brad Packard said the Commission struggled with this consideration, but the house was originally owned by a Mr. Wentz who was a well known local homebuilder and also had a lumber yard where Gui's Lumber is.

The rebate is about \$2.09 per \$1,000 assessed value on the Town tax line only.

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

Roxberry Subdivision Phase 2 to consider Preliminary Concept Review of proposed 11-lot subdivision and public road extension of Helenwood Drive. James Callahan said the location is south of Sheridan Drive and extension of Helenwood Drive in the Residential Single Family and Restricted Business Zoning classifications. The area was previously approved for the Roxberry Subdivision and is being modified to accommodate an additional 11 +/- lots. A referral to the Planning Board would initiate the formal review process.

Peter Sorgi, attorney and Kevin Myszka of Regency Builders were present. Mr. Sorgi said they are at the beginning of the process. All they are seeking at this point is referral to the Planning Board.

Councilman Kolber said the only thing he does not like is the cul-de-sac is putting the road right in people's backyards. The Planning Board can address that and look at different options. He would like to see it shortened and the lots rearranged.

Motion by Councilman Kolber, seconded by Supervisor Hartzell to refer the request to consider Preliminary Concept Review of the proposed 11-lot subdivision and public road extension of Helenwood Drive for Roxberry Subdivision Phase 2 to the Planning Board for review including consideration of the road so close to the existing backyards. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell recognized Jim Bennett who was present representing the Chamber of Commerce.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to approve the following: Legion Hall Applications – A. Tom Kelkenberg – Oct. 28, 2012; Terry Place – Nov. 23, 2012; C. Lisa Panek – Dec. 14, 2012; D. Clarence Mustangs Hockey – Monthly meetings for 2013; E. Boy Scout Pack #563 – Monthly meetings for 2013; F. Girl Scout Troop #586 – 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 October 11, 2012 are approved for payment: General Fund - \$121,292.23; Highway Fund - \$18,051.78; Water District - \$34,791.52; Drainage District - \$5,600.00; Lighting Districts - \$735.91; Sewer Districts - \$86,516.97; Capital Fund - \$4,448.00 and Trust and Agency 203 - \$7,021.01 for a total amount of \$278,457.42. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Councilman Kolber said a number of years ago we sold a load of pristine topsoil for \$3 per yard. We are now buying topsoil for \$24 per yard. In this one bill pay we spent \$4,000 to buy what we gave away.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:10 p.m.

Nancy C. Metzger  
Town Clerk