

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, February 13, 2013, at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 6:00 P.M. Members of the Town Board present were Councilmember's Bernard Kolber, Patrick Casilio, Peter DiCostanzo and Robert Geiger. Other Town Officials present were Director of Community Development James Callahan, Assistant Planner Michael Hutchinson, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Director of Administration and Finance Pam CuvIELLO, Confidential Secretary to the Supervisor Karen Jurek, Senior Building Inspector David Metzger and Planning Board Chairman Robert Sackett.

In reviewing the bill pay, Councilman Kolber questioned why the fire departments are being paid when we have not collected the tax money yet. Pam CuvIELLO stated that if the check is not cut today, they will not get cut until February 28th. VFIS has to be paid by March 1st, if the check is cut on February 28th, VFIS would not receive payment in time. Pam stated she will hold the checks until she gets the tax money however, if the Board would rather she pull the fire departments bills she would do that. Councilman Kolber stated that next year the Town Board should negotiate quarterly payments to the fire departments rather than releasing the full amount in one lump sum since the town does not get all the money up front and tax payments are not due until February 15th. Pam CuvIELLO stated that the County makes us whole from day one.

Director of Community Development – James Callahan

Public Hearing:

A Public Hearing is set for 7:45 PM to consider a Temporary Conditional Permit for an expanded home occupation of a landscape business at 7615 Goodrich Road. The proposed site is located on the east side of Goodrich Road, south of Delaware Road on existing vacant land consisting of 35.85+/- acres located in the Agriculture Flood Zone. Applicant is proposing to develop a residential home and to house an expanded home occupation consisting of a landscaping business in a detached accessory structure. Per the Zoning Law, an expanded home occupation will require approval via a Temporary Conditional Permit. Councilman Kolber has concerns regarding drainage. Mr. Callahan stated that the area where the barn will be located is a high spot. The applicant will be present tonight for Councilman Kolber to question the applicant's intentions and use.

Work Session items for consideration February 27, 2013:

Spaulding Greens Phase 2B

Applicant is seeking approval to have the Final Plat approved and the newly constructed town roads dedicated for public use. The plat includes 9 sub-lots (patio homes) and approximately 240 linear feet of Garden Walk and 280 linear feet of Meadowglen Drive. The proposed site is located on the east side of Goodrich Road, north of Greiner Road as an extension of Meadowglen Drive and Garden Walk in the Spaulding Greens Open Space Design Subdivision. The area is identified in a residential classification. The Town Board has final authority to approve Final Plats and to accept newly constructed roads for public dedication. The Town Engineer has reported that all requirements for dedication have been submitted and accepted as complete.

Alex Peters/Kratmaschine 9265 Main Street

Applicant is proposing to utilize the rear of the existing commercial building to operate a high-end automotive service use. The proposed site is located on the south side of Main Street, east of Thompson Road in an existing commercial structure located in the Commercial Zone. Per the Zoning Law, an automotive service use within the Commercial Zone may be approved with a Temporary Conditional Permit. The use is proposed within the rear of the existing commercial

space. Limited and small scale operation will not require a large amount of outdoor storage-use almost exclusively inside the garage area. A public hearing will be required to consider the permit.

Doug Webster/Peak Motion 8916 Sheridan Drive

Applicant is proposing to develop a machine shop with no outdoor storage/display and no exterior changes. The proposed site is located on the north side of Sheridan Drive, east of Shimerville Road in an existing commercial building located within the Restricted Business Zone. Currently the property is utilized as a detail shop and former collision shop. Per the Zoning Law, the Town Board may consider a use of the property that is not specifically enumerated as an allowed use via a Temporary Conditional Permit. No exterior change to the existing structure, other than signage is proposed. A public hearing will be required to consider the use.

Jeff Vanmarter 10425 Keller Road

Applicant is proposing to create a one lot open development area to allow for another residential home on the property. The proposed site is located on the south side of Keller Road, east of Strickler Road on existing residential use located on 37+/- acres in the Agriculture Rural Residential Zone. Per the Zoning Law, applications are initially presented to the Town Board for preliminary review. A significant amount of wetlands exist on the property. Referral to the Planning Board would initiate a coordinated/comprehensive review of the proposal.

Douglas Klotzbach/Victoria Park 10225 Main Street

Applicant is proposing to build a third commercial building at the northeast corner of the property (southwest corner of Main Street and Shisler Road). The proposed new structure will include 8,700+/- square feet of space, bringing the total build-out to 33,750 square feet. Per the Zoning Law, cumulative structures greater than 30,000 square feet within the TND will require a Special Exception Use Permit as issued by the Town Board. In addition, the Town Board has final approval authority for the architectural style within the TND. Referral to the Planning Board and the Clarence Hollow Community Character Protection Board will initiate a formal comprehensive review of the project. Ultimately a public hearing at the Town Board level will be required to consider the Special Exception Use Permit.

Supervisor David Hartzell

- Approve the transfer of funds from the 2012 General Fund budget lines
- Approve the increase in the cost for the Commemorative Benches from \$400 to \$600 per bench effective February 14, 2013
- Declare several copiers as surplus
- Set a closed bid date for March 5, 2013 at 10AM for the sale of surplus copiers

Councilman Bernard Kolber

Jason Varrone resigned from the Clarence Library, leaving one open position on the board.

Councilman Kolber will make a motion to approve the transfer of funds from the 2012 Law Department 2012 budget and the 2012 Justice Court budget.

Councilman Kolber said that a public hearing should be set for Multi Family Residential Development. There is a building cap for single family residential housing but the Board has not looked at any type cap for Multi Family Residential development. Councilman Kolber felt that it would make sense to put that all together. Director of Community Development James Callahan stated that the Planning Board will not give a recommendation of the cap for MFR; it is a Town Board decision. This is a major concern for the Planning Board because there is no basis

for justifying the cap. If the Town Board approves a project an Environmental Review identifies that the full build out can be accommodated, for the Board to put an artificial cap on top of that is legally questionable. Councilman Casilio suggested a joint meeting with the Planning Board. Councilman Kolber feels the Board needs legal advice and legal opinion related to a building cap for Multi Family Residential units.

Mr. Callahan stated that the Town hit the residential building cap of 240 permits only once. That was in late December of 2000 and the building department held off issuing permits for two weeks until January 2001. Again Mr. Callahan suggested that a better way to manage apartment growth is on the “front end” through SEQRA rather than at the “back end” after a project is approved. Mr. Callahan further stated that he twice e-mailed the Town Board a memo regarding MFR and building caps. He will e-mail it a third time and requested that the Board read it.

Councilman Patrick Casilio

- Authorize Change Order No. 2 to Milherst Construction for the Keller Road Pump Station Elimination Project
- Spaulding Green Phase 6 hydrants - annual maintenance fee to ECWA
- Set bid date for the Main Town Park pool lining project
- Set bid date for the Brookhaven Drive Sanitary Sewer project

Councilman Peter DiCostanzo

- Appoint Senior Clerk in the Parks Department
- Transfer of funds from the 2012 Parks Department budget
- Encumber funds from 2012 Parks Department budget
- Transfer of funds from the 2012 Zoning Department budget
- Transfer of funds from the 2012 Assessors budget

The Northwoods DEIS was discussed at the February 6th. Planning Board meeting, there are several items that need clarification and will be addressed at the next Planning Board meeting.

Gabes Collision will be on the Planning Board agenda next week as well.

The Church on Harris Hill Road across from Harris Hill Elementary School host several weekly meetings. The resident to the south of the church is requesting permission to erect a six foot high fence between his property and the church. The Zoning Board of Appeals will work with the applicant and tabled this request until next week.

Councilman Robert Geiger

- Appoint Elizabeth Meunier to the Conservation Advisory Council
- Transfer funds from the 2012 Highway Department budget
- Transfer funds from the 2012 Animal Control budget
- Grant permission for Jerome Schuler and Anne Cimato to attend the annual NYS Animal Control Seminar

Supervisor Hartzell stated that the Town Board will be conducting interviews for the alternate position on the Zoning Board of Appeals in Executive Session. There is one Attorney Client item to discuss as well.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to enter into Executive Session pursuant to § 105(1)F of the Open Meetings Law to discuss the employment history of a particular person(s). 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 Supervisor Hartzell, seconded by Councilman Casilio to adjourn the Executive Session at 7:14 PM. Upon roll call – Ayes: All; Noes: None. No action taken.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1)F of the Open Meetings Law to discuss the employment history of a particular corporation. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to adjourn the Executive Session at 7:29 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, February 13, 2013 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell, Jr. called the meeting to order at 7:32 p.m. Pledge to the flag was led by Marissa Saenger, the Buffalo News Female Cross Country Runner of the Year; followed by a prayer sung by Cantor Penny S. Myers of Temple Beth Zion.

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

Motion by Councilman Casilio, seconded by Supervisor Hartzell to accept the minutes of the previous work session and regular meetings held January 16, 2013. On the question, Councilman Kolber said he was out of town, so he will recuse. Upon roll call – Ayes: All; Noes: None. Recuse: Councilman Bernard Kolber. Motion carried.

Supervisor Hartzell welcomed Curt Cashmore, who was present representing the Chamber of Commerce.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to approve the transfer of funds from the 2012 General Fund Budget lines as follows: \$45.92 from account 001-1220.0432 Dues and Subscriptions to account 001-1220.0416–Gasoline and Oil; \$674.49 from account 001-1620.0457 – Lease & Rental of Equipment to account 001-1620.0481-Going Places Van Gas & Oil; \$2,412.43 from account 001-1620.0457 – Lease & Rental of Equipment to account 001.1953.0400 – Telephone, Cells, Pagers; \$449.08 from account 001-1620.0457 – Lease & Rental of Equipment to account 001.1954.0400 – Physicals and Testing; \$2,264.44 from account 001-1620.0454- Stationary Plant & Equipment Maintenance to account 001-1620.0452-Library Maintenance. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to approve the increase in the cost for the Commemorative Benches to \$600 per bench effective February 14, 2013. On the question, Supervisor Hartzell said these are the benches that are installed along the bike path and are purchased by people who would like a memorial in remembrance of a loved one. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to declare the following copy machines surplus office equipment: 1 – E Studio 350-Toshiba Copier, Model No. DP-4520, Serial No. CVB524556; 1 – E Studio Toshiba 350 Copier, Model No. DP-3520, Serial No. CPC537418. On the question, Supervisor Hartzell said Karen Jurek was able to find some grant monies to allow us to buy some new copiers. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to set a bid date for March 5, 2012 at 10:00 AM for the sale of the following machines declared as surplus office equipment: 1 – E Studio 350-Toshiba Copier, Model No. DP-4520, Serial No. CVB524556; Minimum Bid -\$775.00; and 1 – E Studio Toshiba 350 Copier, Model No. DP-3520, Serial No. CPC537418; Minimum Bid-\$625.00. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell thanked everyone in the Town of Clarence and the newspaper, the Source, for commenting on the survey. We have received over 350 surveys and he has read every one. We will have the results by the end of March. It is clear, so far, that the people of the Town of Clarence value their greenspace as the number one thing they like; and next is the schools. They also say what they do not like. As elected officials, they should make changes for the better. The report will include the good, the bad and the ugly of what people like and what they would like changed.

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the transfer of funds from the 2012 Law Department Budget as follows: \$172.00 from account 001.1420.0432 – Dues and Subscriptions to account 001.1420.0423 – Books and Supplements. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the transfer of funds from the 2012 Justice Court Budget as follows: \$203.40 from budget line 001.1110.470 – Expense and Travel to budget line 001.1110.469 Drug Court Services. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber announced that there is an opening on the Library Board. It will be held open for the next 30 days to allow for anyone interested to submit an application.

Councilman Kolber said we receive a lot of comments regarding the brush collection every summer. We are working on taking a different approach to see if we can get a grapple truck so we do not have to send out an army to pick up brush. We have to discuss it with the Highway Superintendent to see if we can talk him into it. It would be a more cost effective and efficient way to take care of brush in the Town. Maybe we would not have to suspend pickup in the summer. Hopefully we can make this work and get a better system going.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Change Order No.2 to the Milherst Construction Contract for the Keller Road Pump Station Elimination Project in the amount of \$6,430.90. On the question, Councilman Kolber said as this project went on they found some things that were not on the construction documents that had to be dealt with. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber that the Town of Clarence agrees to pay the annual fire hydrant maintenance fee to the Erie County Water Authority for seven (7) fire hydrants within Spaulding Green Phase 6 upon Final Plat approval and formal public infrastructure acceptance by the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a bid date for the Main Town Park Pool Lining project for March 14, 2013 at 10:00 AM in the Office of the Town Clerk. On the question, Councilman Kolber said the current lining requires a lot of maintenance every year and he hopes this will prevent that for many years to come and save money. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a bid date for the Brookhaven Drive Sanitary Sewer project for March 19, 2013 at 10:00 AM in the Office of the Town Clerk. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint Amy Gregor to the position of Senior Clerk-Contingent-Permanent in the Parks Department at step 1 in accordance with the White Collar Unit Contract effective February 14, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said he has several transfers also. Since budgeting is not exact, we may have spent more in one account and less in another, so these transfers must be made in the budget.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the transfer of funds from the 2012 Parks Department Budget as follows: \$7,100.00 from account A7110.450 – Maintenance of Building and Grounds to account A7110.416 – Gasoline and Oil. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said his next motion is to encumber funds from the 2012 Budget for something ordered in 2012 that we expected in 2012, but did not arrive yet.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to encumber funds from the 2012 budget as follows: \$3,230.00 from account 7110.0265 for purchase order no. 050621 – Quermbach Electric; and \$540.00 from account 7110.0425 for purchase order no. 050346 – Laux Sporting Goods. 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 Zoning Budget: \$467.28 from account A8010.0220 – Office Equipment to account A8010.0416 – Gas and Oil. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the transfer of funds from the 2012 Assessor's Budget as follows: \$22.50 from account 001-1355.416 – Gas and Oil to account 001-1355.432 – Dues and Subscriptions. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said he always likes to see the Clarence athletes come to the meetings as there have been quite a few successes this year. Hopefully we will soon have another State championship. Four varsity wrestlers won sectionals at UB this week. Ryan Burns, Nate Schwab, Jake Weber and Nate Ward are all going to Albany to compete with the best of the State.

Supervisor Hartzell said he attended the school board meeting on Monday and told them that it is nice to recognize the athletes at the Town Board meetings, but he asked if there were others who have done well in other areas such as scholastics, art or music. We would like to recognize them also.

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to appoint Elizabeth Meunier as a member of the Conservation Advisory Council to expire December 31, 2015. On the question, Councilman Geiger said this appointment is made to fill the vacancy left by Jennifer Lougen-Wiertel. She has a background as a science teacher and naturalist. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Supervisor Hartzell to approve the transfer of funds from the 2012 Highway Department Budget lines as follows: \$262.75 from Account 002.5110.0413 Resurfacing Materials to Account 002.5110.0413.2010 – Chips Account; and \$138.62 from Account 001.5010.0220 – Office Equipment to Account 001.5010.0210 – Furniture and Fixtures. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Casilio to approve the transfer of funds from the 2012 Animal Control Budget lines as follows: \$25.14 from account 001.3510.0474 – Kennel Expenses to account 001.3510.0450 – Repair and Maintenance of Building and Grounds; and \$753.88 from account 001.3510.0474 Kennel Expenses to account 001.3510.0100 Personal Services. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Kolber to grant permission for Jerry Schuler and Anne Cimato to attend the annual continuing education NYS Animal Control Seminar in Webster, NY on April 23 and 24, 2013 with the use of a Town vehicle and all reasonable and necessary expenses to be paid by the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger said Time Warner has announced an increase of 2.6% in their rates.

Town Clerk Nancy Metzger reminded everyone that the 2013 Town & County taxes are due on Friday, February 15th.

A Public Hearing was held to consider a Temporary Conditional Permit for an expanded home occupation of a landscape business at 7615 Goodrich Road. James Callahan said the property is located on the east side of Goodrich, south of Delaware Road consisting of approximately 35 acres in the Agricultural Flood Zone. The applicant is proposing to develop a residential home and include an expanded home operation of a landscape business. The use is permitted under a Temporary Conditional Permit per the Zoning Law and upon the approval of the Town Board following a public hearing.

David Christopher said he recently met with Town Engineer Tim Lavocat regarding the guidelines to building in that zoning area. He presented an idea of where he would build his home and the building for his equipment. He intends to keep his equipment stored neatly and out of sight. He is in the process of purchasing the property, but he wants to make sure he can do what he wants to do there within the requirements. Currently, his business is on Harris Hill Road near Greiner and he could use more space.

Mr. Christopher said there is minimal traffic to the site. They leave in the morning and return at the end of the day.

Speaking to the subject:

Councilman Kolber said we received a letter from one neighbor concerned about drainage. It was forwarded to the Town Engineer. He sees that as the biggest issue.

Councilman Casilio said he is here seeking permission to run his business at this location.

James Callahan said the setback variance was issued for this property several years ago.

Mr. Christopher said these are the best areas of the property to build on and he is willing to maintain the existing ditches. He will be living there, so he wants it to be the best for everyone. He has 5 – 6 employees who come in and leave.

Councilman Kolber said he has to have the house up before he can build the garage.

Mr. Christopher said he would like to begin the roadway to the site in preparation for building.

Timothy Geyer said he will be taking over his uncle's property to the north. He asked if there would be mounds of topsoil and mulch for the proposed business.

Mr. Christopher said he does not store that volume of material.

Mr. Geyer said he knows that the property floods and that it is in the floodplain. He wonders how much he has to build it up to be able to build on it and if the water would then be diverted to his property. That is his biggest concern because his house does not have any water now.

Councilman Casilio said that is addressed by the Town Engineer when he builds.

Town Engineer Tim Lavocat added that they look at all of that once he applies for a building permit.

Mr. Geyer asked how they can be sure that a mistake was not made and if it was, how is it corrected later.

Town Engineer Tim Lavocat said there are milestones to meet along the development of the property that are monitored. Any issues have to be addressed.

Councilman DiCostanzo said this is not addressed at the Town Board meeting. It is handled through Building and Engineering Departments.

Jean Schaedler said she lives adjacent to the property also. She has concerns about privacy and noise issues because the shop building is planned to go behind her property. The driveway goes right next to her house. She enjoys the quiet rural setting and does not want a business in her backyard. She also is very concerned about drainage. Another issue is emergency access.

Councilman Casilio said there is a barn on her property between the house and the garage that he wants to build. He understands that the concerns are legitimate, but this is to discuss the Temporary Conditional Permit. If he is a bad neighbor, he could lose the permit. One of the conditions to be considered is no bulk storage of materials.

Mr. Christopher said he has small pallets of decorative stone for patios on his property right now and that is about the extent. The hours of operation are leaving there about 8:00 a.m. and returning at dark.

Mr. Christopher said he feels as though this is approved for agricultural use and if he was to farm this property, it would cause much more commotion to his surroundings.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Geiger to close the Public Hearing. On the question, Councilman Kolber said he believes what is being presented is a substantial potential impact from the proposed building to house the business on the neighbors. He does not want to see him invest all this in the property and then not be able to house his business there. He would like to have this reviewed by the Planning Board.

Councilman Kolber said maybe the building could be moved elsewhere so that it is not right behind her house.

Councilman Casilio said it is actually behind her barn. There are similar type businesses all along Goodrich Road.

Councilman Kolber said he wants to make sure the neighbors are not negatively impacted.

Mr. Christopher said he is aware of many other businesses. The picture above is from many years ago and it is denser than what this shows.

Councilman Casilio said we are basically talking about seven lawnmowers on 35 acres of property.

Mr. Christopher said he wants privacy himself and will be considerate of the neighbors. He is willing to plant more growth.

Councilman Kolber said he is not against him building there, but he wants to be considerate of the neighbors. He would be more comfortable with this going to the Planning Board and have them listen to the neighbors and recommend specific conditions.

Mr. Christopher said there is an existing driveway onto the property that he would use. There is a ditch that goes across the property except for that area. He understands the proximity of the driveway to her house and he would be willing to plant more in that area.

Councilman Kolber said he is trying to protect all parties.

Councilman Geiger said he was out there yesterday and there are many businesses along that section of Goodrich Road.

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

Motion by Councilman Kolber to refer the request for a Temporary Conditional Permit for an expanded home occupation of a landscape business at 7615 Goodrich Road to the Planning Board for review to include his concern of the impact on the neighbors.

Motion lost due to lack of a second.

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

Resolved, that the Clarence Town Board, after a public hearing duly held on February 13, 2013, and after all interested parties having been heard, approves the request of the applicant, David Christopher for a Temporary Conditional Permit for an expanded home occupation of a landscape business at 7615 Goodrich Road subject to the following conditions:

1. Temporary Conditional Permit is for a period of one year.
2. No storage of bulk materials on the site.
3. Hours of operation to be 7:00 a.m. to 8:00 p.m. Monday through Saturday.

On the question, Councilman Kolber said he has no problem with him running his business or doing what he plans. He believes it is foolish not to do due diligence ahead of time to have specific conditions and guidelines.

Councilman Casilio said he cannot see him getting beat up with 35 acres of property for three trucks. He is aware of his business at the current location. It is in his best interest to comply and be reasonable with the neighbors after making that kind of investment. It is disingenuous to say there is a barn operation in my backyard when it is separated by a barn in your backyard.

Councilman Kolber said he thinks it should be a Special Exception Use Permit.

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

Motion by Councilman DiCostanzo, seconded by Supervisor Hartzell to approve the following: Clubhouse Applications – A. Clarence Fillmore Cemetery – Feb. 20, 2013; B. Clarence Track Club – March 5, 2013; C. Girl Scouts – March 16, 2013; D. Boy Scout Troop 93 – April 7, 2013; E. Clarence Track Club – June 4, 2013; Legion Hall Applications – A. Girl Scouts – First Monday each month 2013; B. Phyllis Wozniak – Feb. 23, 2013; C. Jody Kuppinger – March 8, 2013; D. Clarence Wrestling Boosters – March 9, 2013; E. Tina Battaglia – March 10, 2013; F. Girl Scout Troop 30776 – March 12, 2013; G. Diane Patcyk – March 17, 2013; H. Vicki DiMario – April 13, 2013; I. Evan & Bethany Crahen – April 14, 2013; and J. CSEA Blue Collar Unit – April 16 & Nov. 8, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Supervisor Hartzell that after proper audit and review by the Town Board, the following bills of February 14, 2013 are approved for payment: General Fund - \$86,894.61; Highway Fund - \$49,307.88; Water District - \$38,032.79; Central Alarm - \$77.40; Fire Protection Districts - \$3,734,631.66; Drainage District – \$117.24; Lighting Districts - \$697.41; Sewer Districts - \$288.97; Capital Fund - \$5,040.00; Trust & Agency 203 – 1,100.00; and Trust & Agency 205 - \$32.00 for a total of \$3,916,219.96. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Steve Dale said he has been working with the Science Club at the high school. Ten days ago they took second place at the regional competition for the science Olympiad out of 34 schools. They will be going to the State finals on March 9th.

Supervisor Hartzell adjourned the regular meeting at 8:35 p.m. in honor of the victims of Flight 3407; and best wishes and good luck to the folks who are down in Washington trying to change the laws.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to enter into Executive Session at 8:40 p.m. pursuant to §105(1)(f) of the Open Meets Law to discuss the employment history of a specific corporation and pursuant to §105(1)(h) to discuss the proposed acquisition of real property. Upon roll call – Ayes: All; Noes: None. Motion carried.

Nancy C. Metzger
Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman Kolber to adjourn the Executive Session at 9:09 p.m. No Action was taken. Upon roll call – Ayes: All; Noes: None. Motion carried.