

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, October 24, 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, and Planning Board Chairman Al Schultz.

Director of Community Development – James Callahan

Public Hearings:

Annual Public Hearing on Community Development Block Grant Utilization

As a member of the Consortium of Erie County Governments, the Town is eligible to apply for CDBG monies under the County guidelines. Areas benefitting individuals and families that qualify under income limitations per US Department of HUD statutory requirements (80% of the median household income). All proposals shall be in conformance with community goals. The Town Board has final authority to prioritize concepts and make applications under the program. Previous applications have involved ADA compliance and accessibility issues. Projects for consideration include making the entry way to the Senior Center ADA compliant, make sidewalks in various locations around the town that intersect county roads ADA compliant and the annual Rural Metro service grant.

Formal Agenda items:

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. Per SEQRA timeframes, action must be taken to determine the acceptability of the Draft within a 45 day period. The Planning Board has forwarded a recommendation on action to meet the requirements of SEQRA. The Planning Board recommendation identifies a number of deficiencies in the draft that will need to be updated prior to public review. These deficiencies are identified in the Planning Board minutes of October 17, 2012 meeting.

Work Session items for consideration November 14, 2012:

Ray Bialekowski – Kittinger Furniture

Applicant is proposing to acquire the existing building and change the use to a furniture manufacturing facility. The action will include an addition to the existing building. The use of the property for a light manufacturing facility will require a Special Exception Use Permit. The proposed site is located in the Commercial Zone on 2.8+/- acres at the northeast corner of the Eastern Hills Mall in the former roller rink. Per the Zoning Law, the Town Board has authority to approve Special Exception Use Permits. Site Plan approvals on the change in use and building addition will be a function of Planning Board approvals. Referral to the Planning Board will initiate a formal review process. Councilman Kolber stated that his biggest concern is noise. Mr. Bialekowski stated that their hours of operation run from 7:00AM – 3:30PM. All their work is done inside the building. They do nothing outside other than unload a truck once in awhile using a forklift beyond that, all work is internal. Currently they are located on the sixth floor of a multi-tenant building with offices below them. Supervisor Hartzell stated that the IDA is in favor of this project as we do not have many manufacturing businesses in town.

Kevin Curry/Fairfield Park, East Howard Drive public road extension

Applicant is now proposing a public road extension of East Howard Drive to service 5 lots at the end of the new cul-de-sac. The proposed site is located west of Roxbury Drive, south of Main Street as a westerly extension of East Howard Drive on existing vacant land at the extension of a paper street

owned by the Town of Clarence. The Planning Board has previously recommended a private road Open Development Area that was tabled at the Town Board meeting of September 22, 2010.

Per the Subdivision Law, the formal review of a project begins with introduction to the Town Board. The Town Board is responsible for public road dedications.

Planning Board Chairman Albert Schultz

Next week the Planning Board will be reviewing the code proposal for multi-family housing. They also looked at building caps and concluded that going back in history that should be a resolution by the Town Board it will not be a Planning Board action. The code will be ready by the end of next week.

Conservation Advisory Council - Dennis Londos

At the October 10, 2012 Town Board meeting the Board adopted Deer Conservation Rules for 2013 indicating that "all special permit hunters must be from Clarence and/or be approved by majority of the Town Board." Mr. Londos submitted a list of non-residents that need Town Board approval in order to participate in the 2012-2013 deer abatement program. Currently there are approximately 20 hunters in the program half of which are non-residents. Mr. Londos is asking that the non-residents be grandfathered into the program. Councilman Geiger asked if Mr. Londos advertised for Clarence hunters. Mr. Londos stated that he has not advertised, this is not an easy task for someone to go through. He has narrowed the group down and eliminated the ones that were not participating. The list he is submitting tonight is a list of key people he would like to see remain in the program. He could look into advertising for Clarence residents for next year. The candidates have to meet the criteria of the DEC. Mr. Londos spoke with the DEC last year and spoke of the residency rule. The DEC stated that there is a process to do this however the deer belong to NYS not just Clarence residents. So if a candidate meets the criteria of having a NYS hunting license and no prior convictions on your hunting license, you can participate in the program as long as you are approved on a permit. The Town could limit the hunters to Clarence residents only but we would have to follow the DEC regulations and guidelines.

Mr. Londos stated that the people he has listed have been in the program since it began; there are one or two hunters that have joined within the last couple of years. The majority of the people on the list have produced a lot of deer which is the reason for the program. They like to take approximately 100 - 200 deer per season in the red zone. Last year, Mr. Londos and former Councilman Joseph Weiss worked with the DEC and several state officials to re-open this area for big game hunting for archery only however it did not go anywhere. If this area were to open up, this would be a big asset to the town in that Mr. Londos could eliminate half the hunters on his list. Instead of having to paying agents to hunt the deer, we could have a licensed hunter's take deer in this area during the regular hunting season. In 1956 they closed the area (red zone) off to big game hunting and this is how the deer population has grown. Councilman Casilio stated that he did not have a problem with bringing in people from out of town but he wants to make sure no Clarence residents are excluded from the program.

Beginning this year, agents are paid \$50 per deer taken which is an increase of \$25 from prior years. The program begins October 31, 2012 and ends March 2013. A formal motion will be made in the Town Board meeting approving the out of town agent's participation in the deer abatement program.

Councilman Bernard Kolber

Councilman Kolber attended the Library Board meeting; they passed the resolution for the Memorandum of Understanding forming a special taxing district.

Councilman Patrick Casilio

The fire department budget hearings are scheduled for this evening. Councilman Casilio has spent some time reviewing the Town of Lancaster and the Town of Amherst fire protection budgets. The article in the paper regarding reserve funds in the fire companies budgets was mainly based on the lack of due diligence by the Lancaster Town Board, not on the Lancaster fire companies. Councilman Casilio suggested coming up with a format so the fire companies are not surprised every year as to the information requested. The question still remains as to how much is enough for each fire department to have in reserve funds. Director of Administration and Finance Pam Smith said that the state has offered

no suggestions or guidelines concerning that. Councilman Casilio stated that the amount of surplus is a judgment call the Town Board can make. The Board should be requesting the fire company's equipment lists and their replacement schedules/replacement costs for equipment. Equipment purchased with cash does save the tax payers money.

Councilman Casilio stated there is some confusion as to fire companies with three year contracts and the yearly submission of the 990 forms. The Town of Lancaster and Amherst fire company budgets were at last year's budget amount, they did not increase this year.

Councilman DiCostanzo stated that in light of the whole reserve issue, and the fact that the fire companies are asking for more money, most fire companies are not hurting for cash and he is not willing to vote for any amount higher than what is currently budgeted for each company. Supervisor Hartzell concurred. He also suggested meeting with each fire company mid 2013 to discuss multi-year budgets. Several of the fire companies had over one million dollars in reserve.

Supervisor Hartzell stated that beginning next spring he would like to develop a comprehensive plan for the Town Board and the fire companies. Hopefully by then we will have more clarification from the state then everyone will know what to budget for 2014.

Councilman Peter DiCostanzo

Councilman DiCostanzo has several motions for the Town Board meeting:

- Declare a Canon AP350-11 typewriter as surplus.
- Set a bid date for November 14, 2012 for an agriculture/utility tractor for the Parks Department.
- Appoint Michael Hutchinson to the position of Junior Planner PT for the Planning and Zoning Department effective November 2, 2012.

There was a discussion at the Planning Board meeting of working multi-family development into the building cap of 240. Currently there are approximately 350 approved units in Spaulding Green, 50 units in Shadow Woods, 20 patio homes in Loch Leah as well as units still being developed in Waterford and if you add in the multi-family development, this is something that needs to be looked at.

There is a Sewer District #2 sewer meeting at 9:00AM on November 1, 2012 at Town Hall.

Councilman Robert Geiger

Councilman Geiger stated he would like to change the town's policy on resolutions, he suggested putting the resolutions on the agenda as done in the Towns of Lancaster and Amherst. The cut-off date would be Friday before the Town Board meeting so when the Town Board gets their agenda prior to the meeting; they will know exactly what is going on.

Supervisor Hartzell suggested looking at how other towns do their agendas and getting Clarence the best possible system. Director of Community Development James Callahan has concerns with preparing a resolution that will require a vote by the Town Board; this will delay a project for two weeks. The agenda review that is distributed to the Town Board gives all the information, the only thing they are not doing is giving the answer for the decision that is made that evening. Land use decisions are subject to time constraints.

Supervisor Hartzell stated that Councilman Geiger is suggesting a change in the system. Everyone will be included, all department heads will have input to come up with a better system.

Councilman Kolber stated that in keeping with the modified Open Meetings Law, any action that is to be taken on or anticipated to be taken on should be presented ahead of time and available to the public. The Town of Amherst and Town of Lancaster have a link to every one of their resolutions. Councilman Casilio stated that Amherst has a staff to update their website.

Planner Brad Packard stated that you can motion to file a resolution and that will instantly add two weeks to every action you take. You can post on the website a resolution that the Town Board motions to file so the public has the opportunity to review but it will delay the project by two weeks. Mr. Callahan stated that the agenda review that is distributed to the Town Board and put on the website prior to all town board meetings is everything that will be discussed, the only thing they are not doing is posting the decision that will be made by the Board the night of the meeting.

Councilman Geiger will make a motion to approve the transfer of funds in the 2012 Supervisor budget from Office Equipment and Personnel Services to Expense and Travel.

Motion by Councilman Kolber, 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 particular employees. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 7:17PM.

Darcy A. Snyder
Deputy Town Clerk

The Executive Session recessed at 7:27PM.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, October 24, 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 Robert Geiger, followed by a prayer read 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 and Sr. Building Inspector David Metzger.

Motion by Councilman Casilio, seconded by Supervisor Hartzell to accept the minutes of the work session held October 3, 2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Supervisor Hartzell to accept the minutes of the work session and regular meetings held October 10, 2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said, as liaison, he attended the Library Board Meeting and they approved the Memorandum of Understanding to dissolve the Clarence Library Board as the official board running the library and to transition to an advisory board. This would allow Erie County Library to pass a resolution to create a separate taxing library district in the county. If the Clarence Library Board did not do this and the district is voted in, Clarence residents would be taxed with no benefits coming to our library. It will be on the ballot next November if all keeps moving forward. The residents of Erie County would then have the opportunity to vote on whether or not they want a separate district created.

Motion by Councilman DiCostanzo, seconded by Supervisor Hartzell to declare the following office equipment as surplus no longer needed for Town purposes pursuant to the New York Town Law 64[2](a) : 1 – Canon AP350-11 typewriter ID No. A92038275. On the question, Councilman DiCostanzo said the typewriter no longer operates and parts are no longer available. It will be disposed of accordingly as set forth by any state, local laws and/or rules and regulations. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to appoint Michael Hutchinson to the position of Junior Planner PT for the Planning and Zoning Department effective November 2, 2012 at the budgeted rate of \$12.42 per hour subject to the completion of all pre-employment requirements being met. On the question, Supervisor Hartzell said Michael Hutchinson's work for the Town has been exemplary. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to set a Bid Date of November 14, 2012 at 10:30 a.m. for the purchase of an Agriculture/Utility Tractor for the Parks Department. On the question, Councilman DiCostanzo said bid specs will be available in the Town Clerk's Office and the Parks Department. The bid includes the option of a trade in of a 1985 Ford Tractor. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to approve the transfer of funds from the 2012 Supervisor's Budget as follows: \$700.00 from budget line 001-1220.220 – Office Equipment to budget line 001-1220.470 – Expense and Travel; and \$1,500.00 from budget line 001-1220.100 Personal Services to budget line 001-1220.470 – Expense and Travel. 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 Town Board Budget as follows: \$1,200.00 from budget line 001-1010.100 – Personal Services to budget line 001-1010.470 Expense and Travel. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman DiCostanzo that the Town Board hereby authorizes the following non-residents of Clarence to be included in the Deer

Abatement Program for one year: Tony DiLoreto, Roger Brewer, Rick Richert, Nello Paulucci, Rich Zelasko, Timothy Howard, Dan Mault, Peter Forrestel, Jeffery Borden and Donald Fuest. On the question, Councilman Kolber said we made modifications to the program this year to allow only Clarence residents to participate. However, the program starts in one week and we would not have enough participants. We will review it again next year. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger announced that Holiday in the Hollow is going to be Saturday, December 8th from 2 – 5 p.m. at the Farmers Market. The event will include hayrides with Santa. More information will be coming out.

Councilman Geiger said bids were received for replacement trees for the Hollow area. They will distribute information to property owners so that they can assist in maintaining the new trees.

Councilman Geiger said a newsletter called “Fiddleheads and Feathers” is put out by the Linda Gray Foundation. They have an excellent write-up about the Clarence Nature Center.

Motion by Councilman Geiger, seconded by Supervisor Hartzell to authorize Supervisor David Hartzell to sign an agreement with HPA Consulting Group, Inc. to provide consulting services for a new Telecommunication Service Contract for an amount not to exceed \$2,500.00, subject to Town Attorney review and approval. On the question, Councilman Geiger said the current Telecommunication Contract is expiring in March of 2013. HPA will determine the services needed by the Town, prepare the RFP, review the bids and make their recommendations to the Town before the end of the current contract. 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 25, 2012 are approved for payment: General Fund - \$172,551.15; Highway Fund - \$113,106.35; Water District - \$1,571.12; Fire Protection Districts - \$66.06; Drainage District - \$66,140.00; Sewer Districts - \$9,035.17; Capital Fund - \$95,241.74; and Aquatic Growth District - \$210.00 for a total amount of \$457,921.59. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence Bulldogs Cheerleaders – Nov. 11, 2012; B. Day in the Park Committee – Nov. 13, 2012; C. Youth Bureau – Nov. 21, 2012; D. Clarence Track Club – Nov. 20, 2012; E. Clarence Senior Center – Jan. 17, Feb. 7, 2013; F. Isabella & Beth Kaplan – Feb. 8, 2013; G. American Legion – May 27, Nov. 11, 2013; H. Clarence Kiwanis – March 30, 2013; Legion Hall Applications - A. Edward Gloss – Nov. 11, 2012; B. Patricia Raquet – March 2, 2013; C. American Legion – Monthly meetings for 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider entering into a contract for fire protection for 2013 with Clarence Center Vol. Fire Company in the contract amount of \$775,000. Joseph Schoellkopf, attorney for Clarence Center Vol. Fire Company said they have had several meetings over the last six weeks about this issue. The contract amount has been the same for the last three years. They have been good citizens signing a contract with no increase. The request they have submitted was for approximately \$806,000. It would not result in a tax increase due to the increase in assessed value in the protection district, the decrease in the LOSAP and a decrease in the insurance premium. The amount of \$775,000 is not acceptable to the fire company.

Speaking to the subject:

Councilman Kolber said we have been advised by the Town Attorney that we cannot change the contract amount tonight because that is what was stated in the legal notice. He asked if there are enough votes to negotiate a different amount, would they be in favor of waiting for another public hearing.

Mr. Schoellkopf said they did make an offer to the Town to accept a contract amount of \$800,000. That is the amount that is acceptable to the fire company.

Councilman Kolber said the fire company did explain what their request was for. There are some different opinions. Lancaster was criticized for their reserve amounts and it was never explained why. In his opinion, when we met with our fire companies, they explained why they

needed the money to save for equipment versus having to finance it. It makes sense to him that they are doing it. He believes all of them are good stewards of their money. They have very expensive equipment. It is not that much money in the big scheme of things. In his opinion it sends a message that we do not value what they do or value how they come up with their budgets.

Councilman Casilio said he is not interested in any increase to the tax rates, and this request is not doing that. We have had several meetings trying to work this all out. He would definitely like to see a better format for them to fill out next year. The State Comptroller's office would not give us anything in writing as to how much money you can have in reserves. As a Town Board, they have never set an amount. He believes \$2million without a designation is a lot. Some of the fire companies were a little slow in getting the paperwork in, which adds to the delay.

Councilman Casilio said he spoke with Lancaster officials regarding the article in the paper. It had a lot to do with the Town Board not doing their due diligence in reviewing the fire company budgets. Amherst fire companies are similar in their budgets as what we have here. He believes all of the questions were answered. However, we do have the issue with the dollar amount that was posted and we would have to have another hearing.

Councilman Kolber said Clarence Center gave them a truck replacement schedule through 2025. Most of the trucks for all companies have a life value of 20 years. Many have taken some beyond that. They put aside money on a yearly basis for equipment and building maintenance. They also try to get grants to help pay for some of it. They did provide reasoning for their reserve balances.

Councilman Casilio said Clarence Center budgeted for a new truck in 2015 for \$1.1 million and Amherst just bought one for that amount. Snyder buys three at one time and then they are all due for replacement at the same time. He likes that our fire companies stagger them out. He hopes that the format that Clarence Center used for equipment replacement could become part of the contract renewal process for all of them.

Councilman Geiger said he agrees with all that was said by the other councilmen.

Councilman DiCostanzo said to their credit, two of the components of the fire company contracts are to add to their reserve for their equipment and for their facilities. They are planning ahead. We do not know what is excessive to have in reserves. If we do not give them an increase this year, they will have excess money. He is wondering if they should use some money from reserves and borrow some.

Councilman Kolber said he thinks it is wise to save the money.

Councilman Casilio said the article is beating up the Lancaster Town Board, not the fire companies, for giving 2% or 3% increases without looking at where the money is going.

Councilman Kolber said Pam Smith called the Comptroller's office and told them what we were doing in terms of these budgets. The comment was that we were one of few that even look at them.

Councilman Casilio said and they do not give us any direction, so it is the Town Board's job to do what they think is right. The Town of Clarence has money in reserves also. That is the way the government works.

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

Motion by Councilman Kolber, seconded by Councilman Geiger to set a Public Hearing on November 14, 2012 at 7:45 p.m. to consider entering into a contract for fire protection for 2013 with Clarence Center Vol. Fire Company in the contract amount of \$800,000. On the question, Councilman Casilio said their attorney made it very clear that this is the dollar amount that they want to be at. He suggested that the other companies try to settle on a dollar amount tonight. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider entering into a contract for fire protection for 2013 with Harris Hill Vol. Fire Company in the contract amount of \$715,855. Garry Soehner said they are in a similar situation in that they are asking for their first increase in four years. They have always prepared their budgets in good faith, as they are taxpayers of the Town too. There have been years that they have requested less money and turned down a three-year contract because they did not need the increases that were included. Mr. Soehner said they are in a position where they are asking for 1.2% or \$8,700. It is a decrease for the tax rate. They will provide better information regarding the reserves in the future. A quick calculation of their immediate needs would wipe out half of the reserves. They have to replace breathing apparatus

to meet OSHA standards; replacement of engine #2, which is beyond anticipated life; and replacement of their ambulance that is also over due. Mr. Soehner said they are trying to avoid a budget that goes out of sight for a year or pay interest rates.

Mr. Soehner said their membership has increased and that increases costs for physicals, gear, training and everything else. He feels that what they have done is good budgeting. It has passed throughout their membership for approval.

Councilman Casilio said he believes that they do a good job. It has been difficult trying to decipher the different formats of the information that is submitted. He is happy to see that they are able to lower the rate.

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

Motion by Councilman Kolber, seconded by Councilman Geiger to set a Public Hearing for November 14, 2012 at 7:50 p.m. to consider entering into a contract for fire protection for 2013 with Harris Hill Vol. Fire Company in the contract amount of \$724,569. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider entering into a contract for fire protection for 2013 with Swormville Vol. Fire Company in the contract amount of \$212,849. John Gaulocher said they have also gone three years without an increase. They cover area in two towns with Clarence being the smaller portion. They are asking for 3.6% increase for 2013 or \$7,995. The reason for this is that in the past they have budgeted \$100,000 for motorized equipment and in looking at their replacement schedule, they determined that they would be \$419,000 in the hole by 2028. The fire company has decided that they should put in for a 3.6% increase.

Mr. Gaulocher said they would also like to enter a three-year contract with an additional 1% for the second and third years. There is a clause in the contracts that allows either the Town or the fire company to reopen the contract. The 2013 amount they are requesting is \$220,648 and an additional 1% in 2014 and 2015.

Councilman Kolber asked what increase they received from Amherst. Mr. Gaulocher said they are still negotiating that.

Councilman Kolber said due to the court order, Amherst is saving money. They were not following the law. They are upset.

Mr. Gaolocher said they tried using the sewer issue against the LOSAP issue and that is not right.

Councilman Casilio said he believes that there has been a lot of give and take by this Board. He thinks they are great, but the Supervisor is not interested in multi-year contracts at this time. We would like to change the budget format, so this may not be the right time for multi-year contracts.

Supervisor Hartzell said he is not opposed to multi-year contracts, but he would like to get clarification from the State. He is all for it, but not at this time.

Councilman Casilio said he looked at the Amherst budget. They gave them \$378,448 for the last three years. Mr. Gaolocher said that just happened last week and they intend to go back to them. They asked for \$392,314 for 2013 with additional 1% the following years. Amherst has been penalizing them because of the LOSAP.

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

Motion by Councilman Kolber, seconded by Councilman Geiger to set a Public Hearing for November 14, 2012 at 7:55 p.m. to consider entering into a contract for fire protection for 2013 with Swormville Vol. Fire Company in the contract amount of \$220,648. On the question, Councilman Casilio said the Town Board can approve under that amount after the next public hearing. He believes they have a tax rate increase as a result of their request. The other companies do not have tax rate increases. They will look at this beforehand. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider entering into a contract for fire protection for 2013 with Rapids Vol. Fire Company in the contract amount of \$40,500. Larry Wills said he understands that they are getting a \$500 raise.

Councilman Casilio asked if they are willing to accept that amount. Their request was \$42,626. Rapids Fire Company covers Clarence, Town of Lockport and the Town of Royalton. They also have a mutual aid situation with Clarence Center for their ladder truck.

Supervisor Hartzell said we rely on the financial information. They were the first to get that in and the Town appreciates their professionalism.

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

Motion by Councilman Kolber, seconded by Councilman Geiger to set a Public Hearing for November 14, 2012 at 8:00 p.m. to consider entering into a contract for fire protection for 2013 with Rapids Vol. Fire Company in the contract amount of \$42,626. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell thanked all of the fire companies for their services. We appreciate everything they do. We look forward to working with them.

Councilman Casilio said the Town Board is requesting the fund balance before the public hearings and the plans for equipment. Some of them have submitted it already.

Motion by Councilman Kolber, seconded by Councilman Casilio to amend the time of the Public Hearing for the 2013 Budget from November 14, 2012 at 7:45 p.m. to 8:05 p.m. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio congratulated the Supervisor for holding the line on his first budget. He knows he spent a lot of time on it.

Supervisor Hartzell said it does reduce the budget by 1¢ as it stands. We are one of the most affordable towns in Erie County because of the Town Board.

Councilman Casilio said Amherst and Lancaster have police departments which is a very costly item. He is glad we do not have to deal with that yet.

A Public Hearing was held to provide an opportunity for citizens to express ideas for possible projects which would benefit low and moderate income persons in the Town of Clarence. James Callahan said that as a member of the Consortium of Erie County Governments, the Town of Clarence has the opportunity to apply for Community Development Block Grant (CDBG) monies. This public hearing gives the public the opportunity to identify needs in the community for the benefit to low and moderate income persons.

Mr. Callahan said projects that we have been working on internally include the entryway at the Clarence Senior Center to provide ADA compliance improvements; sidewalks in various locations throughout the Town with ADA compliance improvements at intersections; and the Rural Transit Service that is funded yearly by this program.

Speaking to the subject:

Councilman Kolber asked how successful have we been. Mr. Callahan said usually we receive funding every two years.

Councilman Geiger said the Senior Center could write letters of support.

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

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

WHEREAS, the Clarence Town Board is desirous to provide services to low and moderate income persons who reside in the Town of Clarence; and

WHEREAS, the Clarence Town Board set a public hearing for October 24, 2012 at 8:05 p.m. to provide an opportunity for public input to the citizens of the Town to express community development and housing needs and possible projects that would benefit low and moderate income persons residing in the Town; and

WHEREAS, the Clarence Town Board will consider and submit all projects that qualify for the Erie County Community Development Block Grant program for ECCDBG funds.

NOW THEREFORE BE IT

RESOLVED, that a meeting of the Clarence Town Board duly convened on Wednesday, October 24, 2012, a public hearing was held, and after all interested parties having been heard,

the Clarence Town Board hereby authorizes David C. Hartzell, Jr., Supervisor of the Town of Clarence, Erie County, New York, to sign, submit and execute a contract with the Erie County Community Development Block Grant (ECCDBG) for the following projects upon approval of ECCDB:

1. Clarence Senior Center Entryway/ADA Compliance Improvements.
2. Sidewalk/ADA Compliance Improvements.
3. Rural Transit Service.

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

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

WHEREAS, Rural Transit Service, Inc. provides transportation services to eligible, low and moderate income persons who reside in the Towns of Clarence, Newstead and Village of Akron; and

WHEREAS, the Clarence Town Board continues its support of Rural Transit Service, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board, at this duly convened meeting, hereby authorizes Supervisor David C. Hartzell, Jr., to sign onto the Rural Transit Service, Inc. for the 2013-2014 Community Development Block Grant year.

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

A Public Hearing was held to consider a Local Law amending the Code of the Town of Clarence to prohibit smoking in Clarence Town Parks. Town Attorney Lawrence Meckler said this amends section 143-1 of the local acts. It would become effective upon filing with the New York State Secretary of State.

Councilman DiCostanzo said some time ago we passed a resolution encouraging people not to smoke at the ball diamonds and soccer fields where children are playing. There are signs posted. He has been at events where people are smoking and someone will come up to him and ask what he can do about it. This gives us a law with violations attached.

Councilman Casilio said we are not the first town to pass a law like this. He believes it is a good one. Some people do not have courtesy for others.

Supervisor Hartzell said fine if you would like to smoke, but not at kids sporting events.

Councilman Kolber said he is not against it, but has a problem with putting another law on the books that we cannot enforce. He wonders if it will hurt the Taste of Clarence where a lot of the old car owners seem to be smokers.

Councilman Casilio said the Bills stadium does not allow smoking for 80,000 people.

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

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

Resolved, that after a public hearing duly held on October 24, 2012 and after all interested parties being heard, the Clarence Town Board adopts Local Law No. 4 of the year 2012 amending the Code of the Town of Clarence, Chapter 143 - Property and Facilities: subdivision 143-1, adding Y - Smoking shall be Prohibited in all Clarence Town Parks. This local law shall become effective upon filing with the Office of the New York State Secretary of State in accordance with section 27 of Municipal Home Rule.

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

Northwoods Open Space Design Development requires action under the State Environmental Quality Review Act (SEQRA) related to review of the submitted Draft Supplemental Environmental Impact Statement (SDEIS). James Callahan said the location is the north side of Greiner Road between Thompson Road and Shimerville Road consisting of vacant agricultural land in the Residential Single Family Zone. The project sponsors are proposing an open space design subdivision. The Town Board previously issued a Positive Declaration under SEQRA requiring the submitted SDEIS. As Lead Agency, the Town Board is responsible to

determine whether it is acceptable. The Planning Board has reviewed the SDEIS and forwarded a recommendation for consideration.

Councilman Kolber said the Town Board was at that meeting and there were some areas of it that the Planning Board felt needed to be refined and addressed.

Mr. Callahan said the time and effort by the Planning Board to address the shortcomings is commendable.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that as Lead Agency under the State Environmental Quality Review Act (SEQRA) for the proposed Northwoods Open Space Design Subdivision, the Clarence Town Board identifies that the submitted Supplemental Draft Environmental Impact Statement (SDEIS) submitted by the project sponsor is not adequate for public review. The project sponsor shall make additions and corrections to the SDEIS as discussed and modified at the October 17, 2012 Planning Board Meeting. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Councilman DiCostanzo said he is going to vote no on the revised fire company contracts. He will show the Board how each of them can do it with the current contract amounts. He has a lot of respect for what they do. He thanks them for their service. He believes it is a pride issue and they do not want to take the same amount as the previous year. He also thinks that Councilman Kolber is showing his appreciation by increasing the contract amounts. He did not do any work on the numbers. Councilman DiCostanzo said he spent the time looking at the numbers because that is what he does for a living. He can show what he means.

Councilman Kolber said Councilman DiCostanzo can crunch numbers but he does not know how to run a business. They had flat numbers for four years. He takes offense to the appeasement that he refers to. He did look at the numbers, but he is not going to be so petty or ruin the morale for what they do. They spend countless hours doing what they do and do not get paid for it. He respects what they do. He does not think it is a significant change.

Councilman Casilio thanked Councilman DiCostanzo for his help on this. They do have a different philosophy regarding balance sheets. In his own business the money left goes in his pocket, but in government or the fire companies it goes for something else. He felt they were within reason on most of their lines. He also believes as the Town, we need to set the bar on what those numbers can be.

Councilman DiCostanzo said he is not saying that they are taking the money. It just keeps adding up in the reserve funds. He keeps saying we do a crummy job with budgeting.

Councilman Casilio said we are not doing this with our own departments. We trust what our people are submitting. Ted has saved us over \$2million or more through a lot of hard work on what he does.

Councilman Kolber said over the last several years we have been attempting to reduce those fund balances.

Councilman Casilio said we do not use them to balance the budget either.

Councilman Geiger thanked Councilman DiCostanzo for all the information he has forwarded. This is his first time involved in the budget process and it is very interesting. He gives a lot of credit to the Board and the staff of the Town for the information they provide. He is not sure yet how he will vote yet, but you have to get the information from all sources to help make that decision.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to reconvene at 8:50 p.m. to the previously called Executive Session. Upon roll call – Ayes: All; Noes: None. Motion carried.

Nancy C. Metzger
Town Clerk

Motion by Councilman Kolber, seconded by Supervisor Hartzell to adjourn the Executive Session at 9:15 p.m. No action was taken. Upon roll call – Ayes: All; Noes: None. Motion carried.