

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, October 8, 2014, 2014, 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, Junior Planner Jonathan Bleuer, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Senior Building Inspector David Metzger, Planning Board Chairman Robert Sackett, Planning Board member Steven Dale, Confidential Secretary to the Supervisor Karen Jurek and Highway Superintendent James Dussing.

Director of Community Development – James Callahan

Public Hearings:

A Public Hearing is scheduled for 7:45PM to consider a Local Law amending the Code of the Town of Clarence, Chapter 229 Zoning, Article XIII – Open Space Design Development Overlay. The Planning Board has forwarded a recommendation to amend the Zoning Law to make several updates to the Open Space Design Overlay Section (Article XIII of Chapter 229). These updates come after the Town Board had referred the review of this section of the Town Code on February 12, 2014. A copy of the proposed law with amendments was distributed.

Formal Agenda items:

Tesla Motors 4455 Transit Road

Applicant is proposing to construct a new electric vehicle charging station within the parking area of the existing use. The project site is located on the northeast corner of Main Street and Transit Road at existing Key Bank located in the Major Arterial Zone. Per the Zoning Law, the Town Board may consider an automotive service use in the Major Arterial Zone with a Special Exception Use Permit. A public hearing will be required to consider the Special Exception Use Permit.

Spaulding Green Open Space Design Overlay

Domenic Piestrak-Spaulding Green Open Space Design Subdivision

Applicant is proposing an amendment to the previously approved subdivision layout.

The project site is located generally east of Goodrich Road, north of Greiner Road at existing and previously approved Open Space Design Subdivision containing 380 sub-lots/units. Per the Zoning Law, the Town Board is the final approval authority to create an open space overlay. The action was referred to the Planning Board for review, comment and recommendation. The Planning Board has forwarded a recommendation to approve the proposed amendment identifying that all previously approved conditions of the original approval must be maintained. Overall the total number of lots remains unchanged. An action under SEQRA to amend the design was issued by the **Town Board on 9/24/2014**. (The original project was approved under a FEIS and Final Findings Statement, the proposed amendment does not impact any past findings on the project). Conditions associated with the Planning Board recommendation include requiring the mitigation to the Greiner Road/Thompson Road intersection (as per Final Findings) and construction of the recreational trail through the project with specific timelines identified.

Brookfield Country Club 5120 Shimerville Road

Applicant requests a Fireworks Display Permit for October 11, 2014 (not October 13, 2014 as previously approved). All application materials, including site location map, insurance, bonding, fees and fire chief approvals are in order. Councilman Casilio is requesting a time limit be put on fireworks displays. Supervisor Hartzell stated that the fireworks should be done with by 11PM.

Work Session items for consideration October 22, 2014:

Lou Visone 8570 Main Street

At the September 24th, 2014 Work Session, Lou Visone requested a Public Hearing to consider a Temporary Conditional Permit for outside sale of accessory structures. Applicant put the structures up without approval and a notice of violation was sent to him. Mr. Visone said he would remove the structures if he would be given the opportunity to be placed back on the agenda to describe what he plans to do. The way it was handled at the September 24th meeting, the applicant thought he had Town Board approval. Director of Community Development James Callahan stated that if the sheds are removed by next Wednesday, he will put Mr. Visone on the next Town Board agenda.

Town Attorney Lawrence Meckler

Town Attorney Meckler has three items to discuss in Executive Session regarding pending litigation, the employment history of a particular person and proposed lease of real property.

Highway Superintendent James Dussing

Paving projects are done for the year, leaf pickup began today. The bridge deck has been set on the Sawmill Road project, the project is ahead of schedule.

Clarence Center VFC – Thomas Brady & William Metzger***2015 Budget review***

CCVFC has been working on their budget for some time prior to getting any memos from the Town regarding the spending cap. For the last several years, the department has held a flat budget. Maintenance has exceeded its budget limit. They had to replace their server costing \$7,000. They opted to do a Capital Reserve Account for their server since they need replacement approximately every five years. They added a long term account for defibrillators so that when they need to be replaced the money is available. Fuel costs are going up, the district is growing and the fire department has been responding to more calls. They added money to their Training Budget because it is getting more difficult to receive training courses through the State and County. They are looking into bringing in outside speakers to do some additional training for their members. With all the increases and expenses, CCVFC was requesting a 3% increase in their budget prior to getting notice from the Supervisor's office. Councilman Casilio stated that the \$812,000 budgeted amount would work within the cap. Mr. Brady stated that he can go back to his board with the \$812,000 figure. William Metzger stated that they would have asked for a budget increase last year instead of remaining flat had they been made aware of the tax cap. Mr. Brady stated that if the Town Board was willing to increase their budget by 1.56% then he would work around that. Mr. Brady stated that they have a vehicle that will need replacement in 2016 (aerial truck). Capital Reserves are down, they have three more years left on their mortgage. They are looking into replacing the roof on the fire hall going from a flat roof to a pitched roof. Mr. Brady will rework his budget using the 1.56 figure and submit it to his Board and have a revised budget for the October 22nd Town Board meeting.

Security Officer – Alan Wolbert***2015 Budget review***

Supervisor Hartzell stated that the Security personnel budget last year was \$66,500. Mr. Wolbert is requesting \$113,445. for 2015. Supervisor Hartzell asked all departments to submit budgets with no more than a 1.56% increase and asked if Mr. Wolbert would like to rework his budget and come back in two weeks. Mr. Wolbert distributed a budget request justifying his increases. Mr. Wolbert felt that his increase is a number that he feels is necessary to safely and adequately operate his department. His total budget request for 2015 is \$122,819, the Supervisor's Tentative Budget is \$89,042. Alan Wolbert

presented a break-down as to how he came up with his numbers. His figure of \$122,819 is in-line with what was actually used for fiscal year 2013. The Supervisor's Tentative 2015 Budget – 2 Crossing Guards at \$11.29 per hour, 13 Security Officers (2500 hrs.) at \$14.00 per hour = \$35,000 in pay. It appears that one of the Supervisor positions was eliminated and the pay was increased to \$16. per hour for 1 supervisor position. There are three Security Officer PT positions in the budget but they have not yet been filled.

In his proposed budget, Mr. Wolbert gave his staff a 1% raise – they have not received a raise in the last three years – this raise amounts to 15 cents per hour.

2	Crossing Guards (155 days)	\$11.29 per hour = \$15,242
12	Security Officers PT (4380)	\$14.15 per hour = \$61,977
2	Security Officers PT (1000 hrs.)	\$15.80 per hour = \$15,800
3	Security Officers PT (1500 hrs.)	\$11.00 per hour = \$16,500

The 2 Security Officers at \$15.80 per hour are for the Chief and Assistant Chief position. Mr. Wolbert stated that he needs an Assistant Chief, he has been doing most of the work himself. There is a need for two people. Doing his full time job as a corrections officers, he cannot come to all the meetings so the time would be split between himself and the Assistant Chief.

Mr. Wolbert gave a break down on how his hours are distributed:

November 1 – April 30 (six months) 180 hours total each month = 1080 hours total.

1 Officer per day for 5 hours approximately 30 hours each month to cover weekend shifts and special events.

(May/September/October) (three months) 500 hours total each month = 1500 hours

3 officers per day for 5-6 hours each. May is a very busy month. People are using the bike path and the parks.

(June/July/August) (three months) 600 hours total each month = 1800 hours

4 officers per day for 5-6 hours each. Pavilions are being used on a regular basis.

Total hours for officers: 4,380.

Chief and Assistant Chief: 500 hours each (1000 total) for the year – 9 hours per week each to cover administrative and supervision duties for the month (scheduling, time cards etc.)

3 Officers Part Time (new hires) at \$11.00 per hour. Seasonal for bike path and special event coverage – 1500 hours total for June, July and August. Mr. Wolbert would like to bring in three new hires to patrol the bike path and help out with some of the larger events.

Winter staffing needs:

Most park gates are open every day during the winter months. Main Park is open with winter activities every day. In addition, there will now be new rest room facilities at Main Park open all winter. During the winter months last year Security was cut back to three hours per day.

January – Winterfest 500+ people. Parking and security – 4 officers needed for this event.

March – Clarence Citizens for Veterans Fundraiser 200+ people. Parking – 2 officers needed. Girl Scout/Mother-Daughter luncheon 200+ people. Parking – 2 officers needed. Boy Scout Spaghetti Dinner 200+ people. Parking – 2 officers needed. Antique Show 300+ people. Parking – 3 officers needed.

April – Boy Scout Blue Gold Dinner 150+ people. Parking – 2 officers. Kiwanis Easter Egg Hunt 300+ people. Parking – 3 officers. Cub Scout dinner 150+ people. Parking 2 officers needed.

November – Two day annual Arts and Crafts Show 200+ people per day. Parking and Security – 3 officers/day. Youth Bureau Christmas Tree Lighting 250+ people. Parking – 3 officers.

Summer staffing needs:

All park pavilions are rented out every weekend and major holidays for the summer months.

June – Lobsterfest 500+ people. Parking and security – 4 officers. Day in the Park 3000+ people. Security of event and fireworks – 8 officers.

July – Concert Association – concerts in Main Park every Sunday evening during the month 500+ people each night - 3 officers needed for each event. Hollowfest – security at Main Park 2000+ people each day/4 officers needed. (Parks Security does not get directly involved with Hollowfest but it is a town park and they do patrol the park). Greatbatch Company picnic 300+ people-3 officers.

August – Taste of Clarence 5000+ people. Parking of show cars and security-8 officers.

Need for 1 officer, one day per week from May 1 through November 30 to go out and remove illegal signs throughout all town areas. This is an issue that has come up time and again and he needs staff to take care of that on a regular basis.

2013 Arts & Craft show – only one officer worked the two day event. Cannot properly handle that amount of parking.

Mr. Wolbert provided a log of some of the items his staff has encountered during their patrols:

November 2013 Memorial Park food concession stand roll up door found open with contents inside. Building was secured and alarm set.

December 2013

Senior Center unlocked and garage door open

Assisted with blocking off flooded roads in the north area of town also assisted with blocking off ice jammed roads in north areas with Disaster Coordinator

Senior Center van unlocked and garage also found unlocked.

January 2014

Youth Bureau unlocked, Main Park maintenance shop unlocked on three separate occasions, Senior Center rear door unlocked which caused alarm to go off.

February 2014

Parks Dept. main shop rear door unlocked, Youth Bureau unlocked. Highway Department employee door found unlocked which caused alarm to go off.

March 2014

Highway Department employee door found unlocked. Large amount of damage done to grass at Town Place Park from vehicle driving from parking lot of church into the park.

April 2014

Engineering building found unlocked, Town Hall unlocked, Youth Bureau unlocked.

May 2014

Main Park maintenance shop unlocked, Parks Department gas pumps unlocked with power on.

September 2014

Youth Bureau side door unlocked. Highway Department employee door found unlocked and alarm not set, first on scene of rollover auto accident. Intoxicated driver then fled on foot from Sheriff, Parks Security apprehended driver. Nature Center rear door unlocked causing alarm to go off. Town Hall front door found unlocked. Vandalism at Town Place Park. Genealogy building rear door found unsecured which caused alarm to go off.

October 2014

Youth Bureau front door unlocked causing alarm to go off.

Supervisor Hartzell asked why Parks Security should get involved with a police matter involving an intoxicated driver. Mr. Wolbert stated that it is Park Security duty to notify the EC Sheriff and/or NYS Police however as a representative of the town, when you come upon a situation you cannot just drive by and ignore it. Some of his staff are trained in First Aid, he would like to have training available to all his staff. Councilman Casilio stated when a security officer is dressed in a uniform, wearing a badge, driving a public safety vehicle the public assumes you know first aid. There should be money in the budget to allow for training. Parks Security carries first aid kits in their vehicles and on their bikes.

The biggest line item in Security budget is salaries. As of today, Mr. Wolbert has used \$56,498 for salaries. His total payroll \$67,300 leaving him \$10,500 to get him through the rest of 2014. In November and December he cuts way back on hours, one person is scheduled per day. He has just enough money to get through the end of this year. He will start the year off with one person per day for three hours until May 1st. May 2014, he tried upping the hours on May 1st but had to cut back again, so he had one person working each night in May. May is a busy month, Mr. Wolbert needs two people on each night beginning May 1st. May through the month of October especially June, July and August is when they consume the largest amount of hours.

Town Attorney Meckler questioned the increase in Vehicle Maintenance from \$4,037 in 2013 to \$8,200 for 2015. In 2013 Parks Security did not pay for gas, it was paid for through the Parks Department budget. Last year, Parks Security had to pay for their own gas and \$8,200 was budgeted.

Equipment has stayed the same at \$2,500. Parks Security vehicles are reused Building Department vehicles which have to be fitted with lights and decals. Money was taken from the Training, Education and Licensing budget line leaving \$2,000. Every fall all Parks Security have to be relicensed and several personnel have to be recertified in CPR. Approximately \$500 has been allocated for uniforms, most personnel have had the same uniform for several years and new employees will need uniforms as well. The Crossing Guard uniforms come out of this budget also.

Supervisor Hartzell stated that since Parks Security spends most of their hours over the summer, all they need is a shirt with a sown on badge. It is crazy for college kids working for the summer and leaving. Parks Security has basically become a part-time summer program but they are paid the highest of any part time employees in the Town.

Councilman Kolber disagreed stating that Parks Security had a huge responsibility. Councilman Casilio concurred with Councilman Kolber. Mr. Wolbert stated that 95% of their time spent patrolling the bike paths and town facilities is routine but there is that one time that you never know what you will run into and it has happened. Mr. Wolbert stated that the biggest thing he is requesting is man-power, he needs to have a presence. Last year he received an ATV from Don Georges on a loan, he just has to pay for gas and

maintenance. Last year alone, Parks Security put 4,000 miles on the ATV. It allows security to get from Point A to Point B in a relatively short amount of time. He received many positive comments from the residents about the machine having a presence on the bike paths. This year he received another ATV but only put 700 miles on it because he did not have the hours available to put man-power on the bike paths.

Mr. Wolbert stated that in order to do his job effectively and safely, he needs hours for his personnel.

Councilman Kolber felt it was short sighted of the Board to cut back on the hours with all Parks Security is required to do. Councilman Casilio and Councilman Geiger felt Mr. Wolbert made his case and will discuss it further. Councilman Casilio thanked Mr. Wolbert for the budget breakdown, he felt he was being conservative with the actual number of calls he logged. For clarification, Parks Security cannot remove illegal signs in the right of ways because there is not enough time with all the work they are required to do, it leaves very little time to pull signs.

Parks Security works three hours, by time an officer checks all the parks and town facilities, if there happens to be an incident, their entire schedule is off. You cannot leave a building open, they have to make sure the alarm gets reset and the building is secure.

There have been numerous incidents of vandalism in the parks and the Parks Department has incurred a lot of costs. One person patrolling the entire town for three hours cannot be everywhere at once. An officer patrolling the entire town is approximately 26 miles and they like to do that twice a night.

Most of Parks Security are corrections officers or retired police. There are several requirements to become a Parks Security officer - you must be 21 years old with a NYS License. You must have a college degree in law enforcement or one year of security experience. These are not high school/college kids looking for a part-time summer job.

Councilman Kolber stated that the Town is foolish to cut down on our security presence and visibility.

Supervisor David Hartzell

Dennis Londos has a non-resident friend who would like to be able to hunt in the Deer Abatement Program. Councilman Geiger asked if there are any Clarence residents who have applied to be in the program and have been denied. Supervisor Hartzell did not think that there were and Dennis Londos did not mention it either. Town Attorney Meckler stated that at the next Town Board meeting the Board should reappoint the individuals from last year.

The price of apples and pumpkins has increased, so if anyone knows of vendor contact Mr. Londos. Councilman Kolber suggested Mr. Londos contact some local farmers for left over pumpkins after Halloween.

Town Attorney Meckler stated that Dennis Londos has three additional hunting locations he would like the Town Board to consider, the Board would have to approve these locations. Supervisor Hartzell will review the previous minutes where this was discussed and get back to the Town Board.

Planning Board Chairman Robert Sackett submitted his recommendation for the Alternate Position on the Planning Board. Councilman Kolber would like to interview the applicant. Supervisor Hartzell will invite the candidate to a morning Work Session.

At the September 24, 2014 Work Session, there was a discussion regarding a towing bill from Dadswell. Councilman Kolber was not present, the vote was split as to whether or not the town should pay the bill. Councilman Kolber stated that Dadswell acted in good

faith and authorization from the Supervisor and Dadswell should not be stuck with the bill. Supervisor Hartzell authorized Pam CuvIELLO to send payment to Dadswell.

Park Crew Chief James Burkard is requesting the Town Board make a decision relative to NYS Audit recommendation regarding converting the gas pumps. Councilman Kolber stated that funds could be encumbered at the end of the year. Councilman Casilio stated that he has not yet seen how the Parks Department is recording gasoline usage now. The Town Board agreed to talk to Mr. Burkard on Thursday, October 9th.

Supervisor Hartzell has been asked by a friend of his to perform a marriage ceremony. Town Attorney Meckler has contacted the Association of Towns, they indicated that before the Town Board can appoint the Supervisor, there needs to be a Local Law and Public Hearing allowing the Supervisor to perform weddings. Currently the Town Judges perform wedding ceremonies. Councilman Kolber stated that the Board should follow Association of Towns protocol and make it official. Supervisor Hartzell will cover the cost to advertise the Public Hearing.

Supervisor Hartzell has several motions for the regular meeting:

- Accept the bid from Old Dominion Brush Company for 1-2014 Model LCT650 Leaf Collector
- Appoint Ryan McGuire to the Youth Board
- Highway Superintendent Dussing is recommending the appointment of two Laborers-PT Seasonal
- As of October 6, 2014, the bridge on Goodrich Road over Black Creek is now open for traffic

Councilman Bernard Kolber

The Town Board has received a letter relative to appointing a crossing guard at Transit Middle School on Transit Road. This has come up in the past and the Town of Amherst feels the need for two crossing guards. Everyone that attends Transit Middle School is provided with bus service, no one has to cross Transit Road to get to school. In the past, the school administration did not want to encourage students to cross the road, they felt it was hazardous and gave a false sense of security. Supervisor Hartzell did not feel it was safe to have students crossing Transit Road even with a Crossing Guard present.

Councilman Kolber referenced the Michael Development Industrial Park and has looked at other Industrial Parks similar to the one being purposed and presented pictures. Councilman Kolber will make a motion requesting the Planning Board not go forward with buildings that are running lengthwise along Wehrle Drive and request the developer keep architectural styles that are in line with the other buildings in the area so you are not looking at walls of steel. Councilman Casilio questioned if there are no sewers or taps, why is the project being allowed to go forward. Director of Community Development James Callahan stated that it is a sewer project which does require permission from Heise Brookhaven Sewage Works Corporation to tap in.

Planning Board Chairman Robert Sackett stated that the proposed industrial park is actually a Master Plan amendment and rezoning. The sewer issue and the project itself are not even being considered at this point.

Director of Community Development James Callahan stated that it is difficult to separate the project from the Master Plan amendment however it is a MP amendment. The Town Board is the steward of the Master Plan, if the Board does not think this is an

appropriate land use, then that should be identified. Otherwise the Planning Board is going to analyze that land use and determine whether this is an appropriate land use under the Master Plan or should the Master Plan be amended to accommodate it.

Councilman Patrick Casilio

- Reject all bids received on September 16, 2014 for the Main Town Park new facilities building
- Authorize NYSEG to activate four (4) street lights in Shadow Woods Phase II
- Councilman Casilio has one Attorney-Client item to discuss in Executive Session

Councilman Peter DiCostanzo

- Seek Lead Agency Status – Professional Office Building at 8353 Main Street
- Seek Lead Agency Status for Michael Development Industrial Business Park
- Seek Lead Agency Status for 4880 Ransom Road
- Appoint Winter Recreation Staff PT for 2014-2015

Councilman Robert Geiger

The Historical Society is hosting a speaker on October 14th at 7:00 PM at the Clubhouse. Jim Lally (Docent of museum) will speak about the Glenn Curtiss Museum.

There being no further business, the Work Session adjourned at 7:30PM

Darcy A. Snyder
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, October 8, 2014 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell, Jr. opened the meeting at 7:30 p.m. Pledge to the flag was led by Councilman Peter DiCostanzo, followed by a prayer given by William Gittere of Zion Lutheran Church.

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

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to accept the minutes of the work session and regular meetings held September 24, 2014. On the question, Councilman Kolber said he will recuse as he was not present. Upon roll call – Ayes: Councilmembers Geiger, DiCostanzo, Casilio and Supervisor Hartzell; Noes: None. Recuse: Councilman Kolber. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to accept the minutes of the work session held the morning of October 1, 2014. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to accept the bid from Old Dominion Brush Company for 1 – 2014 Model LCT650 Trailer Mounted Vacuum Leaf Collector for an amount not to exceed \$30,313 for the Highway Department. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger that upon the recommendation of the Clarence Youth Board, Ryan McGuire be appointed to the Youth Board for a student term to expire on June 30, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber that upon the recommendation of Highway Supt. James Dussing, the following be appointed to the position of Laborer PT – Seasonal at an hourly rate of \$12.18 effective October 14, 2014: Edward Kohout and Jeffrey Smith. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell read a letter sent to Highway Supt. James Dussing thanking him and his department for their work to take care of a flooding ditch issue. They appreciate them getting this done, as it has been an issue since they moved here in 2008.

Supervisor Hartzell received a letter notifying the Town that as of October 6th Goodrich Road has been re-opened to traffic.

Supervisor Hartzell added that the Goodrich Road project is split in two parts, with this first part to replace the bridge over Black Creek. The second is the paving as much as possible with any remaining money.

Councilman Kolber said they received a letter from someone representing the parents of Transit Middle School students. They are looking at trying to get a crossing guard. The fact of the matter is that everyone who attends the school from Clarence has bus service. When this was previously brought up, the administration of the school did not want crossing guards there to encourage the students to cross Transit Road. They felt it would be a false sense of security having the crossing guard. It is not the cost factor, but the safety factor that is the issue.

Councilman Kolber said several weeks ago an application came forward for an industrial park development on Wehrle Drive. It was referred to the Planning Board at that time. He was not in favor of the way it was designed with steel buildings lined up along Wehrle Drive with a minimum height of 16 feet tall. The frontage of that property is almost 2,000 feet in length. He believes it would be very visibly obtrusive. Developers sometimes try to squeeze as much as they can on a piece of property and the Town Board tries to keep to something that is harmonious and visually pleasing to enhance development in the Town. Wilson Greatbatch has their world headquarters across the street.

Motion by Councilman Kolber, seconded by Councilman Casilio to refer to the Planning Board as they review the Wehrle Drive project, they not go forward with buildings that are running lengthwise along Wehrle Drive; and keep the architectural integrity and design comparable to the other buildings in that area. He asks that the Planning Board does not send back to the Town Board a project that maintains the appearance as previously presented.

On the question, Councilman Casilio said he was at the Planning Board meeting. A picture was shown of the layouts in industrial developments on County Road. If they are going to be pole barns, which are considered a temporary structure, that they are at least fashioned with an office front with a business presence about them. He does not want to see a line of metal buildings with the \$40 million building right across the street. Brothers of Mercy just down the street is also spending \$10 million. He would hate to go a whole year of review on this project and not have any changes.

Councilman Kolber said the County Road projects have spent a lot of time with the Planning Board to enhance those buildings. If it is allowed to go forward as is, it wastes the applicants time and money. He feels they would be negligent by allowing it to go further as it is.

Councilman Casilio said we did talk about running the buildings perpendicular to Wehrle Drive to break it up. He just wanted to get this message out to the applicant.

Councilman Geiger said he feels the same way. He believes a lot has to be done with this project to break it up. He believes it is better to approach the applicant at this point before he gets too deep into it.

Councilman Casilio said he was surprised at the number of neighbors who came to the Planning Board meeting to comment on the visual scene as you come down Wehrle Drive.

Councilman Kolber said there is an old quarry on this property. A mediation plan has to be filed with the State. He requests that remediation for the rest of that project also be taken into consideration with anything that goes forward.

Councilman DiCostanzo asked if this project stays with the Planning Board or do they want it to return to the Town Board again. The applicant could redesign the project and go right to the Planning Board.

Councilman Kolber said he believes the Town Board has given them significant requests and direction on it. They could continue based on these comments. He does not want anyone to think we approve of the way it was presented.

Councilman Casilio said he believes the Planning Board has asked for direction on it. We do not want any surprises at the eleventh hour.

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

Councilman Casilio said he is stepping out for a moment to try and locate the bill pay list.

Councilman Kolber said there has been a request from someone in Town to have the Supervisor perform their marriage ceremony.

Motion by Councilman Kolber, seconded by Councilman DiCostanzo to set a Public Hearing for November 5, 2014 at 7:55 p.m. to consider adoption of a Local Law to authorize the Town Supervisor to perform wedding ceremonies. On the question, Supervisor Hartzell said he will pay for the legal notice in the paper. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell recognized Planning Board Chairman Robert Sackett, Jim Bennett from the Chamber of Commerce and Peter Wolfe, RAC Chairman.

Councilman Casilio said he is working on getting the bill pay in order for later in the meeting. They did not have the proper paperwork.

Motion by Councilman Casilio, seconded by Councilman Kolber to reject all bids received on September 16, 2014 for the Main Town Park new facilities building as all bids exceed the budget. On the question, Councilman Casilio said the Town will re-evaluate the project scope for future consideration of rebidding the project. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize NYSEG to activate four (4) street lights in Shadow Woods Phase 2 on Kristina Circle per the street light layout plan dated September 22, 2014 upon installation of all standards, fixtures and underground conductors by the developer and final acceptance of same by the Engineering

Department. Standards, fixtures and underground conductors are to be owned and maintained by the Town of Clarence. The connections, energy lamps and photo electric eyes to be supplied and maintained by NYSEG under the terms and conditions of the NYSEG street lighting agreement with the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger that upon the recommendation of the Planning Board, the Town Board agrees to proceed with the review of the proposed Change-In-Use to a Professional Office Building located at 8353 Main Street with the updated site plan as of 10/1/14, and

Pursuant to Article 8 of the Environmental Conservation Law, to allow the Planning Board to seek Lead Agency status and commence a coordinated review among involved agencies on this proposed Change-In-Use identified as an Unlisted Action under SEQRA.

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

Motion by Councilman DiCostanzo, seconded by Supervisor Hartzell that pursuant to Article 8 of the Environmental Conservation Law, and upon the recommendation of the Planning Board, the Town Board seeks Lead Agency status and commences a coordinated review among involved agencies on the proposed Master Plan 2015 Amendment located at 4880 Ransom Road. This Type I Action involves an amendment to Master Plan 2015, specifically the Future Land Use Map, to extend the Traditional Neighborhood Zoning.

On the question, Councilman Kolber said they discussed a number of concerns earlier, with the most pressing one is the lack of sewer taps to allow it to go forward. We would be wasting time reviewing this without them.

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

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint the following to the Winter Recreation Staff: Ronald Kiener to the position of Recreation Supervisor-PT at the rate of \$22.70 per hour effective December 6, 2014; Ashely Gay and Kelly Rusin to the position of Recreation Specialist-PT at the rate of \$16.40 per hour effective October 13, 2014; and Gabriel Gilmour and Angela Staszak to the position of Recreation Attendant PT at the rate of \$10.28 per hour effective December 6, 2014. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger announced that the Historical Society is hosting a speaker on Tuesday at 7:00 p.m. at the Town Park. His name is Jim Lally and he is speaking on the Glenn Curtiss Museum.

Town Clerk Nancy Metzger reminded everyone that school taxes are due on October 15th. Anyone who has not received a bill should contact the Town Clerk's office.

Supervisor Hartzell said it is time for public participation on any items that have been discussed so far. If someone would like to talk on an item further on the agenda, they should wait until it comes up.

A Public Hearing was held to consider a Local Law amending the Code of the Town of Clarence, Chapter 229 Zoning, Article XIII. Open Space Design Development Overlay. James Callahan said that on February 12, 2014, the Town Board referred a review of this chapter to the Planning Board for review and comment. The Planning Board has thoroughly reviewed the chapter and has forwarded a recommendation to update the code.

Mr. Callahan said the amendments include clarification of the intent section of the law to improve the wording. A more detailed description of the baseline study to guide the development of conservation easements to protect open space is included. There is also a requirement for the formation of a homeowners association to steward that open space.

Councilman Casilio said this law is in effect going forward. Anything in review is grandfathered in.

Mr. Callahan said the Planning Board worked hard to clarify the language of the law on how the open space works.

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

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

Resolved, that after a public hearing duly held on October 8, 2014 and after all interested parties being hear, the Town Board adopts Local Law No. 5 of the year 2014 amending the Code of the Town of Clarence Chapter 229 – Zoning, Article XIII – Open Space Design Development Overlay.

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

Tesla Motors requests a Public Hearing to consider a Special Exception Use Permit for an Automotive Service Use (Charging Station) at 4455 Transit Road. James Callahan said the location is the east side of Transit Road, just north of Main Street behind Key Bank. It is located in the Major Arterial Zone. The applicant is proposing to construct a charging station for Telsa electric vehicles.

A representative of Tesla from California was present. The vehicles go approximately 250 miles per charge. They are locating stations all along Interstate 90 in various locations of about 150 miles from each other. The closest one to this location is in Albany. They are also going to Rochester, Syracuse, Erie, Pennsylvania and into Canada. These cars are popular right now and very efficient. The stations are free for their customers.

Councilman Kolber asked about safety issues.

They have not had any issues with them. They are in existence all over the world. The power company will bring in three-phase power to the site. It will exist on its own. They have never had anyone be electrocuted.

The technical representative said the power comes in on a switch gear and everything is dialed down to where one charger will feed one post. Everything is ground faulted. The plan is to have the transformer on the island from underground. There will be 13 total stalls. It only takes three weeks to install the station.

Motion by Councilman Casilio, seconded by Councilman Geiger to set a Public Hearing for November 5, 2014 at 7:45 p.m. to consider a Special Exception Use Permit for an Automotive Service Use (Charging Station) at 4455 Transit Road for Tesla Motors. On the question, Councilman Kolber asked if they both came from long distances and they said they did. He realizes it is not our issue, but they would have to come back for the public hearing. Supervisor Hartzell said they have been here twice and he does not have a problem if they do not come back for the hearing. We will take care of this. The applicant said they have someone closer that could be here. Councilman Casilio asked what the cost of the vehicles is. The applicant said they start at \$69,000 and go up to about \$125,000. Upon roll call – Ayes: All; Noes: None. Motion carried.

Dominic Piestrak/Spaulding Green Open Space Design Subdivision requests an amendment to the Concept Plan Approval for the overall subdivision design. James Callahan said the location is the east side of Goodrich Road, north of Greiner Road consisting of an existing Open Space Design Development. The Planning Board has forwarded a recommendation to approve the amended design with conditions. A Negative Declaration under SEQR has been issued on the amendment. The Town Board has final approval on this action.

Don Powell, attorney for the applicant said they have been here several times to discuss this amendment. The amended design meets all requirements of the Town codes and ordinances regarding density, open space, etc. Questions have been raised regarding construction vehicles going down Green Valley Drive. That is not part of the plan. The last thing that will be done on their way out, which could be ten years from now, is to make the connection to Green Valley Drive.

Mr. Powell said Ms. Lesowski had the concern of why the change at this time. It is an issue of market conditions with the larger lots not selling. Timing is because they ran out of power as they went into Phase 6 according to NYSEG. In order to get the power, they had to cross Goodrich Road and take it up the main parkway. NYSEG will install the lines as the parkway is developed. In order to afford to build the parkway, they need to sell lots on either side.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the proposed amendment to create an open space overlay for the Spaulding Green Open Space Design Subdivision upon the recommendation of the Planning Board, subject to the following:

1. The overall design must conform to the standards as approved by the Town Board at the time of Overlay Designation.

2. The number of large lots should be maintained in the overall design consistent with original approval, specifically: 121 patio home lots (71 on cul-de-sacs and 50 in Phase 3); 68 quad-plex units; 33 courtyard homes and 158 large lots.
3. The recreational trail must be installed prior to Final Plat Approval of Phases 3, 4 and 10.
4. Phase 10 to be last phase constructed and only upon Town Board approval.
5. No construction vehicles using Green Valley Drive.

Supervisor Hartzell said before the vote is taken, he would like people either in favor or opposed to this project the chance to state their wishes.

Justin White, attorney said he was asked by Kent Frey and Laurie Lesowski Frey to speak on their behalf as they are out of the country. They are affected by the proposed change and very concerned about it. They are dismayed and opposed to plan. This is a change from what was originally proposed. The applicant attempts to minimize and camouflage the reason for the request. If they squeeze more patio homes in, it will be more profitable. The plan that came about after much discussion and compromise is now gone. There will be a significant addition to the number of homes in this area that will lead to more traffic using Green Valley Drive. It went from 38 large lot homes to 50 patio homes. It really makes a difference to them with the number of homes right next store. They believe the motivation by the developer is to squeeze more profit out of the development, not for electricity. There is no concern for the neighbors to the south of the development.

Mr. White said the density, the noise and the additional infrastructure is all going to infest itself into the new Phase 3. It is deeply concerning to his clients and they ask that the amendment not be approved.

Mr. Cordaro said he would like to say something nice about this development, but he cannot. He feels the entire development was created under deception, lies and lack of consideration. They were led to believe that they would have a say in the connection to Green Valley Drive by means of a petition and a public hearing. He collected 55 signatures of every home in his neighborhood that rejected the idea. After presenting their points of view, they were told it was already approved by the Planning Board and there was nothing they could do. It was a done deal before they could even speak.

Mr. Cordaro said he was told that the fire department said they had to go through Green Valley Drive for safety reasons. He went to the fire department and fire chief said he never talked to anyone about this.

Mr. Cordaro said look at the lack of consideration for the Teall family on Greiner Road with a new road just feet from their home. Can you imagine having breakfast in the morning with all the trucks driving by so close?

Mr. Cordaro said over 400 acres of natural resources have been destroyed, including animal habitats. All of this was done legally, but that does not make it right. The members of the Town Board hold their positions because the people voted for them to represent them. He asked that the people be represented by the Board voting no on the changing of the phases.

Chuck McCarty said he did not quite understand the part of motion regarding construction vehicles. He asked what kind of protection they have. Originally, no one could guarantee that there would not be any construction vehicles.

Councilman DiCostanzo said it states no construction vehicles. We can ask the Highway Superintendent to suggest a proper barrier.

Mr. McCarty said it says it in the motion, but a few meetings ago the Town Board did not think they had the authority to stop it. Who controls it?

Councilman Geiger said the section where the connection will be is the very last phase of the project. Everything else has to be completed.

Mr. McCarty said that is what they were guaranteed in 2008. What if the safety board says you have to connect it?

Councilman Kolber said it will be connected at the very end of the project.

Mr. McCarty said there is nothing in this development for the locals and he understands that, it is for the investors and the developers. The neighbors get nothing out of it but aggravation and disruption to their lives. With more houses there, you will have more traffic.

Councilman Kolber said patio homes generally have one or two people. He for example has five kids with four of them driving. The type of the housing may have less traffic impact.

Supervisor Hartzell said there are going to be 56 units on a cul-de-sac and he said he cannot promise that the road would not go through.

Councilman Kolber said it is Town Law to limit the amount of houses on cul-de-sacs. He tries to look out for the interest of the residents.

Mr. McCarty said let your conscience be your guide and cover them.

Patricia McCarty said she has a copy of the original plan and it showed that there would be a house at the end of Green Valley. She wonders when that changed.

Councilman Kolber said that may have been the plan prior to review by the Planning Board and Public Safety Committee. He was not there at the time. There were concerns about congestion in any one area. This disperses the traffic in different areas. It was always intended to connect to something.

Mrs. McCarty said it has been this way for over 50 years. She does not understand the change.

Barbara Cordaro said she does not understand why those cul-de-sacs are so huge with no way for access. They go on forever to nowhere and then have to break into an existing neighborhood. She would like to see some verbiage that states that it will not break through until it is done. She cannot see that, with all these brains working on it, this is the only way this can be done.

Councilman DiCostanzo said Phase 10 is only the road to be done last.

Mrs. Cordaro said she thinks there should have been a better way to do it.

Dave Wisnoski said he is opposed to the change. He believes it is an economic move. If we are making changes, can't they move the patio homes up where the power is? Change it to someplace else. He understands Phase 10 consisting of the road goes last, but now the huge number of houses going right next to them is Phase 3 now. He will enjoy the greenspace as long as he can.

Councilman Kolber said he is really not in favor of this. He believes a person should do what they say they will do. However, the concern seemed to be about the connection. The applicant's attorney has said that if it is not approved, they will take it to court. We are not afraid of going to court, but we do not want to jeopardize the agreements that the applicant has made. The connection will eventually be there. We do not want to put anything agreed upon at risk. There is some additional green space around the patio homes. He is not really in favor of it, but he feels somewhat compelled to vote for it in the best interest of the Town.

Upon roll call – Ayes: Councilmembers Geiger, DiCostanzo, Kolber and Supervisor Hartzell; Noes: None. Recuse: Councilman Casilio. Motion carried.

Motion by Councilman Casilio, seconded by Supervisor Hartzell to approve the request of the applicant, Brookfield Country Club for Fireworks Display Permit for October 11, 2014 at 5120 Shimerville Road, with no fireworks set off after 10:30 p.m. On the question, Councilman Casilio said all the appropriate paperwork, fees, insurance and fire chief approvals are on file in the Planning and Zoning Office. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the following: Clubhouse Applications - A. Clarence Hollow Association – Dec. 15, 2014; B. Girl Scouts of Clarence – March 7 & 8; April 19, 2015; Legion Hall Applications - A. Gary George – Oct. 25, 2014; B. Donna Wanamaker – Nov. 9, 2014; C. Girl Scouts of Clarence – 2015 Monthly Meetings. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Casilio that after proper audit and review by the Town Board, the following bills of October 9, 2014 are approved for payment: General Fund - \$52,913.82; Highway Fund - \$7,672.24; Water District - \$35,252.75; Fire Protection Districts - \$195.00; Drainage District - \$3,648.08; Capital Fund - \$2,400.00; and Trust and Agency 203 -

\$14,093.75 for a total amount of \$116,175.64. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Peter Wolfe, Chairman of Recreation Advisory Committee said 16 years ago we started the greenprint program. He presented the recent award to James Callahan to place in his office. They are very proud of what the committee and the Planning Department have done. The excellence award was given by the American Planning Association for the implementation of the Clarence Greenprint Program.

Supervisor Hartzell commended the Recreation Advisory Board for what they have done, which will benefit residents of the Town for many years to come.

Mr. Wolfe said they have about 1,300 acres in the program to date.

Councilman Kolber said it was always part of our Town to preserve our open space. We are the envy of a lot of towns.

Mr. Wolfe said it started out as looking for property for recreational purposes. They acquired Memorial Park. They have done a lot of homework to come to the decisions that have been made. He said the next step is to ask the residents to consider another bond.

There being no further business, Supervisor Hartzell adjourned the regular meeting at 8:45 p.m.

Motion was made by Councilman Casilio, seconded by Councilman Kolber to enter into Executive Session at 8:50 p.m. pursuant to the Open Meetings Law §105 (1)(d) to discuss pending litigation and current litigation; §105 (1)(f) to discuss credit or employment history of a particular individual; and §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 9:51 p.m. No action was taken. Upon roll call – Ayes: All; Noes: None. Motion carried.