

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, April 13, 2016, 2016 at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 5:00 PM. Members of the Town Board present were Councilmember's Peter DiCostanzo, Robert Geiger, Christopher Greene and Paul Shear. Other Town Officials present were Director of Community Development James Callahan, Junior Planner Jonathan Bleuer, Assistant to the Supervisor Karen Jurek, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Senior Building Inspector David Metzger and Director of Administration and Finance Pamela CuvIELLO.

Lumsden McCormick LLP

Sara Dayton and Mary Young presented the audit for the year ending December 31, 2015.

Two new accounting standards were implemented for 2015 – GASB 68 and GASB 71, they relate to recognition of Pensions. There is both a Fund Basis Statement and a Full Accrual Basis Statement within the financial statements. The Fund Basis is what the town typically reports on and what you see on an ongoing basis throughout the year. The Full Accrual Basis you only see in the Financial Statements where you are capitalizing all the fixed assets and recognizing long term debt – it's on that basis that these new accounting standards are implemented.

The Annual Update Document is completed and will be filed with the State by May 1, 2016.

Deficits in the Fund Balances mean you have short term borrowings – when you issue long term debt that becomes a revenue on a fund basis and eliminates that deficit.

Fund Basis Revenue is consistent from year to year, there is not a lot of fluctuation. The town stays within the property tax cap so property taxes will be pretty consistent. There was a 2 ½% increase but there was some growth within the town as well so that helped generate additional revenue. Non-property taxes is the sales tax, overall, there was a decline for 2015. State sources (mortgage tax and highway monies) have been consistent. Departmental income and fines, licenses and permits have also been consistent. The town generated a lot of revenue from the premiums on Bonds and Bans.

Salaries and employee benefits total 42% of expenditures on the fund basis. There was an increase in health insurance.

The town contributes to the ERS (Employee Retirement System). Any entity who pays into certain pension plans, report their share of that liability net of contributions on each individual entities financial statement. The actuaries for ERS determined what percentage each entity owes of that liability and that is the amount recognized on the balance sheet. The Towns share is .0206% of the entire net pension liability which works out to \$697,000. as of 12/31/15 which is included now in liabilities. Also required are the Deferred Outflows of Resources/Inflows of Resources if any – this is a new category of things that are not assets and are not liabilities. In this case, the Deferred Outflows are made up primarily of contributions to ERS subsequent to the measurement date by the actuary.

Capital Assets have increased basically from contributions from developers. As new developments are in place, the developers “donate” the sewer lines, roads etc. this worked out to \$2.9 million dollars for 2015. On a government wide basis, that number has to be recognized as revenue as well.

Government-Wide Expenses looks like it went down slightly to \$20,956,000 but that has to do with the accounting for the pension (actuarially calculated pension - whereas before it was what was actually paid out).

Significant Audit Findings:

- Implementation of GASB 68 and GASB 71
- Accounting estimates – capital assets (recognition and depreciation of capital assets, value of contributed land and infrastructure), compensated absences (vacation and sick pay liabilities), net pension liability, other post-employment benefit obligation, length of service awards programs.

There were no difficulties encountered when performing the audit, there was no management consultations with other independent accountants and no audit findings or issues.

Lumsden and McCormick recommends the separation of duties and recommends that the Board take the active role that it does in looking at payments that go out and requesting supportive documentation when needed on those payments.

There are several new GASB's (Government Accounting Standards Board) coming forward. GASB73 – accounting and financial reporting for pensions and related assets that are not within the scope of GASB Statement 68 and amendments to certain provisions of GASB Statements 67 and 68 (LOSAP). GASB 75 – accounting and financial reporting for post-employment benefits other than pensions. GASB 77 – tax abatement disclosures (how tax abatement agreements affect the town's financial statements).

Town Attorney Meckler questioned whether or not Lumsden and McCormick reviewed the towns filing of the Affordable Care Act. They indicated that it is not part of the audit review but referenced HB Solutions representative Karlee Bolanos who is very knowledgeable in the Affordable Care Act.

Director of Community Development – James Callahan

Public Hearings:

Zoe Restaurant 5701-5711 Transit Road

Applicant is proposing to relocated the existing restaurant to the adjacent commercial structure on the property and update the exterior finishes and façade. Applicant is also requesting outside dining at the new restaurant location. The proposed site is located on the east side of Transit Road north of Roll Road at existing restaurant located in a multiple structure property in the Major Arterial Zone. Per the Zoning Law, the Town Board has final approval authority for outside dining. The architectural style and site plan amendments have been approved with conditions by the Planning Board at their April 6, 2016 meeting. The site plan identifies 9 tables and 36 seats on the proposed patio area. Background music and hours of operation should be detailed.

Formal Agenda items:

Dunn Tire 6585 Transit Road

Applicant is proposing to renovate and add on to the existing commercial structure to accommodate a new Dunn Tire store. The existing commercial structure is located on the east side of Transit Road, north of Miles road on 1.87+/- acres in the Commercial Zone. Per the Zoning Law, the Town Board has final approval authority for automotive uses via a Special Exception Use Permit. The Planning Board has issued a Negative Declaration on the project and approved the site plan with numerous conditions. The Planning Board has also forwarded a recommendation for a Special Exception Use Permit. A variance for a front yard setback is on the Zoning Board of Appeals agenda of April 12, 2016. A Public Hearing will be required to consider the Special Exception Use Permit. The neighbors to the south of this proposed site have indicated that there are

several trees along the property that are diseased and have concerns about the trees being removed.

Bammel Architects – Notorious D.O.G 8625 Main Street

Formerly an insurance agency, the applicant is proposing to update the current façade and operate a retail pet sales and service business. The proposed site is located on the south side of Main Street, west of Circle Court at existing commercial plaza in the Traditional Neighborhood District. Per the Zoning Law, architecture approval is the purview of the Town Board in the Traditional Neighborhood District. Consideration should be given to proposed building materials and the overall integration into the existing character of the Harris Hill Hamlet. The Planning Board has forwarded a recommendation on the proposed architectural style.

Work Session items for consideration April 27, 2016:

Towne BMW 8215 Main Street

Applicant is proposing a complete renovation of the existing structure with a new façade and site plan amendments. The proposed site is located on the south side of Main Street, east of Transit Road at existing automotive sales and service operation located in the Commercial Zone. Per the Zoning Law, the Town Board has an opportunity to comment on commercial upgrades prior to formal review and approval by the Planning Board. Architectural style, building materials and landscaping are all items to be addressed. James Callahan suggested the Board prepare any questions they may have for the applicant to address at the next Town Board meeting.

Enterprise Automotive 6755 Transit Road

Applicant is proposing a small addition and a façade update to the existing structure. The proposed site is located on the southeast corner of Transit and County Roads at existing automotive sales and leasing operation located in the Traditional Neighborhood District. Per the Zoning Law, the Town Board has final review and approval authority for architectural style in the TND. The proposed addition will meet all setbacks and the existing use is allowed via a Special Exception Use Permit that is currently valid. The Planning Board will be reviewing the elevations and forwarding a formal recommendation.

Bevilacqua Development 6031 Transit Road

Applicant is proposing to demolish the existing carwash and construct a new retail plaza with drive-thru restaurant that will connect to the owner/applicants new (previously conceptually approved) office park to the east. The proposed site is located on the east side of Transit Road, north of Clarence Center Road at existing Buggy Wash carwash located on 1.37 acres in the Commercial Zone. Per the Zoning Law, the Town Board will have final approval authority for the drive-thru via a Special Exception Use Permit.

Referral to the Planning Board to review and approve the site plan will initiate formal review of the proposal.

Buffalo Niagara Builders Association – Dean Kroll/2016 Horizons Home Show

The Horizons Home Show is scheduled for August 13 through August 28th, 2016. In order to promote the home show, the organizers would like to include an Expo for their vendors and suppliers. This will require erecting a tent over Glenview Drive in order to house the Expo itself. There is an egress from that site by going around Alder Brook so you have ability to get in and out of the site. The tent will be staked without having to touch the roadway. Mr. Kroll is also requesting approval to erect three temporary signs to promote the show, one at the entrance of Glenview Drive (east side) and Greiner Road, the entrance near the Villas at Goodrich Road and the third sign at Roll Road and Goodrich Road. The signs will be erected 60-days prior to the home show. Mr. Kroll is also requesting permission for Mercy Flight to be part of the home show as well so they can promote their 35th Anniversary of Mercy Flight.

Mr. Kroll is in discussion with Clarence Middle School regarding parking on the weekends during the show. During the week days, there is plenty of on-site parking in the community itself.

The Town Board expressed concerns with parking on both sides of the road and whether or not the Home Show will coincide with the neighborhood annual garage sale. There will be on-site security. The show will run from Wednesday through Sunday (closed Monday and Tuesday). Show hours during the week will be from 4PM – 8PM, weekends will run from 12PM – 8PM, they are estimating between 12,000 & 14,000 people attending the show. The Town Board was in favor of the Home Show, however several details must be worked out concerning the tent and whether or not the Home Show coincides with the annual garage sale. Mr. Kline will forward to Supervisor Casilio the location of the proposed tent and the dimensions of the proposed signs. He will also follow-up with the fire commissioner.

Supervisor Patrick Casilio

Supervisor Casilio had a joint meeting with the Clarence School System and NYS Police concerning a School Resource Officer. A State Trooper who is retiring and has previously been involved with the schools would fill the position. The Town of Clarence does not have a police department, towns that have police departments normally supply a police officer to the schools. There are no funds budgeted for this, however grant money may be available. There is the possibility for the town to just be a “pass through” but we may have to create the position (similar to the crossing guards).

Supervisor Casilio also reminded the schools about the Town providing sports fields for them in our parks while their fields are under construction. He inquired about little league football using the high school football field for a minimum of two years. Councilman Greene will follow-up on this.

Supervisor Casilio and Councilman DiCostanzo attended the Capital Improvement meeting this morning. There are issues at the Senior Center and the Historical Museum.

There was some discussion regarding hunting on green-print property. A member of the Conservation Advisory Committee stated that there was a policy presented however it was never acted upon.

Supervisor Casilio distributed the Sales Tax Reports and the numbers have increased.

The Town received reimbursement of approximately \$40,000. from the State for having properties fully assessed.

Supervisor Casilio distributed information regarding LOSAP. Any type of modifications to the plan will cost half a million dollars (lump sum) plus \$30,000 per year thereafter.

Town Attorney Meckler stated that any concessions to LOSAP would have to come out of each fire departments budget so the town stays under the tax cap. To further complicate matters, we have two fire departments that we share with the Town of Amherst, we cannot move forward without some type of municipal agreement from them.

Supervisor Casilio would like to meet with the licensed disposal companies within the Town of Clarence to see if the vendors can supply garbage totes with lids and see if they can come down the streets once a week to pick-up garbage/recyclables.

Motions:

- Road accepted by Town of Clarence – Alderbrook Lane
- Appoint Laborer Part Time Seasonal – Highway Department
- Bid Award for purchase of 2016 Hot Tack Distributor for Highway Department
- Post the position of Clerk Typist for the Building Department
- Award Construction Contracts for the Police and Courts Project

Councilman Peter DiCostanzo*Motions:*

- Appoint Recreation Attendant in Parks Department
- Appoint General Mechanic in the Parks Department
- Appoint Groundskeeper in the Parks Department
- Post Position of Maintenance Worker-Promotional in the Parks Department
- Appoint Laborers PT-Seasonal for the Parks Department
- Appoint Recreation Attendant PT-Seasonal for Recreation Department

Councilman DiCostanzo thanked Robert Sackett and Jonathan Bleuer for speaking at the Erie County Charter Review Commission on the Towns behalf.

The American Legion has sent out mailers if anyone wants to submit an ad for their Memorial Day program.

There have been numerous burglaries in several neighborhoods, vandals are breaking into houses and unlocked vehicles.

Councilman DiCostanzo attended the School budget meeting. The school is receiving funding from the state. Some of the money will be put into their fund balance and they will reinstate several positions. As of Monday, they are proposing a tax levy of \$2.76 million dollars.

Councilman Robert Geiger

Councilman Geiger attended the Clarence Hollow meeting regarding upcoming events at the farmers market.

Clarence Senior Center had an audit and everything is in order.

Councilman Christopher Greene*Motions:*

- Approval for Dawn Kinney to attend Association of NYS Youth Bureaus Director Training May 4th – May 5th, 2016 in Saratoga Springs, NY
- Approve Children's Reading Garden at the Clarence Library
- Accept proposal for Master Plan Revision from Wendel Companies for an updated design for Memorial Park Extension to include football fields on Kraus Road

Councilman Paul Shear*Motions:*

- SEQR Resolution – Negative Declaration on the proposed Main Street Sidewalk Installation Project

The Planning Board and the Town Board will meet with Steinmetz Planning Group on May 18, 2016 regarding the Comprehensive Plan. The Planning Board is working on the Lifestyle Center Overlay to see if it can be brought forward and whether or not it would be appropriate to address in the Comprehensive Plan.

Historic Preservation regional seminar will be held in the Clubhouse April 29th and April 30th, 2016.

The Planning Board and fire department met regarding the Creek Wood Meadows project (Roll Road, west of Newhouse Road) to try to establish the parameter's for a rear entrance to the development for fire safety.

Town Engineer Tim Lavocat

The bids for the Clarence Town Court and Police Project were opened last Thursday. The bids came in favorable, Supervisor Casilio has a resolution to award four prime contracts tonight for that project.

A resolution for the EPA project will be forthcoming. This is a project the US Government is requiring the Town take care of. Further details will be provided when the Bond Resolution is presented to the Board.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to enter into Executive Session pursuant to § 15(1) F of the Open Meetings Law to discuss the employment history of a particular person and § 105 (1) H the propose acquisition of real property. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:50PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Councilman DiCostanzo, seconded by Councilman Shear to adjourn the Executive Session at 7:00 PM. Upon roll call – Ayes: All; Noes: None. Motion carried.
No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, April 13, 2016 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 7:00 p.m. Pledge to the flag was led by Councilman Robert Geiger, followed by a prayer given by Councilman Geiger.

Members of the Town Board present were Councilmembers J. Paul Shear, Christopher Greene, Robert Geiger, Peter DiCostanzo and Supervisor Casilio. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler and Town Engineer Timothy Lavocat.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to accept the minutes of the work session and regular meetings held March 16, 2016. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Casilio reported that the Erie County Charter Review Commission held a meeting here at the Town Hall. The County has to do a review of the Charter every ten years. An item that has come out of this is that the County Executive would like to have a county-wide planning board established again. It could mean that any project that came before the Town might have to go through the County first. Applicants claim that the process is slow now.

Our Planning Board Chair Robert Sackett read into the record our opposition to the County proposition. Jonathan Bleuer also brought out the planning side of the issue. The County has let go several planning staff. They would appoint 15 people who may not have any planning experience at all. He thanked them for their contributions.

Supervisor Casilio said it was also brought out that the County has input on projects now related to infrastructure.

Councilman DiCostanzo said our planning and engineering departments work cooperatively with the County. He believes that we know the best use of land in our own town.

Supervisor Casilio said we provide the closest access to the people. The County has tried to take over tax collection and assessments. He does not think it is fair for our residents to have to go downtown for any of these services. Our Town does a good job in planning and controlling our development.

Supervisor Casilio said representatives from the Builder's Association came in to the Work Session to make a presentation of the home show they would like to have in Spaulding Green on August 13th – 28th. There are items being addressed for their final approval.

Supervisor Casilio reported that Richard Tobe representing the Governor presented the State Budget at the Library. He was taking comments from the public regarding the Budget.

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

WHEREAS, the construction of Alderbrook Lane has been completed in accordance with as-built drawings and has been accepted for maintenance by the Town of Clarence and is currently open to vehicular traffic for the public.

NOW, THEREFORE, BE IT

RESOLVED, that 1,030 +/- linear feet of Alderbrook Lane shall be included in the 2016 Local Highway Mileage inventory of the Town of Clarence; and be it further

RESOLVED, that the New York State Department of Transportation is requested to include 1,030 +/- linear feet of Alderbrook Lane on the Town of Clarence's Inventory of Streets.

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

Motion by Supervisor Casilio, seconded by Councilman Geiger that upon the recommendation of Highway Superintendent, James Dussing, to appoint Lucas Metzger to the position of Laborer Part Time Seasonal for the Highway Department at the rate of \$12.18 per hour effective May 2, 2016, subject to receipt of all pre-employment paperwork and pre-employment requirements being met. On the question, Supervisor Casilio said the Town of Clarence will also fall under the prevailing minimum wage rate as mentioned at the Governor's budget meeting. It will be phased in. Most of our rates are close to that amount. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Casilio, seconded by Councilman Geiger that upon the recommendation of James Dussing, Highway Superintendent, to accept the low bid of \$16,310.97 from Marathon Equipment Incorporated, Burlington, Ontario, for the purchase of a 2016 Hot Tack Distributor for the Highway Department. On the question, Supervisor Casilio said the funds are available in the Highway Equipment Budget. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Casilio, seconded by Councilman Shear to post the position of Clerk Typist in the Building Department at step 1 of the White Collar Contract. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Casilio, seconded by Councilman Geiger that after holding an open competitive bid and based on the recommendation by Kideney Architects dated April 12, 2016, the Clarence Town Board awards the following Prime Contracts for the Police and Court Project:

1. Resolved, to award the General/ Site Work Construction contract bid to Building Innovation Group of East Rochester, New York as they were the lowest responsible bidder for a total bid of \$3,240,064; and be it further

Resolved, that the Supervisor is authorized to sign and enter into an agreement with Building Innovation Group, Inc. upon review and approval of the Town Attorney.

2. Resolved, to award the Plumbing and Fire Prevention Construction contract bid to MLP Plumbing and Mechanical, Inc. of Cheektowaga, New York as they were the lowest responsible bidder for a total bid of \$393,400; and be it further

Resolved. that the Supervisor is authorized to sign and enter into an agreement with MLP Plumbing and Mechanical, Inc. upon review and approval of the Town Attorney.

3. Resolved, to award the Mechanical Construction contract bid to MJ Mechanical Services, Inc. of Tonawanda, New York as they were the lowest responsible bidder for a total bid of \$399,000; and; be it further

Resolved that the Supervisor is authorized to sign and enter into an agreement with MJ Mechanical Services, Inc. upon review and approval of the Town Attorney.

4. Resolved, to award the Electrical Construction contract bid to Frey Electric Construction Co. of Tonawanda, New York as they were the lowest responsible bidder for a total bid of \$787,000; and be it further

Resolved that the Supervisor is authorized to sign and enter into an agreement with Frey Electric Construction Co. upon review and approval of the Town Attorney.

On the question, Supervisor Casilio said this is to be paid from Capital Project 1502 – Police and Town Court Project.

Supervisor Casilio said this project has been discussed for about 20 years. Our Town Attorney Lawrence Meckler helped negotiate the lease agreement with the State Police. It will include a court facility that will offer many more security features than we have now. The Sheriff's Department will also have space in this building. He thanked Town Engineer Tim Lavocat who has worked very hard in the design phase and working with all the involved agencies. The bids came in on budget. We do have a lease agreement with the State Police and need to have it ready next year.

Town Attorney Lawrence Meckler said the apparent low bidder on the Plumbing Contract made a material mistake in his bid. He withdrew the bid prior to awarding of the bid.

Supervisor Casilio added that there was not that \$100,000 difference among the other bidders. They were fairly close. The Town Board voted to move this project forward. It will help us avoid having to hire our own police force for many years to come.

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

Supervisor Casilio recognized Jeri Nolan who was present representing the Clarence Chamber of Commerce.

Councilman DiCostanzo said we have had some retirements in the Parks Department, so he has promotional appointments to make.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger that upon the recommendation of James Burkard, Parks Department Crew Chief, to appoint Mark Francisco from the position of General Mechanic to the position of Recreation Attendant in the Parks Department at step one of the Blue Collar Unit Contract effective April 25, 2016. On the question, Councilman DiCostanzo said this is a promotional appointment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Greene that upon the recommendation of James Burkard, Parks Department Crew Chief, to appoint Brian Decker from the position of Maintenance Worker to the position of General Mechanic in the Parks Department at step one of the Blue Collar Unit Contract effective April 25, 2016. On the question, Councilman DiCostanzo said this is a promotional appointment being made to fill the open position of General Mechanic. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Shear that upon the recommendation of James Burkard, Parks Department Crew Chief, to appoint Matthew Schlabach from the position of Maintenance Worker to the position of Groundskeeper in the Parks Department at step one of the Blue Collar Unit Contract effective April 25, 2016. On the question, Councilman DiCostanzo said this is a promotional appointment being made to fill the open position of Groundskeeper. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to post the position of Maintenance Worker in the Parks Department at step one of the Blue Collar Unit Contract. On the question, Councilman DiCostanzo said this is a Promotional entry level position. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint the following to the position of Laborer PT-Seasonal for the Parks Department at the budgeted rate of \$9.00/hour subject to receipt of all pre-employment paperwork and pre-employment requirements being met: Effective May 2, 2016: Steven Adams; Robert Blake; Jamie Burczynski; Marc Cange; Matthew Colicchia; David Cummiskey; Matthew Donnelly; Alex Gay; Jacob Matteson; Jacob Petti; John Ptak; Michael Roth; Tyler Skowronski; Vincent Taverna; Samuel Wasson; Stephen Weppner; and Effective June 1, 2015: Nicholas Kiener; Thomas Woodward. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Greene to appoint Matthew Scalzo to the position of Recreation Attendant PT-Seasonal at the rate of \$10.28/hr., effective April 14, 2016, subject to receipt of all pre-employment paperwork and pre-employment requirements being met. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said the auditors attended the work session earlier to present the 2015 financial statements.

Councilman DiCostanzo reported that he attended the school budget meeting on Monday. The school's tax cap is just over 3%. With the extra money they received from the State, they were able to lower their tax levy for next year. They will have more information out in the future.

Councilman DiCostanzo said there are burglaries upon burglaries around town. People should lock their cars and leave lights on.

Councilman Geiger said he has a copy of the Senior Center's audited report and everything is in order. He also has their 990 report if the Town Board would like to see it.

The Senior Center basket raffle is being held on April 30th from 11am to 3pm at the Senior Center on Thompson Road.

The Clarence Food Pantry fundraiser dinner is at Orazio's on April 16th.

Councilman Geiger said the Historical Society is moving along with the many repairs they have at the museum. They are trying to update their displays. He thanked all of the volunteers who have worked so hard. The Parks Department has also been a tremendous help.

Councilman Geiger said the Farmer's Market will be opening June 4th. They will be releasing butterflies again this year.

Motion by Councilman Greene, seconded by Councilman DiCostanzo to approve the Executive Director of the Clarence Youth Bureau, Dawn Kinney, to attend the Association of New York State Youth Bureaus Director's Training on Wednesday, May 4 and Thursday, May 5, 2016 to be held at the Gideon Putnam Hotel and Conference Center in Saratoga Springs, NY, with the use of a Town vehicle if available and all reasonable and necessary expenses to be paid by the Town. On the question, Councilman Greene said the State Association covers the registration fees, two meals and lodging. The only cost to participants would be dinner May 4, 2016. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

Whereas, the Director of the Clarence Public Library and the Children's Reading Garden Committee have requested approval from the Clarence Town Board for the development of a Children's Reading Garden to be located on the west side of the Clarence Public Library Building facing Old Goodrich Road; and

Whereas, the goal of the Children's Reading Garden is to create a serene, peaceful place for the community to admire, a unique landscape for children to develop a lifelong interest and passion for nature and to encourage them to read; and

Whereas, the Clarence Public Library plans will include scheduling story times and children's programs to be held in the Children's Reading Garden to encourage the use of the space; and

Whereas, the Children's Reading Garden will be funded from a portion of a bequest made to the Clarence library that has been set aside for the project, a generous donation from the Garden Friends of Clarence and donations from organizations and/or private individuals with no expense or cost to the Town of Clarence; and

Whereas, the maintenance and upkeep of the Garden will be the sole obligation and responsibility of the Clarence Library-Children's Reading Garden Committee's Volunteer Group; and

Whereas, that the project will not interfere with any existing or future trees in the Clarence arboretum; and

Whereas, the installation stage of the project will be completed in spring of 2016 with the other phases anticipated being completed over the course of the next year to two years depending on available funding.

Now, Therefore, Be It

Resolved, that the Clarence Town Board approves the development of the Children's Reading Garden to be located on the west side of the Clarence Public Library, facing Old Goodrich Road, per the plans submitted by Connie Lydon and approved by the Clarence Library Board, the Children's Reading Garden Committee and the appropriate Town Departments.

On the question, Councilman Greene said the Town of Clarence will be notified and consulted before any changes, modifications or amendments to the Children's Reading Garden can be made and receive Town Board approval.

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

Motion by Councilman Greene, seconded by Councilman Shear to accept the proposal for Master Plan Revision from Wendel Companies to provide services for an updated design for the Memorial Park Extension changing the scope of the project to include the Kraus Road/Clarence Center site to be developed as football fields at a cost not to exceed \$5,000.00, subject to Town Attorney review and approval. On the question, Councilman Greene said the funds are available in the Parks Mini Master Plan Capital Account. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Greene announced that on Tuesday, May 10th at the high school lecture hall, the Youth Bureau will be holding a talk regarding "Campus Safety". The public safety director from the University of Buffalo is coming to give some pointers.

Motion by Councilman Shear, seconded by Councilman Geiger that pursuant to Article 8 of the Environmental Conservation Law, and upon the recommendation of the Planning and

Zoning Department, the Town Board issues a Negative Declaration on the proposed Main Street Sidewalk Installation project. This Unlisted Action will involve the construction and replacement of sidewalks along Main Street (NYS Route 5) within the New York State Right of Way from Thompson Road to Transit Road in the Town of Clarence. After thorough review of the project scope, Engineering Report and Short Environmental Assessment Form, which are on file in the Planning and Zoning Office, it is determined that the proposed action will not have a significant impact upon the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Shear announced that the Clarence Historic Preservation Commission is putting on a regional seminar at the Town Park Clubhouse on April 29th and 30th. The cost is \$35, which includes lunch. Details are available on the Town website.

A Public Hearing was held to consider a Temporary Conditional Permit for outside dining at 5701 Transit Road for Zoe's Restaurant. James Callahan said the location is the east side of Transit Road, north of Roll Road consisting of an existing commercial property in the Major Arterial Zone. The existing restaurant will relocate to the other structure on the site. The Planning Board has approved the site plan and architectural style. The applicant is seeking a permit for outside dining at the new location.

Dave Sutton, architect for the project said they have gone to the Planning Board and have the necessary approvals except for the landscape plan which is in process. The new patio will be 16' x 40' and seat up to 40 people. The hours of operation will be the same as the restaurant from 6:30 am to 10 or 11pm. They will use clear panels and use the patio for three seasons.

Councilman Shear asked if the owner has any plans for the building to the north.

Mr. Sutton said it will be used for ancillary use and storage. Having control of the whole site will give them more parking. They will reseal and restripe the parking lot. They are doing their best to minimize any hazard to the patio from vehicles. The intention for music is background music only.

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

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

RESOLVED, that after a public hearing duly held on April 13, 2016, and after all interested parties being heard, the Clarence Town Board grants a Temporary Conditional Permit to the applicant Zoe Restaurant, for outside dining for the new restaurant currently under construction at 5701 Transit Road, subject to the following conditions:

1. The Temporary Conditional Permit is granted for one year.
2. Hours of operation: Monday through Friday 6:30 a.m. to 11:00 p.m. and Saturday and Sunday 6:30 a.m. to 10:00 p.m.
3. Outdoor seating not to exceed not to exceed 9 tables and 36 seats.
4. No live entertainment permitted.

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

Dunn Tire requests a Public Hearing to consider a Special Exception Use Permit for an automotive service business at 6585 Transit Road. James Callahan said the location is the east side of Transit Road, north of Miles Road consisting of a vacant commercial building. The applicant proposes renovation of the building for a new Dunn Tire store. The Planning Board has forwarded a recommendation on the site plan and architectural style. The Zoning Board of Appeals has rendered a 10 ft. front yard setback variance. A public hearing is required.

Sean Hopkins was present representing the applicant. They are proposing a retail expansion on the front of the building to improve the appearance. There will be six bays with three facing the east and three facing the west on the northern portion of the building. They believe that the proposed changes will be a dramatic improvement to the site.

Supervisor Casilio said he thinks it will be an improvement.

Councilman Shear said the residents to the south said a number of the Ash trees on the south side of the property have succumbed to the emerald ash borer. Their concern is that they fall on their greenhouses. He asked if they could look into this.

Sean Hopkins said they will address that.

Motion by Councilman Shear, seconded by Councilman Geiger to set a public hearing for May 11, 2016 at 7:15 p.m. to consider a Special Exception Use Permit for an automotive service business at 6585 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

James Bammel/Notorius D.O.G. requests Architectural Approval for a façade update in the Traditional Neighborhood District at 8625 Main Street. James Callahan said the location is the southwest corner of Main Street and Circle Court in the existing commercial plaza in the Harris Hill Traditional Neighborhood District. The Planning Board has forwarded a recommendation on the project.

James Bammel was present.

Councilman Shear asked if they were going to house dogs on the property.

Mr. Bammel said they sell products for dogs. They will not be grooming dogs. Dogs may come in to the store with their owners. They purchased the building.

Motion by Councilman Shear, seconded Councilman Greene to approve the request of the applicant, James Bammel/Notorious D.O.G., for Architectural approval to update the façade at the property located at 8625 Main Street as per the submitted drawings from Bammel Architects dated February 9, 2016 to operate a retail sales and service pet store. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Greene to approve the following: Clubhouse Applications - A. Clarence Chamber of Commerce – Apr 15; May 20, Jun 10, 17, 24; July 8 & 15, 2016; B. NYS DEC Floodplain Management Training – May 24, 2016; C. The Hollows at Loch Lea – Jun 21, 2016; D. Youth Bureau – July 11, 18; Aug 1, 8, 15 & 22, 2016; E. Youth Bureau – Oct 20 – 21, 2016; F. Youth Bureau – Nov 20, 2016; G. Clarence Vol. Fire Company – Dec. 18, 2016; Legion Hall Applications - A. Town of Clarence Highway Dept. – Apr 29, 2016; B. Youth Bureau – July 5, 12, 19 & 26, 2016; C. Marsha Pfentner – Dec. 9, 2016; Nature Center Lodge - A. Clarence Lions Club – Apr 28, 2016; B. Clarence Senior Center – June 8; July 27, 2016; Park Pavilion Special Requests - A. Clarence Chamber of Commerce – Aug 1 & 2, 2016; B. Youth Bureau – Aug 20 & 21; Oct 20 -21, 2016. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger that after proper audit and review by the Town Board, the following bills of March 24, 2016 are approved for payment: General Fund - \$209,911.68; Highway Fund - \$93,413.55; Water District - \$1,333.29; Fire Protection Districts - \$167.15; Lighting Districts - \$530.90; Sewer Districts - \$485,944.20; Capital Fund - \$62,717.52; and Trust & Agency 203 - \$5,911.45 for a total amount of \$859,929.74. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Greene that after proper audit and review by the Town Board, the following bills of April 7, 2016 are approved for payment: General Fund - \$106,305.25; Highway Fund - \$33,379.27; Capital Fund - \$77,139.56 and Trust & Agency 203 - \$1,091.49 for a total amount of \$217,915.57. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Mark Woodward, Town Historian announced that on May 10th at 7:00 p.m. the Historical Society will have a presentation at the Clubhouse on Gettysburg. The speaker is a teacher in the Pembroke Schools and is very good.

Councilman DiCostanzo said he is happy that New York State matters in the primary race this year.

There being no further business, Supervisor Casilio adjourned the meeting at 7:55 p.m.

Nancy C. Metzger
Town Clerk