

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, October 12, 2016 at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 5:30PM. Members of the Town Board present were Councilmember's J. Paul Shear, Christopher Greene, Robert Geiger, and Peter DiCostanzo. Other Town Officials present were, Assistant to the Supervisor Karen Jurek, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Director of Administration and Finance Pamela Cuvillo, Director of Community Development James Callahan, Assistant Planner Jonathan Bleuer and Planning Board Chairman Robert Sackett.

Director of Community Development – James Callahan

Formal Agenda items:

Raymond Garcia 8714 Stahley Road

Applicant is seeking approval to construct a new home with a secondary living unit. The proposed site is located on vacant land on the north side of Stahley Road, west of Conner Road within the Residential Single Family Zone. Per the Zoning Law, the Town Board may consider secondary living units via a Special Exception Use Permit.

Work Session items for consideration October 26, 2016:

Stephen Development/Fountain Court 9560 Main Street – mixed use project

Applicant is proposing to demolish the motel and construct a new mixed use development including 24 total apartment units and commercial space along the Main Street frontage. The project also includes a 2-lot Open Development area to the north that will provide a buffer to adjoining large lot residential uses. The proposed site is located on the north side of Main Street, north and east of Gunnville Road located in the Commercial and Residential Zones. Per the Zoning Law, the Town Board has final approval authority to allow for multiple family residential uses via a Special Exception Use Permit. A public hearing is required to consider the Special Exception Use Permit. The Zoning Board of Appeals has granted an area variance to allow for the 24 total residential units and the Planning Board has forwarded a recommendation on the project.

BJ's Wholesale Club 5183 Transit Road

Applicant is seeking a permit to place a propane filling station on their property. The proposed site is located on the east side of Transit Road, south of Greiner Road at existing Wholesale Club located in the Major Arterial Zone. Per the Zoning Law, the Town Board may consider a Special Exception Use Permit for a propane filling station. This request came in when the original application for the Wholesale Club was first presented to the Town Board but the applicant pulled the request. The location of the filling station will be located in front of the building on the north end. One of the concerns raised in 2001 was untrained personnel filling the tanks.

Annual Renewal of Excavation Permits:

Per the Town of Clarence Excavation Law, the Town Board annually approves Excavation Permits. This year there are 4 requests, all of which were approved last year. Each applicant must submit their respective NYSDEC mining permits, bonds and corresponding fees before being placed on the formal Town Board agenda. Renewal requests were received from: Buffalo Crushed Stone, Emeritus Holdings, Lakeside Sod and Michael Development (fka 10001 Grand Corporation).

Supervisor Patrick Casilio

Motion by Supervisor Casilio, seconded by Councilman Shear to amend the minutes of October 5, 2016 (page 248, 4th paragraph) to read "the town has provided **\$1,700.** to Clarence Hollow for American flags." It was incorrectly reported that the town provided \$17,000. for American flags. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Casilio announced the resignation of Adam Muchow from the position of Security Officer Part Time for the Parks Department effective immediately. Mr. Muchow has moved out of Clarence.

Motion by Supervisor Casilio, seconded by Councilman Geiger to approve the transfer of funds from the 2016 General Fund Budget as follows:

\$4,000.00 from Account 001.1680.0434 – Computer Professional Services to Account 001.1680.0220 – Computer Equipment.

\$1,675.92 from Account 001.1910.0400 Unallocated Insurance to Account 001.1930.0400 – Judgements and Claims.

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

Supervisor Casilio along with Councilman Greene attended a meeting at St. Stephen's United Church of Christ concerning the collapse of Tonawanda Creek Road. Highway Superintendent Dussing did a remarkable job representing the Town in explaining the preventative maintenance work the town has been doing. Councilman Greene stated that they are trying to get the road classified as a priority by the County Executive. This will free up State and Federal funding which is necessary because the County does not have the funding to cover the repair costs. The residents expressed their frustration with traffic that ignores the "Road Closed" signs.

Supervisor Casilio stated that the Town Board made some slight budget changes by shifting some accounts around. Councilman DiCostanzo said that some revenue line items were being changed as well. Zoning Revenues were listed at \$35,000, Councilman DiCostanzo proposed that be raised to \$45,000. Building and Alteration Permits Actual Revenue for 2015 was \$234,323 as of September 30, 2016 we are at \$324,252, Councilman DiCostanzo is recommending increasing that revenue line from \$175,000 to \$190,000.

Councilman DiCostanzo did propose lowering General Fund Emergency Services appropriations but after his conversation with the director he will leave Automotive Parts and Accessories at \$1,895 (this is a one-time appropriation to outfit the emergency service vehicle) and increase Special Projects to \$1,500.

Councilman DiCostanzo is proposing increasing the Youth Activities Leader salary from \$12.75 per hour to \$13.75 per hour. After further discussion it was agreed to increase the Youth Activities Leader salary to \$14.00. Councilman Greene also suggested reducing the Building Improvements line in the Youth Bureau budget by \$2,000. Many of the building improvements will be completed this year. Councilman Greene will meet with Pam CuvIELLO to make these changes to the budget.

Town Attorney Meckler stated that late yesterday afternoon, a final agreement was reached with the Town of Amherst regarding LOSAP for both Swormville VFC and East Amherst VFC. As part of this agreement, Amherst will pay the Town of Clarence all the money owed to us.

Councilman Peter DiCostanzo

Motions:

- Motion approving the changes in the mileage of several roads per the re-assessment by the NYSDOT and declaring that the roads have been completed in accordance with as-built drawings and have officially been accepted for maintenance by the Town of Clarence and are currently open to vehicular traffic

for the public and shall be included in the 2016 Local Highway Mileage inventory of the Town of Clarence

- Set Public Hearing to consider the Preliminary Budget and Special Districts Assessment Roll for the year 2017

Councilman DiCostanzo attended a public forum regarding the Main Street Redevelopment Project, the meeting was well attended and there was good dialogue among the attendees.

Councilman DiCostanzo has one item to discuss in Executive Session regarding the potential purchase of real property.

Councilman Robert Geiger

Motions:

- Approve Certificate of Public Approval for East Amherst Fire Department Tax Exempt Bonds and authorize Supervisor Casilio to sign the Certificate of Approval
- Approve Transfer of Funds – 2016 General Fund Account to 2016 Control of Animals Account

Councilman Geiger attended the Historical Society Meeting on West Seneca Indians. There was a great turnout and excellent discussion on the local Indian Tribes.

The Creepy Crawler Bicycle Pub Crawl is set for October 29, 2016 from 3PM – 11PM.

Councilman Christopher Greene

Motions:

- Authorize Supervisor Casilio to sign the annual Service & Supply Maintenance Agreements with Eagle Systems, Inc. for the period beginning October 15, 2016 and ending on October 14, 2017 per the terms and conditions of said agreement

Councilman Greene has reviewed the terms and conditions of the contract. There is a slight increase however it is well below the industry average increase typically year to year. Councilman Greene recommended that in the future, the Town look outside NY State Contracts and suggested BOCES which could provide the town with the same equipment at a lower price and a five year guarantee.

Councilman J. Paul Shear

Director of Community Development James Callahan and Assistant Director Jonathan Bleuer are suggesting a lane reconfiguration for Sheridan Drive within the Town of Clarence. The plan would reduce Sheridan Drive from 4-lanes down to two lanes, adding turning lanes and providing a wide enough shoulder to walk/ride a bicycle. Historically, Sheridan Drive has been fronted primarily by residential homes and the majority of traffic has been pass-through. Over the past several years, there has been moderate development and changes in use consistent with the Towns objectives for the Sheridan corridor. With these changes it has become increasingly evident that the four lane configuration is not acting in the best interest of the corridor.

The Historic Preservation Commission have identified two homes for historic designation: 4760 Goodrich Road and 4865 Meadowbrook Road.

Town Engineer Tim Lavocat

In response to the flooding at Meadow Lakes Park last year, Town Engineer Lavocat is working with a consultant to come up with a solution.

Town Engineer Lavocat is working with Assistant Planner Jonathan Bleuer as to the feasibility of extending the bike path at Amber Meadows north to the Peanut Line Bike Path. The background information will be used for any future grant applications.

Meet the Candidates Night will be held in the auditorium on October 17, 2016 at 7PM.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to § 105(1) H the proposed acquisition of real property. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:21PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo 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, October 12, 2016 at the Clarence Town Hall, One Town Place, Clarence, New York.

Deputy Supervisor Peter DiCostanzo called the meeting to order at 7:00 p.m. Pledge to the flag was led by Councilman Christopher Greene, followed by a prayer given by Councilman Robert Geiger.

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

Motion by Councilman Greene, seconded by Councilman Shear to accept the minutes of A. Work session and regular meetings held September 28, 2016; and B. Morning work session of October 5, 2016. On the question, Deputy Supervisor DiCostanzo said the Supervisor did amend the work session minutes earlier regarding a figure of \$17,000 that should be \$1,700. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Deputy Supervisor DiCostanzo said the Supervisor made a transfer of funds in the work session earlier that will be recorded in those minutes.

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

WHEREAS, the New York State Department of Transportation (NYSDOT) has been re-assessing all road inventories across the state and plotting them on a new Geographic Information System (GIS); and

WHEREAS, the Clarence Highway Department has been notified by the NYSDOT that some inaccuracies were found in the mileage in the Town's Road inventory; and

WHEREAS, under the new inventory the Town will gain and lose some mileage on various roads; and

WHEREAS, these numbers directly impact the amount of New York State funding that the Town receives in the form of CHIPS; and

WHEREAS, a resolution must be adopted by the Town Board in order to take advantage of the additional mileage given to the Town of Clarence by officially accepting the roads.

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board approves of the changes in the mileage of the following roads as per the re-assessment by the NYSDOT and hereby declares that the following roads have been completed in accordance with as-built drawings, have officially been accepted for maintenance by the Town of Clarence, are currently open to vehicular traffic for the public and shall be included in the 2016 Local Highway Mileage inventory of the Town of Clarence:

<u>ROAD</u>	<u>LGTH</u>		<u>ADDITIONAL</u>	<u>TOTAL</u>
Boncrest Road West	0.36	+	0.27	0.63
Bonnie Fay Drive	0.11	+	0.17	0.28
Brentwood Drive	0.25	+	0.25	0.50
Cambridge Court	0.06	+	0.22	0.28
Curry Lane	0.10	+	0.26	0.36
Dana Marie Parkway	0.07	+	0.39	0.46
Glen Iris Drive	0.25	+	0.15	0.40
Martha's Vineyard	0.90	+	0.18	1.08
Cummings Road	0.36			0.36
New Roads				
Gentwood Drive	0.23			0.23
Anfield Road	0.41			0.41
Eastmoor Lane	0.10			0.10
Alderbrook Lane	0.19			0.19

Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Motion by Deputy Supervisor DiCostanzo, seconded by Councilman Shear to set a public hearing for Wednesday, November 2, 2016 at 7:15 p.m. to consider the Preliminary Budget and

Special Districts Assessment Roll for the Town of Clarence for the year 2017. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Deputy Supervisor DiCostanzo said last Thursday the sub-committee of the IDA that is working on the Main Street Improvement Project held a forum in the Clarence High School Library. It was well attended and we got some good feedback from people.

Deputy Supervisor DiCostanzo said once again in the Bee there were reports of items stolen from vehicles. Another reminder to lock your car doors.

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

RESOLVED, that the members of the Town Board of the Town of Clarence, Erie County, New York, upon reading the resolution of the Town Board adopted on September 28, 2016 appointing the Hearing Officer; the Notice of Public Hearing published on September 23, 2016 in The Buffalo News; and the Report of Hearing Officer dated October 7, 2016 for the public hearing which was duly held in the East Amherst Fire Department located at 9100 Transit Road, East Amherst, New York on October 7, 2016 hereby approve the “Certificate of Public Approval” attached hereto and further direct that the Supervisor of the Town of Clarence execute such “Certificate of Public Approval” on behalf of the Town Board.

BE IT FURTHER RESOLVED, that this resolution takes effect immediately upon its adoption.

Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Shear to approve the transfer of funds from the 2016 General Fund Budget as follows:

\$2,550.00 from account 001.1620.0251 – Buildings – General Equipment
to account 001.3510.0450 – Control of Animals – Repairs of Buildings and Grounds.

On the question, Councilman Geiger said this transfer is being made to cover the cost of the Air Conditioning Unit for the Dog Kennel.

Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Councilman Geiger welcomed Jeri Nolan representing the Chamber of Commerce.

Councilman Geiger said he attended the very well attended Historical Society meeting last night. The speaker made a presentation about the West Seneca Indians.

Councilman Geiger announced that the Discover Main Street group is sponsoring the “Creepy Bike Crawl” on October 29th.

Motion by Councilman Greene, seconded by Councilman Shear to authorize Supervisor Casilio to sign the Annual Service & Supply Maintenance Agreements with Eagle Systems, Inc. for the period beginning October 15, 2016 and ending on October 14, 2017 per the terms and conditions of said agreement. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Councilman Greene reported that he and the Supervisor and Highway Supt. James Dussing attended the forum regarding the collapsed area of Tonawanda Creek Road hosted at St. Stephen’s Church. At this point it is in the hands of the County Executive to list roads in priority. Hopefully we will be moving forward in 2017 or 2018 to get that road repaired.

Councilman Greene said the Friends of the Clarence Library are holding their semiannual book sale next week.

Motion by Councilman Shear, seconded by Councilman Geiger that the Clarence Town Board hereby authorizes the Supervisor to execute the Intermunicipal Agreements between the Town of Amherst and the Town of Clarence for the purpose of administering the Length of Service Awards Program (LOSAP) for the East Amherst Volunteer Fire Company and the Swormville Volunteer Fire Company. As part of the Agreement, the Town of Amherst, upon execution of the Agreements, will pay to the Town of Clarence all monies due to the Town of Clarence with respect

to the Length of Service Awards Program (LOSAP). Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Councilman Shear announced that the Chamber of Commerce will be holding a candidates night on Monday, October 17th at 7:00 p.m. in the Town Hall.

Town Clerk Nancy Metzger reminded everyone that the school taxes are due on Monday, October 17th, the last day to pay without penalty.

Ray Garcia requests a Special Exception Use Permit for a secondary living unit at 8714 Stahley Road. James Callahan said this is a new residential building lot in the Single Family Residential Zone. The applicant is proposing to construct a new home with a secondary living unit.

Mr. Garcia said his son will be living in the in-law suite. There is only one driveway. He understands that it cannot become a rental.

Motion by Councilman Greene, seconded by Councilman Geiger to set a public hearing for Wednesday, November 2, 2016 at 7:20 p.m. to consider the request of the applicant for a Special Exception Use Permit for a Secondary Living Unit at 8714 Stahley Road. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Motion by Councilman Greene, seconded by Councilman Shear to approve the following: Clubhouse Applications - A. Clarence Rotary – Dec. 9, 2016; B. Cub Scout Pack 27 – March 25, 2017; C. Clarence Contemporary Club – Oct. 13, 2017; Legion Hall Applications - A. Kristin Blakely – Oct. 30, 2016; B. Janelle Rosenberry – Nov. 6, 2016; C. Girl Scout Troop #1498 – Monthly Meetings for 2017; and D. George Emerling – May 7, 2017. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Motion by Deputy Supervisor DiCostanzo, seconded by Councilman Shear that after proper audit and review by the Town Board, the following bills of October 6, 2016 are approved for payment: General Fund - \$202,878.46; Highway Fund - \$84,834.08; Water District - \$229.29; Drainage District - \$1,475.18; Sewer Districts - \$277.78; Capital Fund - \$326,542.00; and Trust & Agency 203 - \$16,390.00 for a total amount of \$632,626.70. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

There being no further business, Deputy Supervisor DiCostanzo adjourned the meeting at 7:20 p.m.

Nancy C. Metzger
Town Clerk