

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, October 22, 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 Director of Administration and Finance Pamela Cuviallo.

### ***Fire Companies – 2015 Budget Review***

#### *Clarence Center VFC*

William Metzger and Dennis Raquet presented a revised budget requesting a 1.5% increase. Repair and Maintenance of Vehicles went from \$30,000 to \$29,000. Training went from \$26,900 to \$20,900. Capital Reserve – Building went from \$50,000 to \$45,000. Councilman Casilio stated that the Town Board received a letter from the NYS Comptroller stating the tax cap is 1.56 percent.

#### *Harris Hill VFC*

Several representatives from Harris Hill VFC were present to discuss their budget. They are requesting the same amount as last year. In the next couple of years, they will purchase a new ambulance and a new pumper truck possibly taking a loan against their reserve fund to do so. Thinking ahead to next year, Harris Hill VFC may have to increase their budget to set aside money for the new equipment (ambulance and pumper truck).

#### *Rapids VFC*

Representatives from Rapids VFC are requesting a 1% increase in their budget this year, from \$41,715. to \$42,132. The Town Board was in agreement with this.

#### *Swormville VFC*

John Gaulocher stated that they have a contract with the Town for a 2% increase however the tax cap is 1.56% which is what they submitted their budget for. Mr. Gaulocher called the State and was informed that the tax cap was 2%. Director of Administration and Finance Pam Cuviallo stated that she received a letter directly from the NYS Comptroller's Office indicating the tax cap is 1.56%. Mr. Gaulocher gave Pam the name and phone number of his contact at the State, she will call to verify.

### **Dennis Londos – Deer Abatement Program**

Mr. Londos presented a list of agents participating in the 2014 – 2015 Deer Abatement Program out of the eleven agents, four are not Clarence residents. When the program first began, there were 72 agents and they shot 100 deer per year. Currently Mr. Londos has 12 – 13 agents and they have shot over 200 deer last year.

Several Clarence residents have requested getting into the program however none of them have followed through with taking the test.

Dennis Londos stated that he and several other agents have received calls from residents to remove rodents from their homes/garages, which he does not charge for. For whatever reason, the DEC has listed Dennis Londos phone number as a contact for these type problems. Animal Control Officer Jerry Schuler normally takes care of these type calls.

There is more of a problem with geese at the Town Hall campus than anywhere else in town, Mr. Londos stated that it was not much of a problem this year.

The program has been running smoothly, the bait will be coming in soon, there will be no pumpkins this year. Councilman Kolber and Councilman Geiger suggested contacting the farmers to see if they would donate pumpkins after Halloween. Mr. Londos said he would try to round up some agents to do this. Apples and corn will be purchased. They went through 2-tons of corn last year. Previously they were getting some of the corn from Kreher's however Mr. Kreher is so busy now with his processing plant that he does not have the extra corn or the manpower to bag it. Mr. Londos is getting the corn from a supplier in Elma who has it bagged for pickup. Councilman Geiger asked if Mr. Kreher was donating the corn to the program. Mr. Londos stated that it was donated. Councilman Geiger stated that to save driving costs to Elma, Mr. Londos should offer to purchase the corn from Kreher's. Mr. Londos said that Kreher's use the corn for all their chickens and they only plan for so much and there is only so much that Kreher's can give away. Mr. Londos did not want to go down that avenue. Mr. Kreher has done a great job all these years but Mr. Londos has gotten away from that now. The cost of apples was approximately \$1,200. The cost of bait was within the allotted budget.

Supervisor Hartzell who participates in the program stated that it is a good program for the amount of money spent on the program. Mr. Londos stated that there have been no problems with the program and only a couple small incidents. One of which occurred on town owned land next to the Main Street Park. Councilman Geiger stated that much of that land has been cleared out and he and Councilman DiCostanzo thought that the town was not going to allow hunting there this year. Dennis Londos said he would be hunting from this property, he has a permit to do so. He will be hunting with bows and crossbows at this location. The only time they would use a gun is if they have to put an animal down. Councilman DiCostanzo felt that there was a safety issue with hunting in the park near the bike path.

Dennis Londos stated that they hunt at night, they have lights and they have set ups for their machinery.

The DEC has changed their rules, it is illegal to discharge a crossbow or bow within 250 feet for a crossbow or 150 feet for a bow of a dwelling or highway. Mr. Londos would like to get this blacked out zone opened up for big game hunting again. He has spoken to Supervisor Hartzell about it as well as other representatives to sponsor him to get a bill passed. The area in question is Greiner Road to Transit Road to Genesee Street to Ransom Road to Main Street to Salt and back down Greiner Road. Currently, there is no big game hunting allowed in this area. Mr. Londos would like to get this area opened up so during regular deer season, you could only hunt with bow. Supervisor Hartzell suggested that Dennis Londos speak with Assemblywoman Jane Corwin who will be in town next weekend. The DEC would have to be in agreement as well.

Mr. Londos would like the Town Board to consider opening up the Nature Center (former Girl Scout Camp) on Sheridan Drive for hunting as well. Councilman Geiger suggested contacting the owner of the adjoining private property to see if they would allow hunting.

Motion by Councilman Casilio, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a particular person. Upon roll call – Ayes: Councilmen Geiger, DiCostanzo, Casilio, Kolber; Noes: Supervisor Hartzell: Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to adjourn the Executive Session at 6:59 PM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

The Work Session reconvened at 7:00 PM.

**Director of Community Development – James Callahan**

***Public Hearings:***

A Public Hearing is scheduled for 8:10PM to consider a Local Law amending the Code of the Town of Clarence, Chapter 99 - Fees to add a Recreation Fee for Multiple Family Housing Projects. Councilman Kolber would like to set a public hearing to add Open Space Fees for Multiple Family Housing Projects as well. Supervisor Hartzell suggested \$400 per unit. A public hearing will be set at the next Town Board meeting.

A Public Hearing is scheduled for 8:15PM to provide citizens an opportunity to comment on possible projects for use of Community Development Block Grant Funding to benefit low to moderate income persons within the Town. As a member of the Consortium of Erie County Governments, the Town of Clarence is eligible to apply for Community Development Block Grant (CDBG) funding under Federal Housing and Urban Development (HUD) guidelines. CDBG funding must be used to benefit low and moderate income families. Last year the Town was successful in partially funding the Senior Center vestibule improvements of accessibility.

The Census Bureau has updated census tracts within the Town, there are two tracts that are eligible under federal funding guidelines. Projects that impact these areas will rank higher and it does include the Main Street corridor from Thompson Road to Shisler Road. As always, Rural Transit Service will need to be identified as an acceptable project funder the established guidelines.

***Formal Agenda items:***

Lou Visone 8570 Main Street

Applicant is proposing to display storage sheds for sale at 8570 Main Street. The proposed site is located on the north side of Main Street, east of Harris Hill Road on an existing vacant lot located within the Harris Hill TND. The Town Board has authority to approve uses in the TND and to issue a Temporary Conditional Permit. Landscaping, number of display units and hours of operation will have to be addressed.

***Work Session for consideration November 5, 2014:***

Marie Bielman 8755 Howard Drive

Applicant is proposing to add an in-law apartment to the existing residence. The proposed site is located on the south side of Howard Drive east of Connection Drive at existing single family residential property located in the Residential Single Family Zone. Per the Zoning Law, the Town Board may approve the use with a Special Exception Use Permit. A public hearing is required to consider the use.

Davis Tiburzi 5333 Transit Road

Applicant is proposing to clear and grade the vacant property for marketing purposed. The proposed site is located on the east side of Transit Road, north of Greiner Road on existing vacant property located in the Major Arterial Zone. Per the Clearing, Filling and Grading Law, the Town Board has final review and approval authority for such applications. Town Engineer approval and buffering of adjoining residential uses must be addressed.

North American General Development 6855 Transit Road

Applicant is proposing to clear and grade the vacant property for marketing purposes. The proposed site is located on the east side of Transit Road, north of County Road on existing vacant property located in the Traditional Neighborhood District. Per the Clearing, Filling and Grading Law, the Town Board has final review and approval authority for such applications. Wetland impacts, Town Engineer approval and buffering of adjoining uses must be addressed.

**Town Attorney Lawrence Meckler**

Town Attorney Meckler referenced Town Board agenda item #18 – regarding a crossing guard for Transit Middle School. This item has been brought up in the past, Paralegal Cindi Rosel did some research and in 2003 the Town Board approved a resolution contributing to the cost of a crossing guard at that location. At the time, the Williamsville School Board had requested the crossing guards but the Amherst Town Board refused to participate. The Town of Amherst has just sent a letter to Supervisor Hartzell indicating that they are changing their position on the matter and would like to share the cost with the Town of Clarence.

Councilman Kolber stated that in 2004 he requested the NYS DOT look into erecting an overhead walkway across Transit Road, however he never heard back from them.

Town Attorney Meckler is recommending the Town of Amherst provide the crossing guards and the Town of Clarence contribute up to a maximum amount.

Supervisor Hartzell suggested that before taking any action, he is recommending a committee be formed to research this further. The committee would be made up of representatives from both Clarence and Amherst School District. Councilman Kolber suggested getting input from the NYS DOT as well.

**Director of Community Development James Callahan**

Mr. Callahan forwarded a contract from Steinmetz Planning Group regarding the 2015 Comprehensive Plan update. If the Town Board is in agreement, he will prepare a resolution for the next Town Board meeting.

**Planning Board Chairman – Robert Sackett**

The Planning Board social will be held December 10, 2014 at Orazio's.

**Supervisor David Hartzell**

- Appoint Laura Grande to the position of Youth Activities Leader PT – Seasonal
- Transfer funds from the 2014 Budget - Crossing Guards

Councilman Geiger has a motion authorizing the Supervisor to sign the Annual-Planned Maintenance Renewal Agreements with Cummins Northeast Inc. however Supervisor Hartzell would like to hold up renewing the maintenance agreement until he has a chance to review all the maintenance contracts within the Town departments. Once he has the information, possibly bid this out rather than approving individual contracts when they come up for renewal. Every contract would remain in place until the Board

decides what to do. It was agreed to go forward with renewing Cummins Northeast Inc. contract for the Town Hall generator and the Senior Center generator at a cost of approximately \$630 each. Confidential Secretary to the Supervisor Karen Jurek stated that Cummins Northeast comes out twice a year to make sure the generators are running properly, change the oil and filters etc. Their contract is to maintain the generators, the town is billed for any repairs. The contracts ended in May but were never renewed so the generators are over-due for maintenance. After discussion, the Town Board decided to renew the maintenance contract with Cummins Northeast Inc.

### **Councilman Bernard Kolber**

The Friends of the Library is hosting their Book Sale Thursday, Friday and Saturday this week.

Since the Town owns all the furnishings and fixtures in the library, the Friends of the Library would like to know how they will be covered. This will be discussed at their next meeting on October 27<sup>th</sup>. Councilman Kolber will report back to the Town Board.

### **Councilman Patrick Casilio**

- Authorize the Supervisor to sign the Fireworks Exhibition Agreement with Young Explosives Corporation for the fireworks display at the Day in the Park event to be held on Saturday, June 27<sup>th</sup> 2015 in the Clarence Town Park
- Seek Lead Agency Status for proposed NYS Police, EC Sheriff's and Town Court Facilities Project

Councilman Casilio and Councilman Geiger met with representatives from Day in the Park and Hollowfest. Day in the Park is scheduled for June 27<sup>th</sup>, 2015 and Hollowfest will be held July 2 – 4<sup>th</sup>, 2015. Neither event will interfere with Taste of Clarence.

### **Councilman Peter DiCostanzo**

The Town Board will meet to discuss the 2015 Budget tomorrow morning at 7:30AM.

### **Councilman Robert Geiger**

Councilman Geiger will be recuse from voting on the Youth Bureau appointment because the applicant is a family member.

Since this is National Restaurant Week, Councilman Geiger is encouraging all residents to dine at our local restaurants in Clarence.

A lock was stolen from the Nature Center gate and new temporary lock has been installed.

Councilman Geiger has received numerous complaints about a movie production taking place on the Fairways which he knew nothing about. He was stopped by the Erie County Sheriff's and could not get into his neighborhood down Hurlbert Lane because of filming. Councilman Geiger felt that the town should have been notified and approval given. The neighbors said they were not notified. Supervisor Hartzell stated that he was consulted by the film company and it was to be kept confidential because the filming crew did not want huge crowds gathering during filming. Supervisor Hartzell stated that he was on the movie set and they went door to door before they shot the scene and no one complained. Deputy Town Clerk Darcy Snyder stated that the Town Clerk's office received several complaints as well. Councilman Geiger stated that if this ever happens again, the Town Board should be made aware and the surrounding

neighbors should be notified as well. Supervisor Hartzell stated that he is not in the movie.

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 22, 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 Robert Geiger, followed by a prayer given by Ruth Wilder of First Baptist 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 Kolber, seconded by Councilman DiCostanzo to accept the minutes of the work session and regular meetings held October 8, 2014. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to appoint Laura Grande to the position of Youth Activities Leader PT – Seasonal at the budgeted rate of \$9.59/hr. effective October 25, 2014, and subject to receipt of all pre-employment paperwork and pre-employment requirements being met. Upon roll call – Ayes: Councilmen DiCostanzo, Casilio, Kolber and Supervisor Hartzell; Noes: None. Recuse: Councilman Geiger. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to approve the following transfer from the 2014 Budget as follows: \$140.00 from 001.3120.0100 - Crossing Guard Personal Services to 001.3120.273 – Crossing Guards - Uniforms. On the question, Supervisor Hartzell said the crossing guards needed warm coats for the winter. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell announced that the Engineering Department webpage is updated to include flood related information. This information includes general flood information for Clarence residents, FEMA flood maps, flood preparation safety, a link to the National Weather Service and the flood gage at Rapids. Any questions on this information can be directed to Town Engineer Tim Lavocat.

Councilman Kolber said the Friends of the Clarence Library are holding their book sale this week to raise funds for the library.

Motion by Councilman Casilio, seconded by Councilman Geiger to authorize Supervisor David Hartzell to sign the Fireworks Exhibition Agreement with Young Explosives Corporation for the fireworks display at the Day in the Park event to be held on Saturday, June 27, 2015 in the Clarence Town Park. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Geiger that pursuant to Article 8 of the Environmental Conservation Law, the Town Board seeks Lead Agency status and commences a coordinated review among involved agencies on the proposed New York State Police, Erie County Sheriff's and Town Court Facilities Project. This Unlisted Action involves the construction of a 19,000 +/- square ft. structure adjacent to the Town Hall. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio announced that the Town of Clarence is issuing a Request for Qualifications and Request for Proposals (RFQ/RFP) for the Architectural and Engineering Design of the proposed 19,000 SF +/- New York State Police, Erie County Sheriff's and Clarence Town Court Facilities Project to be located adjacent to the Clarence Town Hall.

The RFQ/RFP can be obtained by submitting a written request or email to Town Engineer Tim Lavocat.

RFQ/RFP's are due December 9, 2014

All applicable information and detailed instructions are contained within the RFQ/RFP.

Councilman Casilio announced that there will be an electronics drop off on November 1<sup>st</sup> from 10 a.m. to 3 p.m. at the Buffalo Bills Field House lot.

Councilman DiCostanzo wished Diane Huben well as her last day is Friday working at the Youth Bureau.

Motion by Councilman Geiger, seconded by Councilman Kolber to authorize the supervisor to sign the Annual – Planned Maintenance Renewal Agreements with Cummins Northeast Inc. as follows: for the Town Hall generator with a term beginning October 1, 2014 and ending on September 30, 2015 and for the Senior Center generator with a term to run October 1, 2014 to September 30, 2015, subject to review and approval by the Town Attorney. On the question, Councilman Kolber said they discussed lumping all of these agreements together to get one contract. We will look into that for the future because at this time we are behind on maintenance. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger said it is national restaurant week. He urges everyone to get out and support their local restaurants.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of October 23, 2014 are approved for payment: General Fund \$189,485.37; Highway Fund - \$202,758.31; Water District - \$1,351.92; Fire Protection Districts - \$675.65; Drainage District - \$96,615.73; Lighting Districts - \$742.62; Sewer Districts - \$102,167.15; Capital Fund - \$115,233.76; and Trust & Agency 203 - \$23,017.50 for a total amount of \$732,048.01. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence Republican Committee – Jan. 20, 2015; B. Clarence Youth Bureau – Jan. 31, 2015; C. Garden Friends of Clarence – 2015 Monthly Meetings; D. Cub Scout Pack 27 – March 21, 2015; E. Boy Scout Troop 93 – March 22, 2015; F. Clarence Kiwanis Club – April 4, 2015; Legion Hall Applications - A. Clarence Youth Basketball – Oct. 29, 2014; B. Clarence Republican Committee – 2015 Monthly Meetings; C. Patricia Raquet – Feb. 28, 2015; D. Barbara Frey – March 28, 2015; Pavilion Special Request - A. Garden Friends of Clarence – May 14 – 15, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Dr. Robert Campo said he is the president of the Parent Teachers Association at Williamsville East. He received a letter today from the Town of Amherst Supervisor accepting their commitment to pay for one of two traffic guards and want Clarence to reciprocate.

Dr. Campo presented copies of the 1,102 signatures that he received from parents and a few students almost entirely from the Clarence side of Transit Road in support of a traffic guard in front of the Transit Middle School on Transit Road. In addition, he received numerous letters of which copies were presented to the Board. They are color-coded to streamline them from eyewitness accounts to parents of students who have children cross. Dr. Campo read a few of the letters from residents.

Supervisor Hartzell said the Board discussed this in the work session and they would like to take a hard look at this, meet with the DOT, and Williamsville school officials to see how we can do this together. We appreciate all the work you put into this and we look forward to working together. They will read all of the letters.

Dr. Campo said they do have bus service, but they choose to walk to get home faster for other activities. He also has film footage that shows what is happening and that is the kids are not paying attention to what is going on around them. They cross in groups, but are not watching the cars. Parents are taking turns crossing them when they can.

Dr. Campo said he obtained signatures by going to soccer games, door-to-door and activity nights at the school. The principal, who is here, also helped.

Councilman Kolber said this was presented before. At the time, the Williamsville School District was against it because they did not want children crossing Transit Road. It is posted at 45 MPH and we all know people do not stay to that. He had recommended installing an overhead crosswalk like they have in Tonawanda. He would rather see it go that way.

Dr. Campo said that would be acceptable, but right now it is too dangerous. They thought that they would not cross without a guard, but they do. The estimate is 60 children.

Supervisor Hartzell said they are aware of how dangerous it is and are willing to work on the issue. He will let him know when the meetings are set so that he can be a part of them.

A Public Hearing was held to consider entering into a contract with Clarence Center Vol. Fire Company for fire protection for 2015.

William Metzger, President was present.

Councilman Casilio said they met with the fire companies during the work session and discussed any questions they had. At this time they are ready to move forward unless anyone has any questions. The figure agreed upon was \$812,000.

Mr. Metzger said that is correct.

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

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

RESOLVED, that after a public hearing duly held on October 22, 2014 and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Clarence Center Volunteer Fire Company, Inc. for the year 2015 in the amount of \$812,000.

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

A Public Hearing was held to consider entering into a contract with Harris Hill Vol. Fire Company for fire protection for 2015 in the amount of \$773,294.

Bryan Lamphron, Treasurer said he would like to correct the amount to \$733,294.

Supervisor Hartzell said the Town Board has met with the fire company and is all set. If anyone else has any questions, they can come forward.

With no one else speaking to the subject, motion was made by Supervisor Hartzell, seconded by Councilman Kolber to close the Public Hearing.

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

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

RESOLVED, that after a public hearing duly held on October 22, 2014 and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Harris Hill Volunteer Fire Company, Inc. for the year 2015 for the amount of \$733,294.

On the question, Councilman Kolber said this goes to all of the fire companies and that is the appreciation for what they do and the incredible amount of time they put in.

Councilman Casilio said many of them were at a barn fire last night.

Supervisor Hartzell said he likes how they are getting the young people involved to continue on in the service.

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

A Public Hearing was held to consider entering into a contract with Rapids Vol. Fire Company for fire protection for 2015 in the amount of \$42,132.

Andrew Doyle was present.

Supervisor Hartzell said the Board already talked to them about their budget. He asked if anyone would like to speak.

Councilman DiCostanzo said this company is funded by several towns, which is why their budget amount is smaller.

With no one else speaking to the subject, motion was made by Supervisor Hartzell, seconded by Councilman Kolber to close the Public Hearing.

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

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

RESOLVED, that after a public hearing duly held on October 22, 2014, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with Rapids Volunteer Fire Company, Inc. for the year 2015 for the amount of \$42,132.

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

Lou Visone requests a Temporary Conditional Permit to display and sell storage sheds east of 8570 Main Street.

Louis Visone, II and Michael Shields were present.

Mr. Shields said he and his partner, Lou Visone, Sr. are looking to get a permit to sell storage sheds on Main Street. He cleaned out the lot and cut the grass down. The intention is to also do some landscaping. He set them back from the road and had received some compliments on how it looked.

Lou Visone said he is always willing to help a small businessman. They have no plans yet for a build out on this property. He has seen the sheds and believes they are nice looking and made well. People who stop to look may also visit the other businesses in that immediate area. They will set them back to align with the neighboring properties.

Councilman DiCostanzo said the tone of this Board is that they do not want to see a lot of things for sale along Main Street.

Mr. Visone said he travels down Main Street every day and he does not like to see the thousands of cars for sale. He sees a lot of different things and he does not think these are offensive to look at. He pays taxes on this property and this will give him a little back.

Councilman Casilio said he is asking the public to walk on an unfinished lot, which could cause a problem. He is in favor of holding a public hearing, but he thinks it would be better if it was paved.

Mr. Visone said sheds typically go in the grass. The property is insured. He has people fall in the paved lot next store all the time.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for November 19, 2014 at 7:45 p.m. to consider the request for a Temporary Conditional Permit to display and sell storage sheds east of 8570 Main Street. On the question, Councilman Casilio said he would like all the concerns stated above be considered. Councilman Kolber said he does not want to set a precedence for this type of thing. We have turned down many people already. Mr. Visone said they are not offensive at all. He has one in his yard. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider amending the 2014-2016 multi-year contract with Swormville Fire Company for fire protection for the 2015 term only to \$224,090, to reduce the contact amount to reflect the New York State tax cap rate of 1.56% over the funds received for 2014.

Stephen Moeller was present.

Supervisor Hartzell asked if anyone wished to speak on the subject.

Councilman Casilio thanked them for the three-year agreement and the fact that they came back to reduce it from the 2% to the current tax cap of 1.56%.

With no one else speaking to the subject, motion was made by Supervisor Hartzell, seconded by Councilman Kolber to close the Public Hearing.

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

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

Whereas, the Town of Clarence and the Swormville Fire Company, Inc. entered into a multi-year contract for fire protection for the years 2014, 2015 and 2016; and

Whereas, the Swormville Fire Company, Inc. requested that the 2015 year term amount originally contracted for be reduced to reflect the New York State tax cap rate of 1.56% over the funds received for the 2014 year term; and

**NOW, THEREFORE BE IT**

**RESOLVED**, that after a public hearing duly held on October 22, 2014, and after all interested parties having been heard, the Clarence Town Board agrees to amend the 2014-2016 multi-year contract with Swormville Fire Company, Inc. for fire protection for the 2015 year term for the amount of \$224,090 to reduce the contract amount to reflect the New York State tax cap rate of 1.56% over the funds contracted.

On the question, Councilman DiCostanzo said this company is also funded by another town.

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

A Public Hearing was held to consider a Local Law amending the Code of the Town of Clarence, Chapter 99 – Fees to add a Recreation Fee for Multiple Family Housing Projects.

James Callahan said the proposed amendment is a recreation fee of \$450 per unit for multi-family residential projects. It is the same fee charged for single-family residential units.

Councilman Kolber said single-family units pay an open space and a recreation fee. The multi-family units never had that fee. He would argue that the multi-family would utilize the parks and recreation opportunities in the Town.

Supervisor Hartzell said he thinks they would be heavier users because they do not have a backyard. They would go to a park.

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

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

Resolved, that after a public hearing duly held on October 22, 2014, and after all interested parties being heard, the Clarence Town Board hereby adopts Local Law No. 6 of the year 2014 amending the Code of the Town of Clarence Chapter 99 – Fees. This local law shall become effective upon filing with the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule.

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

A Public Hearing was held to provide the citizens an opportunity to comment on possible projects for use of Community Development Block Grant Funding to benefit low to moderate income persons within the Town. James Callahan said as a member of the Erie County Consortium, the Town of Clarence is eligible to apply to the Erie County Department of Environment and Planning for Federal Community Development Block Grant funds. The awards must benefit low to moderate income individuals and families. The purpose of this hearing is to identify possible projects to do just that. This is the first time the Town has eligible census tracts that qualify. They are related to the manufactured housing parks along Main Street. They run on the south side of Main Street from Connection Drive to Shisler Road.

Supervisor Hartzell thanked Jim and Jonathan for working on this. We may not get them this year, but it is good to get them in the record for possible funding next year.

James Callahan said every year we get funding for the Rural Transit Service. This will always be on our list. They also discussed the fact that the Town has received funding to do sidewalks on Main Street from Transit to Thompson. There is a portion of this in the census tracts that could compliment that grant. We are usually funded every other year on this program. Last year we were funded for the Senior Center vestibule.

There was some discussion on the Harris Hill sewer connection.

James Callahan said sidewalks provide a means for people to get around.

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

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

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

WHEREAS, the Clarence Town Board set a public hearing for October 22, 2014 at 8:15 p.m. to provide an opportunity for public input to the citizens of the Town to express community development and housing needs and possible projects that would benefit low and moderate income persons residing in the Town; and

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

NOW THEREFORE BE IT

RESOLVED, that a meeting of the Clarence Town Board duly convened on Wednesday, October 22, 2014, a public hearing was held, and after all interested parties having been heard, the Clarence Town Board hereby authorizes David C. Hartzell, Jr., Supervisor of the Town of Clarence, Erie County, New York, to sign, submit and execute a contract with the Community Development Block Grant (CDBG) for the following projects upon approval of CDBG:

1. Rural Transit Service.
2. Sidewalk Improvements along Main Street from Connection Drive to Thompson Road.
3. Main Street Commercial Corridor Facade Improvements.
4. Goodrich Trunk Line Sewer Extension.

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

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

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

WHEREAS, the Clarence Town Board continues its support of Rural Transit Service, Inc. NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board, at his duly convened meeting, hereby authorizes Supervisor David C. Hartzell, Jr., to sign onto the Rural Transit Service, Inc. for the 2015-2016 Community Development Block Grant year.

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

Town Clerk Nancy Metzger brought to the Town Board's attention that the budget hearing had not been set. She will need all elected official salaries and the date the Preliminary Budget would be filed by Friday.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to set a Public Hearing for Wednesday, November 5, 2014 at 7:50 P.M. to consider the Preliminary Budget and Special Districts Assessment Roll for the Town of Clarence for the year 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell thanked the Bee for the editorial on Conner Road. Town Attorney Meckler sent a letter to Erie County notifying them that they would be liable for any issues caused by the conditions of the road.

Councilman Casilio added that we offered our Highway Department to assist them along with the \$500,000 they were going to spend, but the County elected to do nothing.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:35 p.m.

Nancy C. Metzger  
Town Clerk