

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, November 4, 2015 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, Senior Building Inspector David Metzger, Confidential Secretary to the Supervisor Karen Jurek, Highway Superintendent James Dussing, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Director of Administration and Finance Pamela CuvIELLO, Planning Board Chairman Robert Sackett.

Director of Community Development James Callahan

Joe Nieman 8400 County Road

Applicant is proposing to operate a vehicle sales operation inside the existing accessory structure (barn) on the property. The proposed site is located on the north side of County Road, west of Green Acres Road at existing agriculture and residential property located in the Agriculture Rural Residential Zone. Per the Zoning Law, the Town Board may consider an automotive sales operation as an expanded home occupation in the Agriculture Rural Residential Zone with a Temporary Conditional Permit. Restrictions should include no outside display of vehicle for sale.

Work Session items for consideration November 18, 2015:

Eliot Lasky –Roxberry Phase II Gentwood Extension

Applicant is requesting Final Plat approval and road dedication on the 1260+/- linear feet of Gentwood Drive and 29 residential building lots. The proposed site is located north of Main Street and west of Westwood Road as an extension of Gentwood Drive. The previously approved subdivision identified 19 single family lots, construction has been completed as per Development Plans approved April 1, 2015. Per the Subdivision Law, the Town Board has authority to accept roads for public dedication and to accept final subdivision plats. Final approval must be given by the Town Engineer and Highway Superintendent on the construction.

Domenic Piestrak – Spaulding Green Open Space Design Subdivision

Applicant is requesting Final Plat approval and road dedication on the 1030+/- linear feet of Alderbrook Drive including 33 patio home lots. Construction has been completed on the previously approved phase of Spaulding Green identifying 33 patio home lots per the Development Plans approved on March 4, 2015. The project site is located north of Greiner Road and east of Glenview Drive in a residential classification. Per the Subdivision Law, the Town Board has authority to accept roads for public dedication and to accept final subdivision plats. Final approval must be given by the Town Engineer and Highways Superintendent on the construction.

Planning Board Chairman Robert Sackett

Chairman Sackett invited the Town Board to the November 16, 2015 Planning Board meeting, there is a full agenda. Both Spaulding Green Projects will be discussed.

Supervisor David Hartzell

Motions:

- Roads accepts by the Town of Clarence in the year 2003 for reporting purposes

Supervisor Hartzell received a Resolution from the Town of Orchard Park in support of a new formula for sales tax revenue distribution. The plan would bring more sales tax revenue back to the suburbs. A copy of the resolution was distribution to the Town Board for review and comment for the next Town Board meeting. Councilman DiCostanzo said he was in support of it however, he did not think it would go anywhere in the Legislature. Councilman Kolber stated that you would devastate the city.

Supervisor Hartzell received a letter from County Legislature Ed Rath regarding the designation of County Road as an access highway for large trucks. Supervisor Hartzell receives numerous complaints about large trucks coming down Goodrich Road from Lockport or from County Road to Goodrich Road through Clarence Center. Supervisor Hartzell questioned whether or not the Board wanted to designate

County Road as an access highway for trucks over 53 feet in length (a standard tractor trailer is 53 ft.). Currently the road restricts access to trucks over fifty three feet which have become more common and are used by businesses located along County Road. The County Legislature held a public meeting designating the county road in question as an "Access Highway" thereby allowing the larger trucks passing through the area to travel on the road without being ticketed for doing so. Supervisor Hartzell said this may be good for the Town of Akron but he questioned whether or not it is good for Clarence. Supervisor Hartzell felt this needed further review before the Town Board agreed to anything. He will talk to Ed Rath to obtain more information before the next Town Board meeting.

Councilman Bernard Kolber – no report

Councilman Patrick Casilio – no report

Councilman Peter DiCostanzo

- There is a ribbon cutting ceremony on Friday, November 6th at 6PM for the new BFLO Gallery & Gift Shop in the Eastern Hills Mall.
- There will be a joint sewer meeting on November 12, 2015 at 9AM in the Town Hall.
- There is a Planning Board meeting November 16, 2015. The Work Session begins at 6:30PM and the regular meeting begins at 7:30PM. There will be a full agenda.

Councilman Robert Geiger

Motions:

- Declare office equipment as surplus (2009 Toshiba ES2830 copier)
- Set bid date for Wednesday, November 18, 2015 to accept sealed bids for a 2009 Toshiba Copier – minimum bid of \$300.
- Approve Brite-Way Janitorial Services for cleaning services at the Youth Bureau
- Authorize Supervisor to sign agreement for refuse pickup services at the Youth Bureau

Councilman Kolber was contacted by a Clarence resident who has a collection of remote control model aircraft that he has restored and would like to donate to the Historical Society. Councilman Geiger stated that the biggest problem with the Historical Society is storage space but he will contact this person so see how much he wants to donate.

There being no further business, the Work Session adjourned at 6:20PM.

Darcy A. Snyder

Deputy Town Clerk

Cub Scout Pack #568-Webelos met with the Town Board in the auditorium for a question and answer forum regarding local government. Councilman DiCostanzo led the session.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, November 4, 2015 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 7:30 p.m. Pledge to the flag was led by Cub Scout Pack 568 followed by a prayer given by Rev. James Barnes of Clarence Center United Methodist 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 Director of Community Development James Callahan, Town Attorney Lawrence Meckler and Town Engineer Timothy Lavocat.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to accept the minutes of the work session held October 15, 2015. Upon roll call – Ayes: Councilmembers Geiger, DiCostanzo, Casilio and Supervisor Hartzell; Noes: None. Recuse: Councilman Kolber as he was not present. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to accept the minutes of the work session and regular meetings held October 28, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell recognized Jim Bennett who was present from the Chamber of Commerce. He thanked him for what he does for the Town of Clarence.

Supervisor Hartzell thanked Councilman DiCostanzo for his presentation to the Cub Scouts at the work session.

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

WHEREAS, the construction of Glenview Drive, Longleaf Trail, Alderbrook Lane and Kilkenny Manor have been completed in accordance with as-built drawings and have 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 2,200 +/- linear feet of Glenview Drive, 200+/- linear feet of Longleaf Trail, 200+/- linear feet of Alderbrook Lane and 640+/- linear feet of Kilkenny Manor shall be included in the 2015 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 2,200 +/- linear feet of Glenview Drive, 200+/- linear feet of Longleaf Trail, 200+/- linear feet of Alderbrook Lane and 640+/- linear feet of Kilkenny Manor in the Town of Clarence's Inventory of Streets.

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

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

WHEREAS, the construction of Killarney Manor 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 Killarney Manor shall be included in the 2015 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 Killarney Manor in the Town of Clarence's Inventory of Streets.

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

Councilman DiCostanzo announced that there is a ribbon cutting at the BFLO Gallery & Gift Shop at the Eastern Hills Mall on Friday, November 6, 2015 at 6:00 p.m. It will feature a full gallery of photography from Buffalo Scenic Prints and showcase products from over 50 unique vendors and artisans in Western New York.

Councilman DiCostanzo announced that the Planning Board will hold their next meeting on Monday, November 16, 2015 because of Veteran's Day next Wednesday when they usually meet.

Motion by Councilman Geiger, seconded by Councilman Casilio to declare the following Office Equipment as surplus and no longer needed for town purposes: 1 - 2009 Toshiba ES2830C Copier – Inventory No. 702. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Kolber to set a bid date for Wednesday, November 18, 2015 at 10:00 a.m. to accept sealed bids for a 2009 Toshiba ES2830C Copier – Inventory No. 702 with a minimum bid of \$300.00.

On the question, Councilman Geiger said information on the copier may be obtained in the Supervisor's Office.

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

Motion by Councilman Geiger, seconded by Councilman Casilio to approve the proposal of Brite-Way Janitorial Services to provide general cleaning services as per the proposal for the Youth Bureau at 10510 Main Street at a cost of \$370.00 per month for a one year term beginning November 1, 2015 through October 31, 2016.

On the question, Councilman Geiger said the price per month is the same as the services for 2014-2015. There will be an additional cost for the inside and outside windows and to strip and wax the tile floor. These services will only be performed upon request on an as needed basis. The company will provide the town with the necessary insurance certificates and name the Town as an additional insured.

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

Motion by Councilman Geiger, seconded by Councilman Casilio to authorize the Supervisor to sign the one-year agreement with Republic Services for refuse pick-up at the Youth Bureau located at 10510 Main Street effective November 1, 2015 through October 31, 2016.

On the question, Councilman Geiger said Republic Services had the most reasonable fees for waste services.

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

Councilman Geiger announced that the Youth Board and Youth Bureau are hosting an event in their speaker series called "Addiction Kills" on Monday, November 8, 2015 at 7:00 p.m. The speakers include Town Justice Michael Powers, Colleen Babcock from Horizon Health Services, Jessica Hutchings from Kids Escaping Drugs and Carolyn Grisko from Beacon Center.

Town Clerk Nancy Metzger stated that we received a Certificate and Notice of Highway Closure from the Erie County Department of Public Works announcing the closure of Goodrich Road from Lapp Road to Tonawanda Creek Road from Monday, November 2, 2015 through Friday, November 20, 2015 or until complete, to install cross drains and drag pave from Lapp Road to the Bridge over Black Creek.

Supervisor Hartzell thanked Steve Jagord for coming out to the "zombie home" in Spaulding Lake along with Assemblyman Michael Kearns, Councilman Casilio and himself. These homes are a real issue in Western New York. He contacted the Bank of America and is not sure what will happen. We will keep working on it.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of November 5, 2015 are approved for payment: General Fund - \$86,550.31; Highway Fund - \$29,758.78; Drainage District - \$1,098.00; Lighting Districts - \$585.21; Capital Fund - \$119,400.96; and Trust & Agency 203 - \$11,299.00 for a total amount of \$248,692.26. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the following uses: Legion Hall Applications - A. Nehzat Goshtasb – Nov. 14, 2015; B. Clarence Soccer Club – Nov. 20, 2015; C. Kate Buchbinder – Dec. 26, 2015; D. Noreen Gaske – March 13, 2016; E. Brian Decker – April 2, 2016. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider adoption of the Preliminary Budget and Special Districts Assessment Roll for the Town of Clarence for the year 2016.

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

Supervisor Hartzell said they will make the motion to adopt the budget later in the meeting after filing of the budget with New York State.

Joe Nieman requests a Public Hearing to consider a Temporary Conditional Permit for an automotive sales operation at 8400 County Road. James Callahan said this property is located on the north side of County Road, west of Green Acres Road consisting of an existing residence in the Agricultural Rural Residential Zone. The applicant is seeking approval to run a car sales operation. The Town Board may consider the use with a Temporary Conditional Permit.

Joe Nieman said he has been in the car dealer business for a long time. He has a full time business and this is something he would like to do on the side. He wants to retain his dealer license. He has capacity on the site that could house 30 cars. Mr. Nieman has no intention of putting cars at the road or any signage. He sells cars on eBay. It is not meant to be for commercialization and no one will even know it is there. He has cars of friends of the previous owner who let them store them in the building and is not sure what will happen going forward. It is his home and there will not be any employees. He will only be dealing with a couple cars at a time.

Councilman Kolber said the Town has approved this type of business for people to have their dealer's license, but they are all in commercial zones. This is the first time he recalls a request in a residential area. He would be concerned about setting a precedence for that. He suggested renting a small office in a commercial area.

Mr. Nieman said he did not consider that because he looks at it as requiring overhead. The Department of Motor Vehicles needs to know that the zoning of the property allows for it.

Councilman Casilio said they are aware of that. He can see that people may come to his house to look at a vehicle. It is a road the Town has not gone down and it opens it up for others.

Mr. Nieman said he does not show cars, he ships them.

Councilman Casilio said that could be an issue with neighbors having a truck coming in to pick it up.

Mr. Nieman said the last thing he wants to do is be a nuisance to the neighbors. He understands it is a temporary use. He also was not prepared for the volume of traffic on County Road when he bought the home. He would be happy if the Board would consider giving him a chance and if the Town receives complaints, then it is over.

Councilman Casilio said he is not in favor of this because he believes it could grow into something different. He will make the motion to set the public hearing to give the public the opportunity to speak and see what happens.

Motion by Councilman Casilio, seconded by Councilman Geiger to set a Public Hearing for December 2, 2015 at 7:45 p.m. to consider the request for a Temporary Conditional Permit for an automotive sales operation at 8400 County Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell asked Mr. Nieman to explain what his recent award was.

Joe Nieman said his business is a wholesale car dealer auction all done on a smartphone. They won \$1 million to be invested in their business, ACV Auctions, from 43 North. They take a fee from the sale and never touch the cars. The app is free to their customers.

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

RESOLVED, that after a public hearing duly held on November 4, 2015 and after all interested parties being heard, the Clarence Town Board adopts the Preliminary Budget and Special District Assessment Roll for the Town of Clarence as the Adopted Budget for the year 2016 with the following corrections on page 54:

1. The assessed value for the Consolidated Water District is 3,655,374,011 replacing the incorrect figure of 365,537,401.
2. The correct Rate on Assessed Valuation is .109915 replacing the wrong figure of 1.099149.

On the question, Supervisor Hartzell said these changes are being made to correct errors on page 54 of the Preliminary Budget Document that was posted on the Town's website and distributed.

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

There being no further business, Supervisor Hartzell adjourned the meeting at 8:05 p.m.

Nancy C. Metzger
Town Clerk