

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, February 11, 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, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Director of Administration and Finance Pamela CuvIELLO, Highway Superintendent James Dussing.

Director of Community Development – James Callahan

Work Session items for consideration 2/25/15:

Michael Development – southwest corner of Wehrle Drive and Shisler Road

Applicant is seeking environmental review of the submitted design of a proposed Industrial Business Park located in the Industrial Business Park Zone. Located on the southwest corner of Wehrle Drive and Shisler Road. The proposed use will require outside storage. The Town Board has final approval authority and is considered Lead Agency under SEQRA. The Town Board has identified concerns relative to the submitted design and the Planning Department has forward a letter to the applicant to address these concerns. Concerns related to visual impacts and architectural style must be addressed prior to initiating coordinated review.

Michael Metzger stated that he introduced his client's project at the September 2014 Town Board meeting at which time it was referred to the Planning Board. There has been much discussion on the project but no opportunity to speak to the Town Board to discuss some of the issues and questions that have come up. The Planning Board made a recommendation to begin the SEQRA process and that is where the project has been since late fall/early winter 2014.

There have been some revisions to the plan. Mr. Metzger stated that he did error in one respect. There was some concern that there was not enough parking for all the uses at the site so they did their best to add extra parking by putting it in front of the building which the Planning and Zoning Office pointed out was not permitted. So the plan was revised to show parking in the back. The Town Board raised concerns about the original plan and the way it was laid out. To the applicant the lay out was more efficient however the Town Board did not like the aesthetics. Suggestions were made at the September Town Board meeting before it was referred on to the Planning Board that some of the buildings be repositioned and landscaping/berms be added. These items were discussed with the Planning Board and Mr. Metzger's client was agreeable and open to those recommendations. The most recent plan has a significantly different layout than the original plan. The buildings are positioned differently, there are only six buildings that back up to Wehrle Drive. There is an 80 foot front yard setback which is required in this zoning classification. Mr. Metzger's client plans to utilize that area as much as possible for landscaping whether it is for preservation of existing vegetation or adding new landscaping.

Mr. Metzger provided a revised building elevation drawing to give the Town Board an idea of what his client intends to do. The drawing showed one of the proposed buildings with a view from Wehrle Drive included was a berm with landscaping on top. Mr. Metzger's client is willing to make these adjustments to make this proposed business park aesthetically pleasing. He understands the concern of the Town Board with Wilson Greatbatch across the street, they set the bar high and hopefully the Board is not looking at it as if that is the bar everyone has to meet because that is not going to happen. Mr. Metzger felt that the Board could not require this throughout a business park zoning

classification. You have to have reasonable expectations for these properties as they develop. Mr. Metzger presented photographs of other buildings that are currently up and down the Wehrle Drive business corridor. There are a lot of nice looking business type buildings, the Town Board has to keep in mind what these buildings are being used for. They are not doctor's offices or business offices. They are more industrial type business park uses. Mr. Metzger is very confident that his client will be able to meet if not exceed the aesthetics of the Wehrle Drive area and how it has and is developing. His client is totally committed to complying with the aesthetic components of the Town Code.

Councilman Kolber questioned how Mr. Metzger was going to comply with the Town Code when he is proposing metal storage buildings. Mr. Metzger answered that by utilizing the Town Code, he is proposing utilizing two tone colors, heavier materials on the bottoms of the buildings, doing things with the roof lines or faux roof lines etc. The reason Mr. Metzger included pictures of buildings along Wehrle Drive is to show that what his client is proposing is no different than what is already in place along Wehrle Drive.

Councilman Kolber stated that the pictures Mr. Metzger presented only showed the back and sides of the buildings. He did not see Seal and Design or the Enlightened buildings. Mr. Metzger stated that all the pictures were taken from street level.

Councilman Geiger asked if Mr. Metzger's proposed project would be developed in phases. Mr. Metzger stated that the project would be developed in phases, his client's intent would be to develop the far westerly side first. There is a possibility to hook into Wilson Greatbatch sewage treatment facility.

Councilman Casilio asked what type construction are the proposed buildings being constructed of. Mr. Metzger stated that the buildings are metal buildings, possibly pole barns. Councilman Casilio further stated that the proposed site is Industrial Business Park and what Mr. Metzger is proposing is agricultural type buildings across the street from Wilson Greatbatch. Mr. Metzger stated the buildings being proposed are not necessarily used just for agricultural purposes, there are similar developments that are constructed like this elsewhere – not within the Town of Clarence.

Councilman Casilio stated that the type buildings being proposed are something you would see on a farm and he questioned the longevity of these type buildings. It is more of a storage type building, not a manufacturing/industrial type building.

Councilman Casilio asked Mr. Metzger if he could get a clarification from his client as to the type of construction the proposed buildings would be. Mr. Metzger stated that he would get clarification but whether the framing itself is timber construction or steel, if you are talking about aesthetic, the outside is going to be the same.

Councilman Kolber stated that Wilson Greatbatch has the nicest architecturally designed building in town, a huge financial investment across the street from proposed metal storage buildings. That is not the character of what the Town Board is trying to do with that area.

Mr. Metzger stated that his project has 60% open space when 25% is required.

Councilman Kolber questioned the DEC remediation plan. Mr. Metzger stated that if this project were to move forward, at some point the mining operation would cease. They will work with the DEC and provide them with this plan if needed. Councilman Casilio stated that the DEC permits would have to be surrendered first before this project is referred to Planning Department because if you continue mining, the site could change. The Board could end up approving buildings that do not fit on the site or have been mined underneath. Mr. Metzger stated that his client would commit to not requesting any changes to the permit that would expand the operation and this would be the maximum.

Councilman Casilio stated that “you cannot have it both ways” – you are either running a quarry or going ahead with some type of development on this site, he did not feel the applicant could be doing both. Mr. Metzger stated that he did not understand why it couldn't be done. He was not suggesting that his client was going to do that but he was just questioning why it couldn't happen if his client decided to continue mining. There is minimal mining going on now. Councilman Casilio stated that if that is the case then it should not be an issue to surrender the permit.

Councilman Kolber stated that the town has far too many abandon quarry operations that were never remediated that have become liabilities. Mr. Metzger stated that his client is trying to remediate one on his property. Councilman Kolber stated that as long as the DEC permit is open, the site does not have to be remediated. If you surrender the permit, the remediation requirements take effect.

Mr. Metzger stated that if the permit is open and they develop the project in phases and the ultimate project looks like the diagram presented, he questioned what difference did it make. When his client is done mining, the project will look like the development plans as presented.

Councilman Casilio asked what the quarry would look like when Mr. Metzger's client is done mining. He questioned how you could continue mining with buildings proposed for along the water of the quarry. Mr. Metzger stated that if you look at the elevations, the proposed building is significantly above the water elevation. Further, Councilman Casilio suggested a plan of what the quarry looks like before the project is started. Mr. Metzger stated that the drawings as presented is what the project will look like when his client is done mining it.

Councilman Casilio stated that if there is a change in use on the property, the DEC mining permit should be surrendered and there should be a drawing of what is being proposed especially along the back side. Mr. Metzger stated that at full build out there will be nothing along the back side of the property, his client is not proposing to put anything back there.

Mr. Metzger stated that this project has been presented to the Planning Board. The Planning Board has made a recommendation to the Town Board to begin SEQRA – the environmental review process. Mr. Metzger is putting forth a project that is and will be totally compliant with the Zoning Ordinance, he will work with the town to the maximum extent possible for aesthetics and buffering. All he is asking for is to begin the environmental review process.

Councilman Casilio stated that he would like to see the mining permits surrendered and he would like to see a drawing which the DEC would accept to close out the quarry. Mr. Metzger stated that he did not see any reason why the DEC would object to this plan. But he will contact the DEC and find out if the drawing presented would be a reasonable reclamation plan. Mr. Metzger further stated that his client is not going to relinquish his mining permit, there is no reason to do so. This project is not going to get built over night and to give up the mining opportunity does not make any sense.

Councilman Casilio stated that the Town Board is being asked to approve the entire project. If Mr. Metzger is saying that his client wants to develop a few buildings on one end of the site then present a project as such if he wants to keep running a quarry.

Mr. Metzger stated that if he were to present a plan showing a partial build out, the Town Board would ask him what his plans were for the rest of the property. He is presenting plans to show the full build-out of the property. Councilman Casilio stated that Mr. Metzger's client will continue to dig a hole until the entire project is complete.

Town Attorney Meckler asked when would there no longer be a need for the mining permit. Mr. Metzger stated that it would be towards the latter part of the project.

Councilman Casilio said he would like a statement from the owner of the property as to his plans for the mining permit and how he feels about contacting the DEC.

Councilman Kolber stated he has concerns about regrading the mined out area, top soiling and restoring vegetation so it does not look like an abandoned gravel pit. His number one concern is the architectural significance of this project and keeping the character of the surrounding businesses in that area so that this project does not look like rows of metal storage buildings. Councilman Geiger concurred with Councilman Kolber he did not like the pole barn concept.

Mr. Metzger stated that his client will fully 100% comply with the Town Ordinance and in addition, he will work with the Town Board, the Planning Board and the Landscape Committee to the maximum extent possible to provide landscaping and berms.

Councilman DiCostanzo stated that when he saw plans for an industrial park, he had a good feeling about it and thought it would be similar to Casilio Parkway. He was not expecting nineteen pole barn type buildings. He is not expecting a project to look like Wilson Greatbatch building but there has to be a happy medium possibly buildings like Seal and Design with brick and mortar in front and pole barns to the rear. The project as presented looks like a long row of pole barns.

Mr. Metzger stated that this is a 30 acre site with 2000 feet of frontage along Wehrle Drive. Councilman Kolber stated that Mr. Metzger keeps talking about landscaping and buffering however he is talking about the architectural aspects of the building not steel /metal pole barn buildings, which he is not in favor of. In speaking with the Planning and Zoning Department, Councilman Kolber stated that the Town Board has a lot of discretion in that aspect because of the character of the area in terms of architectural requirements.

Councilman Casilio stated that the pictures that Mr. Metzger presented were taken from cul-de-sacs and did not show the front of the buildings facing Wehrle Drive and Gunnville Road. Mr. Metzger stated that every picture was taken from the road. Mr. Metzger further stated that some of the buildings would not be seen except those facing Casilio Parkway and Barton Road.

Councilman Casilio discussed the letter Mr. Metzger submitted to the Town Board three hours before this evenings meeting. The letter mainly talked about timing, Councilman Casilio did not feel the statements in the letter were true when it talked about timing.

The Town Board sent Mr. Metzger a letter on December 31, 2014 and he chose to answer the letter three hours before this meeting. In his letter, Mr. Metzger stated that the Town has not responded to him. Mr. Metzger stated that it has been five months since he was last able to talk to the Town Board. There was a lengthy discussion as to why Mr. Metzger was removed from the February 4th morning Work Session agenda. Mr. Metzger stated that he could not speak openly in the Work Session meetings. He sat through many meetings where his client's project has been discussed and all he has heard was opinions, comments and questions that he had no opportunity to answer. At the December 17th, 2014 Work Session meeting, it was agreed that Mr. Metzger would be put on the January 21, 2015 Town Board agenda as an item for discussion. Sometime after that was agreed to, it was changed. The Town Board directed the Planning Department to send a letter December 31, 2014 asking Mr. Metzger to amend his proposed plan - bringing him back to square one with no opportunity to discuss his client's project.

Town Attorney Meckler stated that he directed the Planning Department to send the December 31st letter to Mr. Metzger because there were several issues the Town Board had regarding this project.

Councilman Casilio stated that the Town Board never received a reply from the December 31st letter until three hours ago. Mr. Metzger stated that he was basically told that his project would not be addressed until he made major amendments to the plan. He needed to talk to the Town Board about that, it has been five months since he has had the opportunity to speak to the board.

Councilman Kolber stated that the Town Board referred Mr. Metzger's project to the Planning Board at the September 10th, 2014 Town Board meeting. There were comments from the Board as to the layout of the project, architectural style and landscaping that the Board wanted addressed. Yet the presentation to the Planning Board was for the exact same project. Mr. Metzger disagreed and said that the project had been amended before being presented to the Planning Board. He specifically took the recommendations from the motion made at the September 10th Town Board meeting and amended the project. The buildings were reoriented, the plans also showed landscaping and berms per the Town Board's request. Councilman Casilio disagreed and stated that the drawing presented to the Planning Board at the October 1st meeting was the same exact drawing that was presented to the Town Board at the September 10th meeting. This has raised red flags and is why the Town Board has requested a revised concept plan per the Town Board recommendations for this project before it went to the Planning Board. Councilman Casilio attended the Planning Board meeting on October 1st and the drawing presented was the same exact drawing presented to the Town Board at the September 10th meeting. Councilman Kolber concurred with Councilman Casilio that it was the same drawing/plan. After that, the Town Board wanted to make it perfectly clear that the Town Board did not want to see that exact same plan come back to the Town Board and waste all the time and effort on Mr. Metzger's part, the Planning Board's part and eventually the Town Board's part with all the same issues. The only thing that changed was the orientation of the buildings. The architectural materials of the buildings has not changed.

Councilman Casilio stated that all the Town Board wants are drawings/plans that assimilate what the Town Board wants before the project goes to the Planning Board. The Town Board made a request of the applicant and the request was basically ignored.

Town Attorney Meckler stated that the purpose of the December 31st letter was to get a response from Mr. Metzger to clarify the concerns of the Town Board.

Mr. Metzger stated that his frustration is that he has not had a chance to discuss his project with the Town Board. Councilman Casilio disagreed.

Councilman Casilio wanted Mr. Metzger to clarify outside storage at this site. According to the letter presented to the Town Board, it indicates that there will be no outside storage. There have been complaints about outside storage at the County Road Industrial Park. His intent is not to see lawn service trailers, cars in need of repair etc. outside these buildings. Mr. Metzger stated that if there is a business that operates within the site and this is their home base, they may park their equipment at night and come the next day and take their equipment off site. There would be outside storage of this type. Again Councilman Casilio stated that there are 32 buildings which means 32 opportunities to have lawn mowers, trailers, cars & trucks in need of repair etc. stored outside. Mr. Metzger's letter states in paragraph 3 - "The owner decided that the project will not contain an outside storage area any longer which would have required a special approval of the Town Board." When a car, truck, trailer is left overnight, it is being stored.

Councilman Kolber stated that some construction materials, trailers things that are ancillary to that type of operation is part of it. Again Councilman Kolber stated that he

does not want to see all these metal buildings in that area. He wants to see something architecturally significant, not rows and rows of metal buildings – that is his number one concern.

Councilman Geiger suggested Mr. Metzger review the marketing plan. There may be a different market other than landscaping and construction. See if there is a need for the type facility that is being discussed that won't demand all this negativity and therefore build a nicer building of possibly stone and brick for other type businesses.

Mr. Metzger stated that he should stop making references to landscaping and construction businesses, the tenants have not been decided upon yet.

Councilman Kolber stated that if the Board does not like a project from the start, they do not want to move it forward without being comfortable about the outcome. It wastes everyone's time and money.

Town Attorney Meckler stated that is why the letter was sent to Mr. Metzger asking that the concerns of the Town Board be addressed in some form.

Councilman Kolber stated that as he looks at the project now, he asks himself whether the project enhances the town or detracts from the town – as the project stands now, it does not enhance the town nor does it enhance the surrounding buildings or the view scape along Wehrle Drive.

Town Attorney Meckler asked that Mr. Metzger's client inform the town as to when he will no longer require the DEC mining permit. Mr. Metzger stated that he will talk to his client and he will talk to the DEC about a reclamation plan to be sure it is acceptable to the DEC. Councilman Casilio stated that the faster this gets done, the sooner Mr. Metzger can come before the Town Board.

Mr. Metzger stated that he did not expect to get an approval tonight, he wanted to address the Town Board, explain his client's project and address any issues the Town Board had on this project.

Councilman Kolber stated that he is only one vote, but he is not in favor of all the steel buildings in this area.

Councilman DiCostanzo stated that he open for compromise but he is not in favor 19 steel buildings.

Councilman Geiger stated that he might change his mind if the buildings were constructed of brick and stone facades'. Councilman Kolber concurred.

Councilman Casilio stated that the Town Board cannot even look at the buildings until the DEC mining permit is surrendered for the quarry and a plan is submitted for the reclamation of the quarry and whether it includes the buildings or not. Putting buildings on an operational quarry does not make sense. Mr. Metzger stated that he did not understand the potential interference. Mr. Metzger stated that he will talk to his client but he doubts that his client will relinquish his mining permit. Councilman Casilio stated that the size of the quarry could change and interfere with the building area. Mr. Metzger stated that his client does not intend to alter the mining permit as it stands today. Councilman Casilio asked whether town has ever approved buildings being put on top of a quarry without the quarry being surrendered first and a drawing submitted with what will happen to the quarry. Mr. Metzger did not see the relevance. Mr. Metzger stated he will discuss the reclamation plan with the DEC.

Seventeen Hundred Properties 8353 Main Street

Applicant is proposing to develop a one story professional office building for a property management business. The proposed site is located on the southeast corner of Main Street and Susan Drive on existing vacant land located in the Residential Single Family Zone. A use variance was granted in 2007 by the ZBA to allow for a commercial use as a nail salon. Conditions of the variance approval identified that any change in use would require approval by the Town Board. Per the use variance granted to allow for a commercial use, the Town Board has final approval authority for a Change in Use. The Planning Board has forwarded a recommendation to issue a Negative Declaration under SEQRA and to approve the change in use as designed. There will be no access to Main Street and no dumpsters on site. A complete set of plans is available in the Planning and Zoning Office for review. Councilman Kolber had concerns with outdoor lighting interfering with the neighbors. The parking is more than sufficient to accommodate the employees.

Towne Maserati 8215 Main Street

Applicant is proposing to develop a Maserati Dealership at 8215 Main Street, located on the south side of Main Street, east of Transit Road behind the BMW Dealership at an existing previously approved office use located in the Commercial Zone and within Erie County Sewer District #5. Per the Zoning Law, the Town Board has approval authority via a Special Exception Use Permit for automotive uses. The property previously underwent an environmental review for the office use. The Town Board will be Lead Agency on this modification. All setbacks and bulk requirements are per code. The existing office space on the parcel will remain. The Planning Board has forwarded a recommendation to approve the Change in Use. A Public Hearing will be required to consider a Special Exception Use Permit.

Regent Development-Wehrle Dome Apartments 8230 Wehrle Drive

Applicant is proposing a mixed use project including 112 units of multiple family housing. The proposed site is located on the north side of Wehrle Drive east of Transit Road (existing driving range) located in the Commercial Zone within Sewer District #5. Per the Zoning Law, the Town Board has authority to approve multiple family housing projects with a Special Exception Use Permit. The ZBA has granted a use variance to allow for 112 residential units. A Negative Declaration under SEQRA has been issued by the Town Board and by the ZBA on the actions. The Planning Board has approved the Concept Plan and architectural style of the amended design. A Public Hearing is required to consider the Special Exception Use Permit. Michael Metzger representing Regent Development stated that a traffic consultant was hired and Traffic Safety Engineer Michael Asklar from Erie County DOT was in attendance at several Planning Board Executive Committee meetings to discuss the traffic along Wehrle Drive. The Planning Board Executive Committee spent a lot of time thoroughly reviewing this and it was determined that Wehrle Drive could accommodate additional traffic from the proposed project. An agreement was reached with The Million Hair Salon to have a joint access lining up with North Maple (south side of Wehrle Drive in Lancaster), the other entrance will line up with the Harris Hill Nursing Home. There will be connectivity to Coventry Green apartments with architectural style similar to Coventry Green apartments as well.

Domenic Piestrak-Spaulling Green Open Space Design Subdivision

Applicant is seeking Final Plat approval and road dedication for existing previously approved Development Plan for extension of streets within the Spaulling Green Development to connect to Greiner Road. This phase includes approximately 2200 linear feet of Glenview Drive with 30+/- sub lots. Per the Subdivision Law, the Town Board has final approval authority for final plats and public road dedications. The Town Highway Superintendent and Town Engineer must approve the construction.

Highway Superintendent James Dussing

Superintendent Dussing has crews pushing snow back at different intersections. The Town of Clarence and the NYS DOT are dumping snow at the Nature Center. The NYS DOT has contracted with private trucking firms, the DOT is monitoring the coming and going of the private contractors. Councilman Kolber stated that he has received several compliments on the conditions of the Town's roads. Additives have been mixed with the salt to make it last the rest of the season.

Supervisor David Hartzell

- Set a bid date for Wednesday, March 4, 2015 for a new Tandem Vibratory Roller
- Declare surplus equipment – Highway Department
- Make two appointments for the Highway Department
- Approve the transfer of funds – 2014 Highway Department
- Award Survey, design and bid phase Services for Waterford Bike path Extension
- Transfer funds from the 2014 General Fund Budget
- Grant unpaid medical leave of absence
- Increase the number of members for the Arboretum Advisory Committee

Supervisor Hartzell would like to film all the Town Board meetings and put them on the Town's website. He currently has money in his Supervisor's budget for a camera. He will investigate the cost and report back to the Town Board.

Councilman Bernard Kolber

- Motion authorizing Supervisor to file application with Certified Local Government Grant Program
- Transfer Funds – 2014 Law Department Budget
- Transfer Funds – 2014 Justice Court Budget
- Appoint Jamie Brawdy to the Historic Preservation Commission

The Historic Preservation Commission is still waiting to see what can be done with the McIver house at 10375 Main Street. They have completed the barn survey and Councilman Kolber suggested a presentation be given to the Town Board.

The Historic Preservation Commission is currently reviewing several demolition permits including the Emerling Insurance Agency and the house at Clarence Center and Transit Road. Councilman Kolber commented on the house torn down in Clarence Hollow. The area is an unsightly mess. He further commented that the Town should take action to have the applicant restore the property. Councilman Geiger spoke with the applicants and the architect is still working on a plan for that site.

Councilman Patrick Casilio

- Motion to close out several Capital Projects
- Appoint Peter Vasilion as Town Prosecutor
- Approve the transfer of funds - 2014 Security Budget
- Approve the transfer of funds from the 2014 General Fund Budget
- Award Program and Design Management Services for Police & Town Court Project
- Award Survey Services for Police and Town Court Project
- Award Architectural & Engineering Design Services for Police and Town Court Project

Councilman Peter DiCostanzo

- Motion to encumber funds from 2014 Summer Recreation Budget
- Approve the request of Pam CuvIELLO to attend Annual Government Finance Officers Association Conference
- Motion to post the position of Account Clerk PT
- Motion to create the position of Account Clerk PT
- Motion to post the position of Laborer FT for the Parks Department
- Set a Bid Date for Gas and Diesel fuel for Parks and Highway Department
- Seek Lead Agency Status SEQR for 5989 Transit Road

The Ethic's Board interviewed Michelle Braun this morning and are recommending she be appointed to the Ethic's Board.

Town Assessor Christine Fusco is going to interview a candidate for the open position on the Assessment Review Board. James Shoemaker was the only applicant to apply.

Councilman DiCostanzo reminded residents to shovel around fire hydrants.

Councilman Robert Geiger

- Transfer Funds – 2014 Animal Control Budget
- Encumber funds from 2014 Animal Control Budget
- Transfer funds – 2014 General Fund – Youth Bureau Budget
- Appoint Senior Center Board members
- Authorize Supervisor to sign Working Agreement for the Clarence Green Print Program

Motion by Supervisor Hartzell, seconded by Councilman Casilio to adjourn the Work Session at 7:16PM.

Darcy A. Snyder

Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, February 11, 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 Councilman Bernard Kolber, followed by a prayer by Councilman Robert Geiger.

Members of the Town Board present were Council Members 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 Supervisor Hartzell to accept the minutes of the work session and regular meeting held January 21, 2015. On the question, Councilman DiCostanzo had the following amendments: page 35 – a motion by Councilman Geiger referring to a term of 6 months for the Rotella contract should be 12 months; page 38 – regarding Tim Horton's, should work out; and page 38 regarding Emerling Insurance, it is a 6,200 sq. ft. building. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to accept the minutes of the work session held the morning of February 4, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell announced that the Chamber of Commerce is holding their Annual Awards Dinner on February 26th at Samuel's Grande Manor. Tickets are still available at the Chamber office.

Supervisor Hartzell recognized Curt Cashmore from the Chamber of Commerce who was present. Curt has been a member of the Chamber for 38 years.

Supervisor Hartzell announced that the School District will hold the second of three budget meetings on February 23rd at 7:00 p.m. in the Clarence High School. The budget is still undefined.

Supervisor Hartzell said the Williamsville Mayor Kulpa has been instrumental in driving the "Picture of Main Street" program that has raised over \$7million in grants for the renovation of Main Street in Williamsville. He thanks him for showing them how he pushed the program forward.

Supervisor Hartzell thanked our Highway Department for the long hours they have been working to keep our roads clear. Highway Supt. James Dussing told him that he cannot remember a year when they worked so much overtime. We do have enough salt to last through the winter.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to set a bid date for Wednesday, March 4, 2015 at 10:00 a.m. for a new Tandem Vibratory Roller for the Highway Department.

On the question, Supervisor Hartzell said bid specifications will be available at the Highway Department and in the Town Clerk's Office.

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

Motion by Supervisor Hartzell, seconded by Councilman Geiger to declare the following Highway equipment as surplus and no longer needed for Town purposes:

H-4 - 2004 GMC ½ Ton Pick Up Serial No. 1GTEK14V54Z275019

H-6 - 2004 Chevrolet ½ ton Pick Up Serial No. 1GCEC14V14E308408

H-14 - 1999 Chevy 4 WD Dump Truck Serial No. 1GBJK34R4XF088605

H-36 - 1993 Ford S/A L9000 Dump Truck Serial No. 1FDYK90L5PVA34021

H-40 - 1997 Ford Dump Truck Serial No. 1FDZY90L7VVA15289

On the question, Supervisor Hartzell said this surplus equipment will be sold at auction. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio that upon the recommendation of Highway Superintendent, James Dussing, to make the following appointments for the Highway Department:

To appoint James Englert from Laborer to the open position of Maintenance Worker FT at the step 1 of the Blue Collar Unit Schedule hourly rate of \$22.9831 effective February 14, 2015; and

To appoint Jeffrey Smith to the open Laborer FT position at step 1 of the Blue Collar Unit Schedule hourly rate of \$21.0839 effective February 14, 2015.

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

Motion by Supervisor Hartzell, seconded by Councilman Kolber to approve the transfer of funds from the 2014 Highway Department Budget as follows: \$270.09 from account No. 002.5110.0413 – Resurfacing Materials to account No. 002.5110.0435 – Small Tools; \$5,980.51 from account 002.5142.0433 – Snow Equipment Rental to account 002.5110.0433 Equipment Rental. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber that upon the recommendation of the Town Engineer, the Town Board awards the Survey, Design and Bid Phase Services for the Waterford Bikepath Extension to Wm. Schutt Associates of Lancaster, New York in the amount of \$24,800 in accordance with the fee proposal dated October 29, 2014 and authorizes the Supervisor to sign and enter into an agreement with Wm. Schutt Associates upon review and approval of the Town Attorney.

On the question, Supervisor Hartzell said this is to be paid from Capital Project 83 – Construction of Bikepaths.

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

Motion by Supervisor Hartzell, seconded by Councilman Geiger to approve the transfer of funds from the 2014 General Fund Budget as follows:

\$337.03 from 001.1620.0479 – Other Unclassified
to 001.1620.0454 – Stationary Plant and Equipment Maintenance.

\$1,415.13 – from 001.1620.401 Office Supplies
to 001.1620.0450 Maintenance of Buildings and Grounds.

\$777.00 from 001.1620.401 Office Supplies
to 001.1620.0438 Light Heat and Power.

\$651.74 from 001.1620.0402 Janitorial Supplies
to 001.1620.0438 Light Heat and Power.

\$342.08 from account 001.1953 – Telephones
to 001.1976 Clean-Up spring and fall.

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

Motion by Supervisor Hartzell, seconded by Councilman Geiger to approve a three-month unpaid medical leave of absence to Highway Department employee Timothy Blakely from February 25, 2015 to and including May 31, 2015.

On the question, Supervisor Hartzell said the granting of this request is due to extreme, extenuating circumstances for Mr. Blakely. Mr. Blakely is subject to the provisions of Article 22 – section 22.2 of the Town of Clarence Blue Collar Unit Contract. Any future requests by Mr. Blakely or any other persons in the future will be taken on a case-by-case basis at the discretion of the Town Board. The Town Board is not creating a precedence setting policy by granting this request.

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

Motion by Supervisor Hartzell, seconded by Councilman Kolber to increase the number of members for the Arboretum Advisory Committee from 5 member to 7 members effective February 12, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that David C. Hartzell Jr, as Supervisor for the Town of Clarence, is hereby authorized and directed to file an application for funds from the Certified Local Government Grant Program in an amount not to exceed \$5,364.80 and upon approval of said request to enter into and execute a project agreement with the Certified Local Government Grant Program for such financial assistance to the Town of Clarence to pursue the professional services of a Specialist to conduct a Historic Preservation Training Event in the Town of Clarence. The local match requirement will be developed through in-kind and volunteer participation from Town Staff as well as Historic Preservation Commission members.

On the question, Councilman Kolber said the Commission is looking to increase their training to help increase the scope of what they can accomplish.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the transfer of funds from the 2014 Law Department Budget as follows: \$837.75 from account – 001.1420.0471 – Legal and Professional Fees to account – 001.1420.0423 – Books and Supplements. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the transfer of funds from the 2014 Justice Court Budget as follows:

\$432.00 from account 1.1110.457 - Repairs and Equipment
to account 1.1110.272 – Uniforms

\$210.00 from account 1.1110.434 – Official Court Stenographer
to account 1.1110.432 – Dues and Subscriptions

\$809.50 from account 1.1110.471 – Training and Education
to 1.1110.469 – Drug Court Expenditures

\$ 56.00 from account 1.1110.470 - Expense and Travel
to 1.1110.469 – Drug Court Expenditures

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

Councilman Kolber said a letter of resignation was received from Linda Mosher who has served on the Historic Preservation Commission, as she is moving away. She has been on this board for quite some time and we hate to see her go.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept, with regret, the resignation of Linda Mosher from the Historic Preservation Commission. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman DiCostanzo to appoint Jamie Brawdy to the Historic Preservation Commission with a term to expire December 31, 2018.

On the question, Councilman Kolber said this appointment is being made to fill the opening left by the resignation of Andrea Sanmarco, whose term expired December 31, 2014. Councilman Casilio said Ms. Brawdy had interviewed for a different position, but we learned that she had education and experience in historic preservation. She will be a great asset to this board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber that upon the request of the accounting office, to close the following Capital Projects:

#27 – Parks office roof – cash balance 0

#30 – Paving @ Main Park – cash balance 0

#25 – Goodrich Sidewalks – cash balance 0

#32 – Main Park Pool Improvements – cash balance \$53,205.19 use to pay down BAN

#34 – Purchase of Youth Bureau land & building – cash balance \$9,509.37 use to pay down BAN

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

Motion by Councilman Casilio, seconded by Councilman Geiger to appoint Peter Vasilion as Prosecutor for Clarence Town Justice Court for both Justice Sillars and Justice Powers at the rate of \$18,000.00 effective as of January 1, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the transfer of funds from the 2014 Security Budget as follows:

\$1,180.57 from account 001.3120.0471 – Training, Education & Licensing
to account 001.3120.0100 – Personal Services.

\$ 219.37 from account 001.3120.0471 – Training, Education & Licensing
to account 001.3120.0417 – Auto Parts and Accessories.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the following transfer of funds from the 2014 General Fund Budget as follows:

\$1,458.88 from account A1440.416 – Engineer Gas/Oil to account A3620.416 – Building Department Gas and Oil.

\$288.49 from account A1440.417 – Engineer Auto Parts to account A3620.417 – Building Department Auto Parts.

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

Motion by Councilman Casilio, seconded by Councilman Kolber that upon the recommendation of the Town Engineer, the Town Board awards the Program and Design Management Services for the Police and Town Court Project to Architecture Unlimited, LLC of Clarence, New York in the amount of \$78,500 in accordance with the scope of work proposal dated January 30, 2015 and authorize the Supervisor to sign and enter into an agreement with Architecture Unlimited upon review and approval of the Town Attorney.

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

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

Motion by Councilman Casilio, seconded by Councilman Geiger that upon the recommendation of the Town Engineer, the Town Board awards the Survey Services for the Police and Town Court Project to Wm. Schutt Associates of Lancaster, New York in the amount of \$5,475 in accordance with the fee proposal dated October 23, 2014 and authorizes the Supervisor to sign and enter into an agreement with Wm. Schutt Associates upon review and approval of the Town Attorney.

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

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

Motion by Councilman Casilio, seconded by Councilman Kolber that upon the recommendation of the Town Engineer, the Town Board awards the Architectural and Engineering Design Services for the Police and Town Court Project to Kideney Architects, P.C. of Amherst, New York in the amount of \$380,800 in accordance with the fee proposal dated February 2, 2015 and authorizes the Supervisor to sign and enter into an agreement with Kideney Architects upon review and approval of the Town Attorney.

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

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

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to encumber funds from the 2014 Swimming Pool Budget as follows: \$1,734.69 from account 001.7180.0250 – Tables, Benches and Umbrellas, PO #52641 to John W. Danforth. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Gregorio to approve the request of Pam CuvIELLO, Director of Administration and Finance, to attend the 36th Annual Government Finance Officers Association Conference from March 24 - 27, 2015 in Albany, NY for an amount not to exceed \$510.00 for the cost of the Conference and Membership fees plus all reasonable and necessary expenses to be paid by the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to create the following position: 1 - Account Clerk PT.

On the question, this is being done for Civil Service purposes and the position is non-competitive. Pursuant to Civil Service Rules and Regulation, part time position designations are a maximum work week of 19 hours.

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

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to post the position of Account Clerk PT at a range of \$18.00 to \$20.00 per hour for approximately 10 to 15 hours per week. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to post the position of Groundskeeper FT for the Parks Department at Step 1 of the Blue Collar Unit Contract Salary

Schedule. On the question, Councilman DiCostanzo said this will be a promotional appointment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to post the position of Laborer FT for the Parks Department at Step 1 of the Blue Collar Union Contract Salary Schedule at the rate of \$21.0839/hour. On the question, Councilman DiCostanzo said there are 2 positions open. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to set a bid date for Monday, March 2, 2015 at 10:00 a.m. for 2015-2016 Gas and Diesel Fuel for the Parks and Highway Department Tanks. On the question, Councilman DiCostanzo said bid specifications will be available in the Town Clerk's Office. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law, and upon the recommendation of the Planning Board, the Clarence Town Board seeks Lead Agency status and commences a coordinated review among involved agencies on the proposed McGuire Commercial Plaza with Drive-thru. This Unlisted Action involves the development of a commercial retail plaza with a Tim Horton's Drive-thru in the Commercial zone at 5989 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following transfers of funds in the Parks Department 2014 Budget: \$7,280.00 from account 00.17110.0450-0000 Maintenance of Building & Grounds to the following utility accounts - \$4,339.68 to 001.7110.0468-0000; \$1,423.13 to 001.7450.0438-0000; \$108.04 to 001.7450.0454-0000; \$1,409.15 to 001.7610.0438-0000. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said the Ethics Board has conducted interviews to replace the position left by Jeff Buckley. The Board recommends the appointment of Michele Braun and he will make that appointment at the next Town Board meeting.

Councilman DiCostanzo said there is also an opening on the Assessment Review Board and the only applicant received will be interviewed next week. If anyone else is interested they should get an application right away.

Councilman DiCostanzo said as a reminder if you have a hydrant near your house, please try to clear it. It could save your life.

Motion by Councilman Geiger, seconded by Councilman Casilio to approve the transfer of funds from the 2014 Control of Animals budget as follows:

\$ 238.93 from account 001.3510.0403 – Uniforms to
account 001.3510.0416 – Gas and Oil.

\$ 872.57 from account 001.3510.0100 - Personal Services

\$ 122.87 from account 001.3510.0403 – Uniforms

\$ 155.37 from account 001.3510.0451 – Repairs and Maintenance of Vehicles

\$ 229.22 from 001.3510.0474- Kennel Expenses

\$ 79.00 from 001.3510.0475 – SPCA costs

For a Total amount of

\$1,459.03 to account 001.3510.0450 – Building and Maintenance.

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

Motion by Councilman Geiger, seconded by Supervisor Hartzell to approve the transfer funds from the 2014 General Fund – Publicity Account to 2014 Animal Control as follows: \$468.84 from account 1.6410.479 – General Fund-Publicity to account 001.3510.0450 – Animal Control Building and Maintenance. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Kolber to Encumber funds from the 2014 Animal Control Budget as follows: \$3,600.00 from account 001.3510.0450 – Building and Maintenance for Purchase Order No. 53921 – Picket Fence. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Casilio to approve the transfer of funds from the 2014 Youth Bureau Budget as follows:

\$4,037.78 from account A7310.435 – Special Programs

to account A7310.250 - Building Improvements

\$4,392.22 from account A7310.450 - Maintenance of Bldg. & Grounds

to account A7310.250 - Building Improvements

\$ 297.67 from account A7310.450 – Maintenance of Bldg. & Grounds

to account A7310.416 - Gas and Oil

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

Motion by Councilman Geiger, seconded by Supervisor Hartzell to make the following appointments to the Clarence Senior Center Board: Rosemond Ruhland with a term to expire December 31, 2016; and John Crawford with a term to expire December 31, 2016.

On the question, Councilman Geiger said these appointments are being made to fill 2 vacancies.

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

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to authorize the Supervisor to sign the Working Agreement for the Clarence Greenprint Program with the Western New York Land Conservancy for a one year term beginning January 1, 2015 and ending December 31, 2015, subject to review and approval of the Town Attorney. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger said he was down in the Clarence Hollow today and the NYS Highway Department was trucking out excess snow.

Town Clerk Nancy Metzger reminded everyone that the Town & County Taxes are due on Tuesday, February 17th.

Supervisor Hartzell said the Town Board had a great work session tonight. He applauds the Town Board for taking a look at the project that was presented which could potentially be great or terrible. The Town of Lancaster IDA prides themselves on being a rubberstamp. Our Board is definitely not. We work at getting projects right for the Town of Clarence.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence Bulldogs Football – Feb. 12, 2015; B. CSEA Blue Collar Unit – Feb. 18 & Apr. 14, 2015; C. Clarence Fillmore Cemetery – Feb. 18, 2015; D. Clarence HS Varsity Boys Swim Team – March 15, 2015; E. Clarence HS Rifle Team – March 17, 2015; F. CSEF Inc. – March 20, 2015; G. Clarence Historical Society – 2015 monthly meetings; Legion Hall Applications – A. Maria Bassig – May 9, 2015; B. Sharon Groff – May 16, 2015; C. CSEA Blue Collar Unit – Nov. 6, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of January 29, 2015 are approved for payment: General Fund \$188,511.68; Highway Department - \$110,228.85; Water District - \$219.01; Fire Protection Districts - \$8.69; Drainage District - \$24,483.28; Lighting District - \$847.38; Sewer Districts - \$283.38; and Trust & Agency 203 - \$8,159.26 for a total amount of \$332,741.53. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of February 12, 2015 are approved for payment: General Fund - \$79,952.82; Highway Fund - \$70,842.62; Water District - \$2,412.00; Capital Fund - \$15,862.00; and Trust & Agency 203 - \$3,671.20 for a total amount of \$172,740.64. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said he would like to adjourn the meeting tonight in memory of Lou Visone, a longtime Clarence resident who was involved in many things in the Town.

Councilman Casilio said he would also like to remember Daniel Trippie another longtime resident of the Town.

There being no further business, Supervisor Hartzell adjourned at 8:15 p.m.

Nancy C. Metzger
Town Clerk