

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, May 11, 2016, 2016 at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 5:30 PM. Members of the Town Board present were Councilmember's Peter DiCostanzo, Robert Geiger, Christopher Greene and J. Paul Shear. Other Town Officials present were Director of Community Development James Callahan, Junior Planner Jonathan Bleuer, Assistant to the Supervisor Karen Jurek, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Senior Building Inspector David Metzger, Director of Administration and Finance Pamela Cuviallo, Town Justice Michael Powers, Deputy Town Attorney Steven Bengart and Parks Crew Chief James Burkard.

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

Motion by Councilman Green seconded by Councilman DiCostanzo to adjourn the Executive Session at 6:12PM. Upon roll call – Ayes: All; Noes: None. Motion carried.

The Work Session reconvened at 6:12PM

Clarence Girls Softball – Barry Chubb, Kenneth Wolf and Joseph Kausner
Girls Softball representative Barry Chubb introduced a plan for constructing a pavilion at Memorial Park. Over the years, Clarence Girls Softball has done numerous projects with the parks. Their goal is not to come to the Town to ask for money, they have raised funds to get this project started. They would like to work together with the town to satisfy the needs of the softball community as well as the entire Clarence community. A visual of Memorial Park was presented. The soccer fields to the left of the proposed pavilion could also utilize the facility, the second phase of the project would be to add lavatories to the pavilion. Currently girls' softball uses portable lavatories to accommodate the number of people that use the fields. The pavilion design would be similar to the Braunscheidel Pavilion at the Main Street Park. Joseph Kausner stated that the proposed pavilion will be approximately 24' x 60' which would incorporate a future bathroom facility.

Clarence Girls Softball has the money to build the pavilion and install the pipes for waterlines, the cost with volunteer labor and materials would be approximately \$40,000. They are looking down the road to see how they can work with the town. They would purchase water lines and electrical lines and have the Parks Department install them in the future. Again Mr. Kausner stated that they are not looking for money, they are looking to partner with the Town to make a better facility for the town which would be open all the time and available to all sports leagues. Clarence Girls Softball would have first claim on the pavilion as far as bookings go. It will take approximately 5-years to raise enough money for the lavatory facility. The lavatories at the Braunscheidel pavilion are open all the time and open to the public. Parks Department personnel opens them in the spring and winterizes them in the fall. The pavilion would be built on town property and owned by the town. Ken Wolf stated that they are trying to promote softball and make it a great experience for the girls. They have many house league games and 11-travel softball teams. They host one of the best softball tournaments in WNY. They always wanted water and power at Memorial Park and they figured the pavilion would be a nice start. Parks Crews Chief James Burkard stated that he was not real keen on having the pavilion at the proposed location but he understands that it will get more use because it will abut the soccer fields. Originally the pavilion was to be located near their equipment storage shed. Ken Wolf stated that they had thought of that location but they did not feel it would serve the entire community being so far away from everything, additionally they thought it would be easier getting utilities to the pavilion from the proposed location. James

Burkard suggested looking at the architectural style and how it will fit in. The driveway will have to be moved and there will have to be room for a leach field.

The Town Board was in agreement with constructing a pavilion at Memorial Park and gave the go ahead to proceed with drawings.

Director of Community Development – James Callahan

Public Hearings:

Dunn Tire 6585 Transit Road

Applicant is proposing to renovate and add on to the existing commercial structure to accommodate a new Dunn Tire store. The proposed site is located on the east side of Transit Road north of Miles Road at existing commercial structure located on 1.87+/- acres in the Commercial Zone. Per the Zoning Law the Town Board has final approval authority for automotive uses via a Special Exception Use Permit. The Planning Board has issued a Negative Declaration on the project and approved the site plan with numerous conditions. The Planning Board has also forwarded a recommendation for a Special Exception Use Permit. A variance for a front yard setback has been granted by the Zoning Board of Appeals. Action on the Special Exception Use Permit may occur after the required public hearing.

Formal agenda items:

Rocky's Big City Games and Sports Bar 4545 Transit Road

Applicant is proposing a new façade for the restaurant/bar. The proposed site is located on the east side of Transit Road, north of Main Street within the Eastern Hills Mall in the Major Arterial Zone. Per the Zoning Law, the Town Board has an opportunity to comment on the upgrades prior to formal review by the Planning Board. Architectural style and building materials should be defined.

Natale Builders – Creekwood Meadows Open Space Design Development

Applicant is proposing a modification to the previously approved design to accommodate 30-residential lots on a private road system. The proposed site is located on the north side of Roll Road west of Newhouse Road in a residential single family classification and within Erie County Sewer District #5. A previously approved Open Space Design Development was approved in 2006. Per the Zoning Law the Town Board has final approval authority on Open Space Design Developments. The Planning Board has forwarded a recommendation on the project with conditions. Erie County Sewer District had made an agreement with Natale Builders to upgrade the Loch Lea pump station to accommodate this. In the interim the owner of the former New House Acres is still interested in developing and wanted a piece of the proposed new pump station on New House Road that would accommodate both developments. This will change the development plan requirements for this if it moved forward. The recommendation from the Planning Board, working with Erie County DPW and Clarence Highway Superintendent Dussing is to move the access road as far to the east as possible to accommodate the neighbors to the west. As part of the Planning Board recommendation, an emergency exit is proposed on Field Brook to the north. It is not a public drivable lane, it is a restricted access with security gated emergency access.

Braunscheidel LGS Property Services 9610 County Road

Applicant is seeking approval to construct a new commercial structure in the Industrial Business Park Zone to accommodate an existing property management service company. The proposed site is located on the north side of County Road, east of Goodrich Road. Per the Zoning Law the Town Board has final approval authority for new uses in the Industrial Park Zone. The Planning Board has issued a Negative Declaration

on the project, approved the Concept Plan and has forwarded a recommendation on the use.

Day in the Park 10405 Main Street

Day in the Park is requesting a Fireworks Display Permit to be held at their event on June 25, 2016 at 10405 Main Street. Per State and Local Law, the local municipality has the authority to approve fireworks display permits. All required fees, insurance, bonds, contractor identification and site plans are on file.

Eastern Hills Mall 4545 Transit Road

Four separate automotive dealerships in the vicinity are seeking formal permission to store excess inventory on the mall parking lots. The dealerships are Transitowne Dodge, West-Herr Chevrolet, Mercedes-Benz and Ray Laks Acura. Per the Zoning Law, the Town Board has sole authority to approve automotive uses. Permitting may be considered via a Temporary Conditional Permit. Limits on the numbers and terms of storage should be defined.

Work Session items for consideration May 25, 2016:

Davis Tiburzi 6855 Transit Road

Applicant is proposing a mixed use development including multiple family housing, single units and commercial uses. The proposed site is located on the east side of Transit Road, north of County Road on existing 2.0+/- acres of vacant land located in the Swormville Traditional Neighborhood District. Town Engineer Lavocat stated that there are some flood zone issues that can be worked through. This proposed project is located in Erie County SD#5.

Rock the Barn

Applicants are requesting approval of their Special Events Permit for the 12th annual Rock the Barn. The two day special event featuring live music is scheduled for July 15- 16, 2016. The venue is located on the south side of Main Street, east of Shimerville Road. Proceeds benefit Meals on Wheels.

Motion by Councilman Greene, seconded by Councilman Shear to enter into Executive Session pursuant to § 105(1) F to discuss the employment history of a particular person. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

The Work Session recessed at 7:00 PM.

The Work Session reconvened at 8:45 PM

Building Inspector – David Metzger

Dave Metzger stated that there has been some discussion relative to the upcoming home show. Originally the home show sponsors were going to erect a large tent on Glenview, they are now proposing to erect several individual 10x10 pop-up tents on the north curb on Alderbrook. Councilman DiCostanzo said he would rather see one large tent, the 10 x 10 tents do not fair well on a windy day. Supervisor Casilio said that he wants the Builders Association to control traffic, he does not want cars parking in the neighborhoods. The neighborhood garage sale will not interfere with the home show.

Motion by Supervisor Casilio, seconded by Councilman Shear to enter into Executive Session to discuss an Attorney-Client item. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Casilio, seconded by Councilman Shear to adjourn the Executive Session. Upon roll call – Ayes: All; Noes: None. No action taken.

Supervisor Patrick Casilio

Supervisor Casilio advised the Board that there is a question regarding the Town's membership with NEST (North East Solid Waste). He has reviewed this with Highway Superintendent Dussing and with highway superintendents from other towns. Even though the town does not have a garbage district, it is in our best interest to remain members of NEST. Membership fee is approximately \$1500.

Several requests have come in for the purchase and placement of memorial benches along the bike paths. Supervisor Casilio distributed informational packets to the Town Board. The amount to charge for each bench will have to be determined. The location of benches will have to be controlled. Supervisor Casilio request that the Board review the information and be ready to possibly vote on it in two weeks. Parks Crew Chief James Burkard did not want benches in the middle of Memorial Park that his men would have to mow around. Supervisor Casilio suggested that people buy trees in the arboretum.

Supervisor Casilio would like to begin the process of repurposing the Nature Center. The two individuals that were running programs for the school at the Nature Center have retired. Councilman Geiger has met with school officials and they are still looking for someone to run the program. Councilman Geiger has another couple that may be interested, they currently run the butterfly farm at the Farmers Market.

Supervisor Casilio said some of the repurposing should include trying to get donated furniture from the school or elsewhere. Currently there is child size furniture in the center, he would like to bring in adult size furniture. He would like to encourage other organizations to use the facility for educational purposes. Currently the Boy Scouts and Girl Scouts use the Clubhouse and Legion Hall for their monthly meetings.

Councilman Geiger spoke to a representative that runs Tuft Farm and Beaver Meadows. He is also good friends with the couple that run the butterfly farm at the Farmers Market. They could bring in speakers and host programs for the community. Councilman Geiger questioned whether this was something the Town wanted to open up to the public or just the residents of the Town. These things will have to be worked out.

The Clarence Contemporary Club recently donated \$300 to the Nature Center. That money went into the Nature Center fund which currently has a balance of \$900. He would like to send a thank you letter to the Contemporary Club on behalf of the Town Board.

Supervisor Casilio stated that the school district has not moved forward with the School Resource Officer, they have to commit to it.

Councilman Peter DiCostanzo

Councilman DiCostanzo informed the Board that all the Ethic's Disclosure forms have been submitted.

Councilman DiCostanzo commented on the presentation given by Clarence Softball, while he does not want every sports league building pavilions throughout the town, he

likes the idea of splitting costs. They have offered to construct and pay for the pavilion, he further commented that he would like to somehow help them out down the road.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to enter into Executive Session (at 9:25PM) under section 105(1) F to discuss the financial history of a particular corporation. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to adjourn the Executive Session at 9:45PM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

Councilman Christopher Greene

Councilman Green has been researching the latest technology for an inter-active display board for Town Board/Planning Board meetings. The new touch screen monitors mirror whatever you have on existing tablets, meaning you can draw and point to items on your tablet that will display on a larger wall monitor. The IT representative suggested the display board be put on a rolling cart to take from meeting room to room. The cost for the inter-active display board would be approximately \$4,000 - \$5,000. Councilman Greene will meet with the IT representative sometime in July so this can be discussed further during the budget process.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to enter into Executive Session (9:56PM) pursuant to § 105(1) F to discuss the employment history of a particular person. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to adjourn the Executive Session at 10PM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

There being no further business, the Work Session adjourned at 10:00 PM.

Darcy A. Snyder
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, May 11, 2016 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 7:06 p.m. Pledge to the flag was led by Councilman J. Paul Shear, followed by a prayer given by Pastor Nickel of Holy Cross Lutheran Church.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to accept the minutes of the work session and regular meetings held April 27, 2016. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Casilio apologized for being a few minutes late. They did not have a chance to finish, so he will be reconvening to the work session following the regular meeting.

Motion by Supervisor Casilio, seconded by Councilman Greene to grant a Special Event request for the American Legion #838 Memorial Day Parade to be held on May 30, 2016 beginning at 11:00 a.m. and ending at approximately 12 noon.

On the question, Supervisor Casilio said the parade will begin at the Clarence Sr. High School at 9625 Main Street and end at the Clarence Town Park at 10405 Main Street. In the event of inclement weather, the parade will be cancelled and the memorial ceremony will be held in the Town Park Clubhouse at 11 .a.m. All the appropriate agencies will be notified.

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

Motion by Supervisor Casilio, seconded by Councilman Shear to adopt a Bond Resolution of the Town of Clarence, New York, dated May 11, 2016, authorizing the construction of Municipal Separate Storm Sewer System (MS4) improvements; stating the estimated maximum cost thereof is \$1,200,000; appropriating said amount for such purpose; and authorizing the issuance of bonds in the principal amount of \$1,200,000 to finance said appropriation, subject to a permissive referendum.

On the question, Supervisor Casilio said a complete copy of the Extract of Minutes for said Bond Resolution will be on file in the Office of the Town Clerk and are incorporated in the minutes of these proceedings.

Town Engineer Timothy Lavocat said in summary, this is the result of EPA mandates on Town facilities to make improvements to our storm sewer system and sanitary sewer system.

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

Motion by Supervisor Casilio, seconded by Councilman Greene to appoint Cheryl Hufnagel as Clerk PT for the Clerk-PT pool effective May 16, 2016 at the rate of \$15.00 per hour. On the question, Supervisor Casilio said Cheryl has 20 years of experience with the Town and would be an asset in the Clerk-PT pool. Evelyn Messineo Clerk-PT recently resigned for a full-time job. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Casilio, seconded by Councilman Geiger that upon recommendation of Town Engineer Timothy Lavocat to appoint Jason Ranney to the position of Engineering Aide PT - Seasonal in the Engineering Department effective May 31, 2016 at the budgeted rate of pay, subject to receipt of all pre-employment paperwork and pre-employment requirements being met. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo reported that the Ethics Committee received all of the employee disclosures. There are currently no active complaints or requests for opinion before the Ethics Board.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger that upon the recommendation of James Burkard, Crew Chief, Michael P. Pfentner be appointed to the position of Maintenance Worker FT in the Parks Department from the position of Laborer effective March 15, 2014 at step 1 of the Blue Collar Union Contract. On the question, Councilman DiCostanzo said this is a promotional appointment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to appoint the following to the position of Laborer PT-Seasonal for the Parks Department at the budgeted rate of \$9.00/hour subject to receipt of all pre-employment paperwork and pre-employment requirements being met: Michael Rawdin effective May 16, 2016; Scott Goodwin effective May 25, 2016; and Elliot Case effective May 26, 2016. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to adopt a Bond Resolution of the Town of Clarence, New York, dated May 11, 2016, authorizing the acquisition of highway equipment; stating the estimated maximum cost thereof is \$915,000; appropriating said amount for such purpose; and authorizing the issuance of bonds in the principal amount of \$915,000 to finance said appropriation, subject to a permissive referendum.

On the question, Councilman DiCostanzo said a complete copy of the Extract of Minutes for said Bond Resolution will be on file in the Office of the Town Clerk and are incorporated in the minutes of these proceedings. This is for equipment purchased over a period of time per the Highway Capital Projects schedule.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to appoint the following to the position of Recreation Specialist PT-Seasonal subject to receipt of all pre-employment paperwork and pre-employment requirements being met: Kelly Rusin effective June 4, 2016 at \$16.40/hour; Jeffery Schmidt and Angela Staszak effective June 11, 2016 at \$16.40/hour. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint the following to the position of Recreation Attendant PT-Seasonal subject to receipt of all pre-employment paperwork and pre-employment requirements being met: effective June 11, 2106 at the rate of \$10.00/hr. - Adam Singh; effective June 11, 2106 at the rate of \$9.00/hr. - Allison Dentinger, Michael Keller, Kelly Quinn and Sarah Quinn. Upon roll call - Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to appoint the following to the position of Lifeguard PT Seasonal for Summer 2016 subject to receipt of all pre-employment paperwork and pre-employment requirements being met: effective June 1, 2016 at the rate of \$11.18/hr. - Elizabeth Kreppel; effective June 1, 2016 at the of \$10.59/ hr. - Hanna Biedny, Tanner Geiger, Jeffrey Terragnoli; effective June 6, 2016 at the rate of \$10.59/hr. - Kaitlin Alcazaren, Rachel Bengart, Amanda Collins, Caitlyn Roberts, Sunita Singh; effective June 6, 2016 at the rate of \$10.28/hr. - Ekatarina Aaron, Suneil Goel, Andrew Kleinman, James Lovallo, Melanie Walter and Devin Weincek. Upon roll call – Ayes: All; Noes: None. Abstain: Councilman Geiger said he abstains on Tanner Geiger as he is his grandson. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Greene to accept the bid from New York Municipal Insurance Reciprocal (NYMIR) for the Property, General Liability and Automotive Insurance for the Town of Clarence effective May 21, 2016, subject to Town Attorney approval. On the question, Councilman Di Costanzo said our insurance agent, Floss, looked at several providers and NYMIR was the best price. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger welcomed Jan Reicis and Alayne Donner from the Chamber of Commerce.

Councilman Geiger read a proclamation proclaiming May 2016 as “Bike Month” in the Town of Clarence.

Councilman Greene announced that the Friends of the Clarence Library will be holding a used bike sale on Saturday, June 4th. They will be accepting donations on Thursday, June 2nd and Friday, June 3rd. They had about 60 bikes donated the last time and they were gone within two hours.

Councilman Greene said tickets for LobsterFest are sold out.

Councilman Shear said the Historic Preservation Commission held a regional seminar this past weekend at the Town Park Clubhouse. People came from all over Western New York.

Supervisor Casilio said he attended a seminar put on by the Youth Bureau last night regarding campus security. A campus security officer from the University of Buffalo spoke to parents and students heading to college this year.

Councilman Geiger said the Historical Society had a program on Gettysburg last night at the Clubhouse. It was an excellent presentation.

A Public Hearing was held to consider the request by Dunn Tire for a Special Exception Use Permit for an automotive service business at 6585 Transit Road. James Callahan said the location is the east side of Transit Road, north of Miles Road consisting of a vacant structure in the Commercial Zone. The applicant is proposing to redevelop the site for a Dunn Tire Store. The Planning Board has issued a Negative Declaration under SEQRA and approved the concept plan. A recommendation was also forwarded for approval of a Special Exception Use Permit.

Sean Hopkins, attorney on behalf of Dunn Tire and David Simons were present. The project includes an expansion with office space in the front and six service bays to the north. They will improve the façade with the addition in front. They will add extensive landscaping along Transit Road frontage. As recommended by the Planning Board, the light standard on the back of the building will not be there. The eastern most 75 ft. would be preserved as permanent open space.

Mr. Hopkins said Dunn Tire is interested in getting started as soon as possible. They have work left with the engineer, the DOT and Erie County. This would complete this portion of the process.

Councilman Shear noted that they did go to the Zoning Board of Appeals for a front yard setback.

Mr. Hopkins said they received a variance for 70 ft. from 80 ft. for the front office addition.

Supervisor Casilio said this is a huge improvement for this location and he hopes they are successful.

Mr. Hopkins said they are closing the curb cut on the south end of the property and changing the curb cut at the north. They spoke to the adjacent owners regarding the dead trees.

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

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

RESOLVED, that after a public hearing duly held on May 11, 2016, and after all interested parties having been heard, the Clarence Town Board approves the request of the applicant, Dunn Tire, for a Special Exception Use Permit for the renovation and construction of an addition to the existing structure at 6585 Transit Road to accommodate a new Dunn Tire store subject to the following conditions:

1. The establishment of a deed restriction to preserve the eastern most 75' of existing vegetation at the rear of the property, subject to Town Attorney review and approval.
2. All lighting at the site to be dark sky compliant, with no separate standards on the east side (only wall mounted fixtures).
3. The dumpster to be enclosed, covered and screened and the waste tire disposal to meet applicable code requirements.
4. The three (3) bay doors on the eastern façade to the rear of the building to be kept closed with the exception of ingress and egress of vehicles being worked on.
5. Subject to all regulatory agency and departmental approvals for required permits.
6. Subject to Open Space and Recreation Fees

On the question, Councilman Shear said a variance for a front yard setback has been granted by the Zoning Board of Appeals. Upon roll call – Ayes: All; Noes: None. Motion carried.

Rocky's Big City Games and Sports Bar requests a Building Permit and Architectural Approval for a façade update at 4545 Transit Road. James Callahan said the location is within Eastern Hills Mall in the Major Arterial Zone.

David Scrivani and his architect were present.

Supervisor Casilio said he appreciates that they moved the sign truck.

It is difficult to see from Transit Road. The height of the new façade is under the 45 ft. as required.

Councilman Shear said he remembers discussion of the two signs on the front of the building.

Supervisor Casilio asked about the lighting on the façade.

The first level will be lit. The upper level windows will be back lit. They are trying to create a city like view with a nighttime glow.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to refer the request for Architectural Approval for Rocky's Big City Games and Sports Bar for a new façade on the existing restaurant/bar located at 4545 Transit Road within the Eastern Hills Mall to the Planning Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Natale Builders requests an Amended Concept Plan Approval for a 30-lot Open Space Design Development known as Creekwood Meadows Subdivision. James Callahan said the location is the north side of Roll Road, west of Newhouse Road consisting of vacant land in the Residential Single Family Zone. The Planning Board has forwarded a recommendation with several conditions.

Ken Zollitsch from Greenman Pederson, Angelo Natale and Larry LaDuca were present. This was previously approved several years ago under a different owner. This plan is for smaller lots and a 24 ft. private drive. They have agreed to the conditions of the Planning Board. They placed the road where it is to line up with the road across Roll Road for traffic flow purposes. However, they are open to moving it closer to the east, but there are Federal Wetlands across most of the front. They can only move it about 20 to 30 feet to the east as long as it does not impact the wetlands.

Councilman Shear said we received a letter from the neighbor to the west stating that they would like to see it moved farther to the east or somehow buffered.

Mr. Zollitsch said they have discussed buffering, but there are also wetlands that they have to avoid.

Councilman Shear said they may not have much luck with vegetation in the wetland areas. It may be better to move it to the east. He said he looked at a plan that had a walkway only around part of the pond and wondered if that has changed.

Mr. Zollitsch said it will loop around. It is not a final plan. They may require some approvals so they have not finalized it yet. It will not dead end in the middle of nowhere.

Motion by Councilman DiCostanzo, seconded by Councilman Greene to approve the request of the applicant, Natale Builders, for an Amended Concept Plan to the previously approved design to accommodate 30 residential lots in the Creekwood Meadows Open Space Design Development subject to the following conditions:

1. The entire Gott Creek Corridor to be preserved in its natural state including trees and existing vegetation.
2. A recreational trail, preferably looped, shall be established on the property as allowed by regulatory agencies.
3. The private road to be built to standards acceptable to the Town Engineering Office.
4. A Homeowners Association Agreement shall be established, with review and approval by the Town Attorney's Office, to properly maintain the private infrastructure and all open space within the project limits and include provisions for the protection of identified wetlands. The gate or barrier system is to be plowed in the winter in case it needs to be used.
5. A minimum 50% open space must be maintained as a part of the overall project, in perpetuity.

6. The building setbacks shall be 25' minimum front yard setbacks and 6' minimum side yard setbacks.
7. A gate or barrier system, acceptable to the Fire Chief and Highway Superintendent shall be placed at the northern and southern ends of the required emergency access road to limit access to Fieldbrook Drive to emergency vehicles only.
8. Landscape Committee approval on the final design including buffering along the entrance drive and street trees.
9. Parking shall be prohibited on one side of the project road.
10. All site lighting to be dark sky compliant including lighting at the entrance road.
11. The applicant will explore moving the entrance road as far east as feasible in consultation with Erie County DPW and the Town Highway Superintendent, to better buffer the neighbors to the west.
12. Subject to Open Space and Recreation Fees.

On the question, Councilman Shear said the Homeowners Association will maintain the private infrastructure. It should include the gate or barrier system so that it is plowed in the winter in case it needs to be used.

Councilman DiCostanzo said he would amend the motion to add that to item 4.

Supervisor Casilio asked if this was going to be an energy efficient neighborhood.

Angelo Natale said it is. Each homeowner will be responsible for their individual units. It is all private.

Supervisor Casilio said they have a strong homeowners association. The Town does not have any obligations.

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

Braunscheidel LGS Property Services requests approval for a new use in the Industrial Business Park Zone at 9610 County Road. James Callahan said the location is the north side of County Road, east of Goodrich Road consisting of vacant land in the Industrial Business Park Zone. The Planning Board approved the Concept Plan and issued a Negative Declaration. The Town Board has final approval authority.

Brian Braunscheidel, owner was present.

James Callahan said there will be further discussion on the location of the berm.

Councilman Shear said his personal opinion is to have the berm up front. He would rather see the rear of the property remain wild as it is now.

Motion by Councilman Shear, seconded by Councilman Geiger to approve the use of the property located at 9610 County Road as a Landscaping Property Service Facility in the Industrial Business Park Zone per the request of the applicant, Braunscheidel LGS Property Services, pursuant to the Concept Plan approval by the Planning Board with the following conditions:

1. No outside storage of equipment and outside storage of materials to be enclosed and screened.
2. Landscape Committee review and approval of the final landscape plan prior to Development Plan approval.
3. Open Space and Recreation Fees.
4. All site lighting to be dark sky compliant.

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

Day in the Park Committee requests a Fireworks Display Permit for June 25, 2016 at 10405 Main Street. James Callahan said application, bonding, site plan, and insurance are on file.

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to approve the request for a Fireworks Display Permit to the Day in the Park Committee for the Annual “Day in the Park” Fire Works Display at 10405 Main Street on June 25, 2016. On the question, Councilman Geiger said all the appropriate paperwork has been received. Upon roll call – Ayes: All; Noes: None. Motion carried.

Eastern Hills Mall requests Temporary Conditional Permits for automobile storage for the following automotive dealerships: a. Mercedes-Benz of Buffalo; b. Transitowne Automotive; c. Ray Laks Acura; and d. West-Herr Chevrolet.

James Callahan said there are four separate automotive dealers requesting that they be allowed to store vehicles at Eastern Hills Mall parking area. The Town Board may approve this request through a Temporary Conditional Permit requiring a public hearing.

Supervisor Casilio said he does not believe DMV allows you to sell vehicles from locations other than the dealership. We are enforcing that part of the code. They appreciate the removal of the cars from in front of the mall. We are trying to enforce vehicle sales in other parts of the Town and they are saying look at the mall. He believes any conditions set through this process would be for one year. He asked if there are any other malls in Western New York who have cars for sale.

Molly Laks said she cannot think of another mall with the least amount of tenants occupying the mall. She believes that behind the mall is a great idea.

Supervisor Casilio said there are houses being built behind the mall. The Town is also interested in controlling the lights at the mall. He understands security, but running them all night long could be an issue. It may have to be controlled somewhat. Another issue is who to call if the alarms go off in the middle of the night.

One applicant stated that security notifies them if an alarm goes off.

Supervisor Casilio said there is not going to be any display allowed up front. If someone has a special event to sell cars, they would come to the Town for permission. This is for storage only.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to set a public hearing for June 8, 2016 at 7:15 p.m. to consider a Temporary Conditional Permits at Eastern Hills Mall for Transitowne Dodge, West-Herr Chevrolet, Mercedes-Benz and Ray Laks Acura for excess automobile storage. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Greene to approve the following: Clubhouse Applications - A. Clarence Citizens for Veterans – June 8, 2016; Legion Hall Applications - A. Donald Andres – June 26, 2016, B. Kelli Grieco – Aug. 5, 2016; Park Special Request - A. Clarence Cub Scout Packs – Oct. 1 & 2, 2016. Upon roll call – Ayes: All; Noes: None Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger that after proper audit and review by the Town Board, the following bills of May 5, 2016 are approved for payment: General Fund - \$116,936.40; Highway Fund - \$43,802.74; Fire Protection Districts – \$3,157.04; Drainage District - \$18,296.55; Lighting Districts - \$517.59; Capital Fund - \$3,050.00; Aquatic Growth District - \$1,001.00; and Trust & Agency - \$4,255.78 for a total amount of \$191,017.10. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Casilio adjourned the meeting at 8:10 p.m. in memory of Kyle “Barney” Gaskill, a longtime employee of the Clarence Highway Department and a member of the Clarence Center Vol. Fire Company.

Supervisor Casilio said the Town Board will reconvene to the work session opened prior to the regular meeting.

Nancy C. Metzger
Town Clerk

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Clarence, in the

County of Erie, New York

May 11, 2016

* * *

A regular meeting of the Town Board of the Town of Clarence, in the County of Erie, New York, was held at the Town Hall, One Town Place, Clarence, New York, on May 11, 2016.

There were present: Hon. Patrick Casilio, Supervisor; and

Board Members: Peter DiCostanzo, Councilman
Robert Geiger, Councilman
Christopher D. Greene, Councilman
J. Paul Shear, Councilman

There were absent: None

Also present: Nancy Metzger, Town Clerk

* * *

Patrick Casilio, Supervisor offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK, ADOPTED MAY 11, 2016, AUTHORIZING THE CONSTRUCTION OF MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) IMPROVEMENTS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000; APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE; AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$1,200,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARENCE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarence, in the County of Erie, New York (herein called the "Town"), is hereby authorized to construct Municipal Separate Storm Sewer System (MS4) improvements, pursuant to Administrative Order CWA-02-2015-3053 of the United States Environmental Protection Agency. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,200,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$1,200,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$1,200,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of

the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution,

to publish or cause to be published, in full, in "*The Clarence Bee*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARENCE, NEW YORK

PLEASE TAKE NOTICE that on May 11, 2016, the Town Board of the Town of Clarence, in the County of Erie, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Clarence, New York, adopted May 11, 2016, authorizing the construction of Municipal Separate Storm Sewer System (MS4) improvements; stating the estimated maximum cost thereof is \$1,200,000; appropriating said amount for such purpose; and authorizing the issuance of bonds in the principal amount of \$1,200,000 to finance said appropriation.”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct Municipal Separate Storm Sewer System (MS4) improvements, pursuant to Administrative Order CWA-02-2015-3053 of the United States Environmental Protection Agency; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,200,000; APPROPRIATING said amount for such purposes; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$1,200,000 to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,200,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,200,000 bonds will exceed five (5);

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 11, 2016
Clarence, New York

Nancy Metzger
Town Clerk

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was seconded by J. Paul Shear,
Councilman and duly put to a vote on roll call, which resulted as follows:

AYES: Patrick Casilio, Supervisor
Peter DiCostanzo, Councilman
Robert Geiger, Councilman
Christopher D. Greene, Councilman
J. Paul Shear, Councilman

NOES: None

The resolution was declared adopted.

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Clarence, in the

County of Erie, New York

May 11, 2016

* * *

A regular meeting of the Town Board of the Town of Clarence, in the County of Erie, New York, was held at the Town Hall, One Town Place, Clarence, New York, on May 11, 2016.

There were present: Hon. Patrick Casilio, Supervisor; and

Board Members: Peter DiCostanzo, Councilman
Robert Geiger, Councilman
Christopher D. Greene, Councilman
J. Paul Shear, Councilman

There were absent: None

Also present: Nancy Metzger, Town Clerk

* * *

Peter DiCostanzo, Councilman offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK, ADOPTED MAY 11, 2016, AUTHORIZING THE ACQUISITION OF HIGHWAY EQUIPMENT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$915,000; APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE; AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$915,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARENCE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarence, in the County of Erie, New York (herein called the "Town"), is hereby authorized to acquire highway equipment. The aggregate estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$915,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$915,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$915,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Clarence Bee*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official

newspaper of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARENCE, NEW YORK

PLEASE TAKE NOTICE that on May 11, 2016, the Town Board of the Town of Clarence, in the County of Erie, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Clarence, New York, adopted May 11, 2016, authorizing the acquisition of highway equipment; stating the estimated maximum cost thereof is \$915,000; appropriating said amount for such purpose; and authorizing the issuance of bonds in the principal amount of \$915,000 to finance said appropriation.”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire highway equipment; STATING the aggregate estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$915,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$915,000 to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$915,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purposes for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$915,000 bonds will exceed five (5);

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 11, 2016
Clarence, New York

Nancy Metzger
Town Clerk

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was seconded by Robert Geiger,
Councilman and duly put to a vote on roll call, which resulted as follows:

AYES: Patrick Casilio, Supervisor
Peter DiCostanzo, Councilman
Robert Geiger, Councilman
Christopher Greene, Councilman
J. Paul Shear, Councilman

NOES: None.

The resolution was declared adopted.
