

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, July 22, 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 Patrick Casilio, Peter DiCostanzo and Robert Geiger. Councilman Kolber was absent. Other Town Officials present were Junior Planner Jonathan Bleuer, Town Attorney Lawrence Meckler, Senior Building Inspector David Metzger, Planning Board Chairman Robert Sackett, Confidential Secretary to the Supervisor Karen Jurek, and Planning Board members Paul Shear and Steven Dale.

Interviews:

Recreation Advisory Committee – Kirk Lincoln

Library Board – Michele Mogavero

Director of Community Development James Callahan

Formal Agenda:

Heritage Ministries/Vinecroft Senior Housing 5945 Vinecroft Drive

Applicant is requesting approval to construct two additional duplexes (4 units) on the existing campus. The proposed site is located on the east side of Newhouse Road, south of Clarence Center Road at existing 62 unit retirement community containing 44 apartments and 9 duplexes on 21.84 acres. The area is identified in a Planned Unit Residential Development (PURD) which identifies a maximum density of 3 units per acre. The PURD Zoning is approved based upon a site plan. Any amendment to the overall site plan/PURD requires approval of the Town Board. The drainage concerns have been addressed.

At their July 15, 2015 meeting, the Planning Board recommended to the Town Board a Negative Declaration under the State Environmental Quality Review Act and an amendment to the PURD Zoning for the construction of 2 additional duplexes (4units).

Work Session items for consideration August 12, 2015:

Essex Greens-Waterford Village PURD

Applicant is requesting to construct six residential single family lots (6 units) in place of five (5) duplex lots (10 units). The proposal reduces the original approval of ten (10) units to six (6) units. The proposed site is located on the north side of Roll Road, west of Dana Marie Parkway in existing Planned Unit Residential Development (PURD) containing the Commons, Estates, Greens, Landings and Campus. The PURD Zoning is approved based upon a site plan. Any amendment to the overall site plan/PURD requires approval of the Town Board.

At their July 15, 2015 meeting, the Planning Board recommended to the Town Board an amendment to the PURD Zoning for the construction of six (6) residential single family lots in place of the previously approved five (5) duplex lots. This proposal is in conformance with the original Final Findings for the overall Waterford PRUD, therefore no action under the State Environmental Quality Act is required.

Andrew and Ronald Grimm 8196 County Road

Applicant is requesting to construct a 12-lot Open Space Design Development. The proposed site is located on the north side of County Road, east of Stahley Road on existing 7.24 acres of vacant land located in the Traditional Neighborhood District. An Open Space Design Development Overlay requires Town Board approval.

At their July 15, 2015 meeting, the Planning Board recommended to the Town Board a Negative Declaration under State Environmental Quality Review Act and an Open Space

Design Development Overlay approval for a 12-lot single family residential development. A Public Hearing will be required to consider an Open Space Design Development Overlay. Applicant will mitigate just under half an acre of federal wetlands off site through Ducks Unlimited. All approvals will be subject to full developmental review and engineering review to work out any details including drainage. The Planning Board has discussed a buffer for the homeowner west of the project. The applicant stated for the record that he will work with this homeowner however details have not been worked out yet.

Waterford Estates – Paul Bliss

Applicant is requesting Final Plat approval for Phase III-Part E of Waterford Estates for previously approve 14 lot cul-de-sac located within the Estates portion of Waterford. The proposed site is located east of Corinne Lane and south of Curry Lane.

Councilman Casilio stated that the Homeowners Association has concerns regarding the upkeep of the gazebo and lawn maintenance. He did not feel it was wise to keep moving forward without these issues being addressed.

Town Attorney Lawrence Meckler

Town Attorney Meckler has one Attorney-Client item to discuss in Executive Session.

Town Engineer Timothy Lavocat

Town Engineer Lavocat had a very successful bid opening for the Waterford Bike Path Project. A resolution will be drafted for the next Town Board meeting, work on the bike path will begin the end of September.

Confidential Secretary to the Supervisor Karen Jurek

Agenda for the August 5, 2015 morning Work Session:

- Town Engineer Lavocat will have an update on the Court Facilities Project
- Betty Murtaugh regarding the Arboretum
- Steinmetz Planning Group – update on the comprehensive planning process

Supervisor David Hartzell

- Set a bid date for August 11, 2015 for the sale of several town owned vehicles

Councilman Patrick Casilio

- Councilman Casilio has been spending time reviewing LOSAP (Length of Service Award Program) and invited Joseph Floss to the Work Session to present the numbers to the Town Board
- Councilman Casilio has one item to discuss in Executive Session regarding the employment history of an individual

Councilman Peter DiCostanzo

- Post the position of Real Property Appraiser for the Assessor's Office

Councilman Robert Geiger

- Appoint several student members to the Clarence Youth Board
- Grant permission to the Youth Bureau to use the town vehicle assigned to the Assessor's Department to transport youth volunteers to events during scheduled dates and times

Floss Agency – LOSAP Amendment proposals

At the May 6, 2015 Work Session the Town Board asked Mr. Floss to look at some changes to the LOSAP Plan that might reduce the cost which is part of the reason for this meeting tonight. Since that time, the Town Board has received formal requests from East Amherst, Swormville VFD, Harris Hill VFD and Clarence Center VFD asking for amendments to the LOSAP program (which is a defined benefit plan, a promise to pay – the Town puts money into the plan through VFIS). A cost analysis was distributed.

The current cost for total years of service at 30 years is \$517,500. for all four fire departments (recommended funding to maintain your promise) is capped at 30 years. General Municipal Law allows the cap to be raised to 40 years. Since the program started in 1991 with a five year back pay, there are a few people in each organization hitting that cap so they can continue being volunteer firemen and continue making their points but they have been capped out not by age but by number of years of service. General Municipal Law allows that to be increased to any number up to 40.

The cost chart provided the numbers to increase maximum service years from 30 to 40 years of service (Clarence Center VFC \$665,125, East Amherst \$548,900, Harris Hill \$498,000 and Swormville \$575,600). The final column on the chart showed the cost to amortize over a 5-year period, changing total years of service from 30 – 40 years (Clarence Center \$242,000, East Amherst \$256,400, Harris Hill \$206,400 and Swormville \$245,000). It can be paid off over five years rather than at one point. Town Attorney Meckler said that you are paying off the initial cost over five years but going forward you will still have additional supplemental costs each year.

The chart further illustrated lowering the entitlement age from 62 – 55 years of age which is independent from increasing the maximum service years. The initial cost changing lowering Entitlement Age from 62 – 55: Clarence Center \$1,076,500, Harris Hill \$726,000 and Swormville \$973,400. (East Amherst was not included in the illustration because they lowered their entitlement age in 2008).

Councilman Casilio stated that LOSAP came into law 30 years ago, all the fire companies are hitting the 30 year mark now across the state.

Town Attorney Meckler stated that if both illustrations were adopted (increasing maximum service years from 30 – 40 and lowering the entitlement age from 62 – 55) the cost over 5 years would be over \$10 million dollars.

The President from Swormville VFC was present and stated that they were requesting lowering the LOSAP distribution payout from the current 62 years to age 55. They would not have a problem with going to 59 or 60 to soften the blow to taxpayers. The initial cost changing lowering entitlement age from 62 to 55 would be \$973,400.

Councilman Casilio said that Swormville is being driven by the fact that all of the Town of Amherst fire companies are all at entitlement age of 55.

VFIS representative Kathy Sibol stated at the May 2015 meeting that permanent life insurance could be eliminated and replace it with Group Term Life Insurance outside of the LOSAP Plan, those quotes were included in the packet that Mr. Floss distributed.

Mr. Floss stated that he would be willing to discuss a more specific “blended quote” (increasing maximum service years and lowering entitlement age) if the Board wants to discuss other alternatives. The first quote was free however VFIS charges \$300 for every

quote after that (\$300 for each fire department). Mr. Floss said he will wait to get direction from the Town Board as to whether or not he should proceed with further quotes.

Motion by Councilman Casilio, seconded by Councilman Geiger to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a particular person or corporation. Town Attorney Meckler has one Attorney-Client item to discuss. Upon roll call: Ayes: Councilman Geiger, Councilman DiCostanzo, Councilman Casilio, Supervisor Hartzell; Noes: None. Absent: Councilman Kolber. Motion carried.

There being no further business, the Work Session adjourned at 6:40PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman Geiger to adjourn the Executive Session at 7:08 PM. Upon roll call: Ayes: Councilman Geiger, Councilman DiCostanzo, Councilman Casilio, Supervisor Hartzell; Noes: None. Absent: Councilman Kolber. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, July 22, 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. Councilman Robert Geiger led in the pledge to the flag, followed by a moment of silence.

Members of the Town Board present were Councilmembers Robert Geiger, Peter DiCostanzo, Patrick Casilio and Supervisor Hartzell. Councilman Bernard Kolber was absent. Other Town officials present were Junior Planner Jonathan Bleuer, 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 July 8, 2015. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to approve the minutes of the special meeting held July 15, 2015. Upon roll call – Ayes: Councilmembers Geiger, Casilio and Supervisor Hartzell; Noes: None. Recuse: Councilman DiCostanzo as he did not attend. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to set a bid date for Tuesday, August 11, 2015 at 10:00 a.m. for the sale of the following Town surplus vehicles:

<u>Description</u>	<u>Serial No.</u>	<u>Mileage</u>	<u>Minimum Bid</u>
H-4 2004 GMC ½ ton Pick-up	#1GTEK14V54Z275019	93,713	\$3,200.00
H-5 2004 Chevrolet ½ ton Pick-up	#1GCEC14V14E308408	87,976	\$2,000.00
H-14 1999 Chevy 4WD Dump Truck	#1GBJK34R4XF088605	124,103	\$2,200.00
T-8 2010 Ford Escape	#1FMCU9C75AKA14735	68,348	\$8,500.00

On the question, Supervisor Hartzell said the vehicles will be available for inspection at the Highway Department from 7:00 a.m. to 3:30 p.m. Monday through Friday. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Hartzell, seconded Councilman Casilio that upon the recommendation of the Recreation Advisory Committee, Kirk Lincoln be appointed as a member with term to expire 12/31/15. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Supervisor Hartzell announced that on the advice of counsel, we have hired the firm of Jaeckle Feischmann to take legal action against the NYS Department of Agriculture & Markets to overturn their order which would allow the owners of Thompson Bros. Greenhouse to go ahead with construction of a wind turbine.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to appoint Michele Mogavero to the Library Board with term to expire 12/31/2017. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to post the position of Real Property Appraiser for the Assessor's Office at step one of the White Collar Unit Contract.

On the question, Councilman DiCostanzo said this posting is for a promotional position.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Casilio that upon the recommendation of the Clarence Youth Board, the following are appointed as student members of the Clarence Youth Board for a 1-year term beginning July 1, 2015 and ending June 30, 2016: Magdaline Anderson, Ryan McGuire, Alexander Raymond and Emma Switzer.

On the question, Councilman Geiger said all are current student members of the Clarence Youth Board and would like to continue to serve.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman Geiger said last week our Youth Van was in an accident. All of the individuals involved are fine.

Motion by Councilman Geiger, seconded by Councilman Casilio to grant permission to the Youth Bureau to use the Town Vehicle assigned to the Assessor's Department to transport youth volunteers to events on the following dates and times:

Friday, July 24, 2015 from 11:15 a.m. to 4:30 p.m.

Saturday, July 25, 2015 from 8:45 a.m. to 3:00 p.m.

Sunday, July 26, 2015 from 10:15 a.m. to 5:30 p.m.

Monday, July 27, 2015 from 9:15 a.m. to 2:00 p.m.

Tuesday, July 28, 2015 from 4:00 p.m. to 7:00 p.m.

Thursday, July 30, 2015 from 1:30 p.m. to 3:00 p.m.

Friday, July 31, 2015 from 8:15 a.m. to 12:00 p.m.

On the question, Supervisor Hartzell said in addition to the Assessor's vehicle, they will also be using his vehicle.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman Geiger welcomed Bruce Fowler who was present from the Chamber of Commerce.

Councilman Geiger said Day in the Park will be held on Saturday, July 25th.

Supervisor Hartzell recognized Planning Board Chairman Robert Sackett.

Public Participation

Donald Griffiths invited the Board to examine his property on Old Goodrich Road. The Parks Department came and ripped up the 15 ft. wide ditch on his property for the second time. They destroyed plants that he paid for and plants protected by the State. He and others have enjoyed that property.

Supervisor Hartzell said he would call Jim Burkard and get back to him.

Mr. Griffiths said he called here last Thursday.

Vinecroft/Heritage Ministries requests an amendment to the Planned Unit Residential Development (PURD) to add two duplex structures for a total of four units at 5945 Vinecroft Drive. Jonathan Bleuer said the location is the east side of Newhouse Road, south of Clarence Center Road consisting of a 62-unit retirement community with 44 apartments and 9 duplexes. The site is 21.84 acres in the Planned Unit Residential Development Zone (PURD). The Planning Board has recommended approvals of a Negative Declaration under the State Environmental Quality Review Act, and an amendment to the PURD zoning for two additional duplexes with a total of four units.

Paul Case of Greenman Pederson was present representing the applicant. They have met with the Planning Board and believe they have satisfied all of their recommendations. The new duplexes will match the style of the existing homes. They have received a letter from Bristol Homes to allow for the realignment of the private drive between Vinecroft and Bristol Village.

Councilman Casilio said Councilman Kolber had suggested rotating the one building to face Newhouse, but he feels the way they are presenting it is the right way it should be. It was also recommended by the Planning Board.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendations of the Planning Board under the State Quality Review Act (SEQRA), the Clarence Town Board issues a Negative Declaration on the proposed Vinecroft Planned Unit Residential Development (PURD) amendment. This Unlisted Action involves the construction of two duplex buildings for a total of 4 additional units at the existing senior housing complex. After thorough review of the submitted site plan and EAF it is determined that the proposed project will not have a significant negative impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

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

RESOLVED, that the Clarence Town Board grants the request of the applicant, Vinecroft/Heritage Ministries, to amend the previously approved site plan in the PURD Zone for the property located at 5945 Vinecroft Drive for the construction of 2 additional duplex structures – totaling 4 units, subject to the following conditions:

1. Review and approval of the Town Building and Engineering Department on required permits.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to approve the following: Clubhouse Applications - A. Clarence Youth Bureau – Jan. 30 & 31, 2016; B. Clarence Schools Enrichment Foundation – March 4, 2016; C. Clarence Jaycees – March 19 & 20, 2016; D. Clarence Kiwanis – March 26, 2016; E. Rock Oak Homeowners – Dec. 10, 2016; F. American Legion - May 30, Nov. 11, Dec. 14, 2016; Legion Hall Applications – A. Linda Mittner – Dec. 13, 2015; B. American Legion – May 29 & 30, June 11 and Monthly Meetings for 2016; C. Swallow Creek Homeowners – Jan. 12, July 12, 2016; D. Girl Scout Troop #1498 – Monthly Meetings for 2016; E. Clarence Mustang Hockey – Monthly Meetings for 2016; and F. Adventure Guides – Monthly Meetings for 2016. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo that after proper audit and review by the Town Board, the following bills of July 16, 2015 are approved for payment: General Fund - \$82,405.86; Highway Fund - \$276,238.21; Fire Protection Districts - \$1,183.89; Drainage District - \$43,544.00; Lighting Districts - \$609.98; Sewer Districts - \$200.00; Capital Fund - \$10,369.50; and Trust & Agency 203 - \$1,045.00 for a total amount of \$415,596.44. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

“For the Good of the Town”

Councilman Casilio said in regard to the gentleman who spoke earlier from Old Goodrich about the Parks Department, he believes it would have been the Highway Department.

Supervisor Hartzell said he would call the Highway Superintendent tomorrow.

There being no further business, Supervisor Hartzell adjourned the meeting at 7:50 p.m.

Nancy C. Metzger
Town Clerk