

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, August 12, 2015 at Clarence Town Hall, One Town Place, Clarence, New York.

Deputy Supervisor Lawrence Meckler called the meeting to order at 6:00 P.M. Members of the Town Board present were Councilmember's Bernard Kolber, Patrick Casilio, Peter DiCostanzo and Robert Geiger. Other Town Officials present were Director of Community Development James Callahan, Junior Planner Jonathan Bleuer, Senior Building Inspector David Metzger, Highway Superintendent James Dussing, Confidential Secretary to the Supervisor Karen Jurek, Deputy Town Attorney Steven Bengart, Director of Administration and Finance Pamela Cuviallo, Planning Board Chairman Robert Sackett and Planning Board members Paul Shear and Steve Dale.

Formal Agenda items:

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. This particular proposal involved Waterford Greens and Waterford Landings. 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 PURD, therefore no action under the State Environmental Quality Act is required.

Councilman Kolber noted that there has been issues with the maintenance of the circles within this development. He would like to see this addressed before any more approvals for this project move forward.

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.

Bliss Construction/Waterford Village Planned Unit Residential Development

Applicant is seeking Final Plat approval and road dedication for Phase III, Part E of Waterford Estates – previously approved site plan for Waterford Estates including 14 estate lots along Kilkenny Manor. This will include road dedication of approximately 640 linear feet of Kilkenny Manor and 14 estate lots. The proposed site is located on the north side of Roll Road, east of Corrine Lane within the Waterford Village PURD. A PURD is a site plan based approval, the Town Board has final approval authority for any amendments to the PURD. The Town Engineer and Highway Superintendent have inspected and approved the construction.

Work Session items for consideration August 26, 2015:

Janice Carson 10589 Main Street

Applicant is proposing to sell vehicles at this location. The proposed site is located on the south side of Main Street, west of Ransom Road at existing commercial structure located in the TND Zone and within the Clarence Hollow Overlay. Currently there is an office building in the front and a vehicle detail operation to the rear operating under a Temporary Conditional Permit. The Town Board did not act on a similar request in 2009 and asked the applicant to clean up the property. The property has been improved since the 2009 request and the applicant is seeking consideration for an automotive sales operation. Details on display area and the number of vehicles should be addressed.

Annual Excavation Permits

Per the Town of Clarence Excavation Law, the Town Board annually approves excavation permits. This year there are four requests, all of which were approved last year. Each applicant must submit their respective NYSDEC Mining Permits, bonds and corresponding fees before being placed on the formal Town Board agenda. Renewal requests are from:

Buffalo Crushed Stone

Emeritus Holdings

Lakeside Sod

Michael Development (formerly 100001 Grand Corporation)

Domenic Piestrak – Spaulding Green Open Space Design Subdivision

The original Spaulding Green Open Space design subdivision was approved in 2003 and included 380 sub-lots with the required 50% open space. The original 380 lot development was approved under an environmental impact statement as a supplement to the original Clarence Hollow Pollution Abatement Environmental Impact Statement which generally identified 500 units east of Goodrich Road and north of Greiner Road. There have been several amendments to the original concept plan and several land acquisitions by the owners to maintain the required 50%+ open space. Several proposed phases have been placed on hold as a part of previous amendments, adjusting for building type and utility extensions, always maintaining the originally approved 380 total lots. The applicant has acquired 50 additional sewer taps from a former partner in the Waterford Village PURD. The applicant is proposing to utilize the acquired 50 sewer taps to complete phases 7 and 9 from the original concept. The proposed Phases 7 and 9 include 45 estate lots. The submitted design maintains the required 50% open space. Per the Zoning Law, the Town Board has ultimate authority to approve Open Space Design Subdivision and any amendments thereto. An environmental review will be required. Referral to the Planning Board would initiate a formal review of the application.

A proposed traffic light at Greiner and Thompson Road is part of the mitigation agreement for this project. The County would have to approve the installation.

Russell Salvatore Jr. 6449 Transit Road

Applicant is proposing to demolish the existing residential structure and construct a new mixed use building with approximately 6700+/- square feet of commercial space and eight (8) residential multi-family apartments. The proposed site is located on the east side of Transit Road, north of Old Post Road in the Major Arterial Zone. A 2008 Master Plan 2015 amendment identified that the property should be identified in a Restricted Business Zone to guide future growth. Per the Zoning Law, the Town Board has final authority to amend the Zoning Map and to issue Special Exception Use Permits. The Planning Board has forwarded a recommendation to amend the zoning to Restricted Business per the

approved Master Plan 2015 amendment from 2008 and to issue a Special Exception Use Permit on the project as designed. A recommendation under SEQRA is also a part of the Planning Board action.

Kenyon's Convenience Store 8250-8274 Main Street

Applicant is proposing a revised concept plan for a Kenyon's Convenience store at 8250 Main Street. The proposed site is located on the northwest corner of Main Street and Westwood Road in the Harris Hill TND. Applicant will purchase 8274 (Chuck Eckert's property) and expand their property into 8274 Main Street. All the exits will be on Main Street with a one way entrance off of West Wood.

Joseph Beaser 8255 Goodrich Road

Applicant is requesting a pond permit. In anticipation of meeting all code requirements, Town Engineer Lavocat is review this request.

Highway Superintendent James Dussing

Lightning struck the highway department on Monday night, shutting down the computers, phones and the circuit board on the new generator. Computers are currently back up and running, parts for the generator will be shipped by the end of the week and the phones will be working by Thursday. Superintendent Dussing will check with our insurance agent to see if the generator would be covered.

Deputy Supervisor Lawrence Meckler

At the August 5th, 2015 Work Session, Clarence resident Daniel Loudenslager asked for the Town Board's help in resolving an issue he is having with his neighbor. Deputy Supervisor Meckler along with James Callahan came up with a resolution which would request the Planning Board review legislation that provides protection to the quiet enjoyment of personal property and make any recommendations for adopting local legislation that may assist in the protection of personal property and property rights including distance or setback requirements.

Councilman Kolber stated that he does not like telling people what they can and cannot do on their own property.

Councilman Casilio stated that he has visited the site and the noise is violent.

Councilman Geiger presented a law from the Town of Blooming Grove, NY which addressed some of the issues Mr. Loudenslager has brought up.

Councilman Bernard Kolber

- Declare obsolete computer equipment and copiers as surplus
- Set a Bid Date for September 1, 2015 at 10:00 A.M. for two Toshiba copiers
- Appoint Paul Dabrowski to the Historic Preservation Commission

The Historic Preservation Commission will be coming forward requesting a budget. Only two members of that board have done training. There are several new members and they would like to attend training seminars next year. They will also use the money for office supplies.

The Historic Preservation Commission is requesting funding for several (4 signs/\$22 each) barn board signs. The cost is approximately \$88.

Councilman Kolber has been contacted by a town resident who would like to be put on the Town Board agenda to request a Pickle Ball Court. They have been denied the ability to present a formal presentation to the Town Board in the past. Councilman Kolber will forward the contact information to the Town Clerk.

Councilman Casilio has one Attorney Client item to discuss in Executive Session.

Councilman Patrick Casilio

- Appoint a Heavy Motor Equipment Operator and Motor Equipment Operator in the Highway Department
- Authorize NYSEG to activate a street light at the southwest corner of Jessica Place and Shimerville Road
- Award the Waterford Bike Path Extension to Louis De Prince and Sons
- Award the Salt Storage Structure for the Highway Department to Hybrid Building Solutions, LLC
- Award the Design, Bidding, Construction Administration and Commissioning Services for the Library HVAC Project to IBC Engineering, PC

Councilman Casilio has two Attorney-Client items to discuss in Executive Session.

Councilman Casilio received a request from Diocese of Buffalo Bishop Malone inquiring why there is no NFTA Bus service in the Town of Clarence. His thought was there is no bus service to bring employees/visitors to Brothers of Mercy or the other businesses along Main Street in Clarence. Councilman Geiger has received a similar request. Deputy Supervisor Meckler said that the NFTA would meet to discuss the ridership, what the cost would be and whether it is practical or not. Councilman Casilio stated that he would like to see something in writing regarding this request.

Councilman Peter DiCostanzo

- Appoint Mary Morris as Real Property Appraiser effective September 12, 2015
- Request Planning Board and the Planning Department review legislation that provides protection to the quiet enjoyment of personal property and make any recommendation for adopting local legislation that would assist in the protection of personal property and property rights including distance or setback requirements

John Steinmetz will be here at 9AM on Friday, August 14 to discuss the Comprehensive Plan 2025.

Councilman DiCostanzo has one item to discuss in Executive Session regarding the employment history of an individual.

Councilman Robert Geiger

- Approve request by Jerome Schuler and Anne Cimato to attend a seminar on Wednesday, September 23, 2015 from 9AM – 4 PM
- Approve a Special Event request for Clarence Center Merchants Association – Fall Fest on September 25, 2015
- Approve the purchase of a new paver for the Highway Department

Councilman Geiger received a communication and a signed petition from James Smerecak and the residents on Elmcroft Court in favor of replacing their aging septic systems with sewers. The residents are requesting the Town complete the sewer project and inform the residents when this will take place. Town Engineer Lavocat stated that this area is one of the last areas to get sewers. The estimated cost is \$1.2 million dollars to finish the project, currently there is approximately \$600,000 in the budget – therein lies the problem. Town Engineer Lavocat is working with the Grant Writer to secure grants to finish up Sewer District 9 which includes several other smaller projects as well. Grants take a lot of time but the applications are in.

Motion by Deputy Supervisor Meckler, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) D pending litigation, § 105(1) F the employment history of a particular person and several Attorney-Client items. Upon roll call – Councilman Geiger, Councilman DiCostanzo, Councilman Casilio, Councilman Kolber and Deputy Supervisor Meckler. Absent: Supervisor Hartzell.

There being no further business, the Work Session adjourned at 6:55PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Councilman Casilio, seconded by Councilman Geiger to adjourn the Executive Session at 7:20PM. Upon roll call – Councilman Geiger, Councilman DiCostanzo, Councilman Casilio, Councilman Kolber and Deputy Supervisor Meckler. Absent: Supervisor Hartzell. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, August 12, 2015 at the Clarence Town Hall, One Town Place, Clarence, New York.

Deputy Supervisor Lawrence Meckler called the meeting to order at 7:30 p.m. Councilman Bernard Kolber led in the pledge to the flag, followed by a prayer given by Councilman Robert Geiger.

Members of the Town Board present were Councilmembers Robert Geiger, Peter DiCostanzo, Patrick Casilio and Bernard Kolber. Deputy Supervisor Meckler was present. Supervisor David Hartzell was absent. Other Town officials present were Director of Community Development James Callahan, Deputy Town Attorney Steven Bengart and Town Engineer Timothy Lavocat.

Motion by Councilman Casilio, seconded by Councilman Geiger to accept the minutes of the work session and regular meetings held July 22, 2015. Upon roll call – Ayes: Councilmembers Geiger, DiCostanzo and Casilio; Noes: None. Recuse: Councilman Kolber as he was not present. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Geiger to accept the minutes of the morning work session held August 5, 2015. On the question, Councilman DiCostanzo said on page 221, we talked about Mr. Huck donating the lights and the poles to the Town. The Highway Department will transport the poles. He wants to make it clear that we are only interested in the metal poles. Upon roll call – Ayes: Councilmembers Geiger, DiCostanzo and Casilio; Noes: None. Recuse: Councilman Kolber as he was not present. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Geiger to declare the attached list of Computer Equipment and Copiers as surplus no longer needed for Town purposes and to be disposed of, donated or sold accordingly as set forth by any state or local laws and/or rules and regulations.

On the question, Councilman Kolber said this equipment is obsolete, cannot be or is too costly to repair except for the two Toshiba Copiers that will be offered for sale by sealed bid.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to set a bid date for September 1, 2015 at 10:00 a.m. to submit sealed bids to the Town Clerk for the following copiers:

Toshiba ESTUDIO 355 Copier - E4724, Serial No. CPH914529
Minimum Bid - \$300.00

Toshiba ESTUDIO 455 Copier - E4736, Serial No. No. CQH912870
Minimum Bid - \$350.00

On the question, Councilman Kolber said the information on the copiers will be available from Karen Jurek in the Supervisor's Office.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to appoint Paul Dabrowski to the Clarence Historic Preservation Commission effective August 13, 2015 with a term to expire on December 31, 2015.

On the question, Councilman Kolber said this appointment is being made to fill one vacancy on the Commission due to the resignation of Linda Mosher. Mr. Dabrowski was interviewed by the Commission and they feel he will be a great asset to the group.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the expenditure of \$88 for the purchase of four boards by the Historic Preservation Commission to be funded from the advertising account in the budget. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Councilman Kolber said there are residents who are interested in having a Pickle Ball Court. The group would like to do a presentation for the Town Board. We will get them on an agenda.

Motion by Councilman Casilio, seconded by Councilman Kolber to appoint Marshall Helms to the position of Heavy Motor Equipment Operator at Step 2 of the Blue Collar Unit Contract and to appoint Timothy Norris to the position of Motor Equipment Operator at step 1 of the Blue Collar Unit Contract, both appointments effective August 17, 2015.

On the question, Councilman Casilio said these appointments are being made upon the recommendation of the Highway Superintendent, James Dussing to fill the two open positions that were posted on July 13, 2015.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize New York State Electric and Gas to install and activate a cobra head streetlight at the southwest corner of Jessica Place and Shimerville Road at a cost of \$1,410.67. The standard, fixture, connection and mount to be owned and maintained by New York State Electric and Gas under the terms and conditions of the Service Class 3 street lighting agreement between New York State Electric and Gas and the Town of Clarence.

On the question, Councilman Casilio said this is to be paid from account No. 1.5182.438 – Street Lighting.

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

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

RESOLVED, that after holding an open competitive bid, the Clarence Town Board awards the Waterford Bike Path Extension to Roll Road project to Louis Del Prince and Sons of Cheektowaga, New York as they were the lowest responsible bidder for a total bid amount of \$209,120.00; and be it further

RESOLVED, that the Supervisor is authorized to sign and enter into an agreement with Louis Del Prince and Sons upon review and approval of the Town Attorney.

On the question, Councilman Casilio said the project will be funded from Capital Project 1503 – Waterford Bike Path Extension to Roll Road.

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

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

RESOLVED, that after holding an open competitive bid the, the Clarence Town Board awards the Highway Department Salt Storage Structure project to Hybrid Building Solutions, LLC of Clarence Center, New York as they were the lowest responsible bidder for a total bid amount of \$342,785; and be it further

RESOLVED, that the Supervisor is authorized to sign and enter into an agreement with Hybrid Building Solutions, LLC upon review and approval of the Town Attorney.

On the question, Councilman Casilio said the project will be funded from the Capital Project 1403 – Salt Barn at Highway and from Highway Funds. We will now have room to store all of the salt inside. Highway Supt. James Dussing added that it will hold almost a one-year supply of salt.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to award the Design, Bidding, Construction Administration and Commissioning Services for the Library HVAC Repairs Project to IBC Engineering, P.C. of Buffalo New York in the amount of \$15,200.00.

On the question, Councilman Casilio said the project will be funded from Capital Project 31 – Library Repairs.

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

Councilman Casilio said he and Councilman Geiger have been approached by a committee with the Bishop to bus service expanded into Clarence.

He has also been working with NYSEG to get streetlight repairs completed.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint Mary Morris as Real Property Appraiser at step one of the White Collar Unit Contract effective September 12, 2015. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint Amy Major as Clerk Part-Time in the Assessor's Office effective September 12, 2015 for up to 19 hours per week at a rate of \$13.26 per hour. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that based upon a complaint from an impacted resident, the Town Board would like the Planning Board and Planning Department to review legislation that provides protection to the quiet enjoyment of personal property and make any recommendations for adopting local legislation that may assist in the protection of personal property and property rights, including distance or setback requirements. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Casilio to grant permission to Jerome Schuler and Anne Cimato to attend a Seminar on Wednesday, September 23, 2015 from 9:00 a.m. to 4:00 p.m. at The Center for Community Education Training located at Alfred State College in Alfred, NY on Animal Control Problem Solving-Leash Reactivity, with the use of a Town vehicle and all reasonable and necessary expenses to be paid by the Town.

On the question, Councilman Geiger said the cost of the seminar is \$50 per person and is a budgeted item and includes breakfast and lunch.

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

Motion by Councilman Geiger, seconded by Councilman Casilio to approve the following special event:

Meet In the Center “COMMUNITY FALL FEST”

Date: Friday, September 25, 2015

Event Hours are from 5:30 p.m. until 9:00 p.m.

Number of People Expected: approximately 1,000+/-.

On the question, Councilman Geiger said Goodrich Road from Clarence Center to Maple Street will be closed from 3:30 p.m. until 11:00 p.m. for the event. Approval is subject to receipt of the required Certificate of Insurance from the applicant naming the Town as an additional insured. All the appropriate agencies will be notified.

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

Motion by Councilman Geiger, seconded by Councilman Casilio that upon the recommendation of Highway Superintendent James Dussing, the Clarence Town Board approves the purchase of a new paver for the Highway Department from Southworth Milton Cat Incorporated for an amount not to exceed \$309,382.00 per the New York State Office of General Services Group No. 40625, NYS Contract No. PC-66988, Award No. PGB-22792.

On the question, Councilman Geiger said funds for this equipment are available in the Highway Capital Equipment Bond account.

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

Councilman Geiger reported that the Town received a check from Time Warner Cable in the amount of \$130,906.

The Senior Center is having an open house and community day on August 28th.

There have been some people looking for transportation to possibly the Brothers of Mercy and Rock Oaks. The Bishop has put together a team to look into the matter.

Town Clerk Nancy Metzger reported that a petition was received today signed by 16 residents from Elmcroft Court who are in favor of a sewer on their street.

Councilman Kolber said they are a part of the sewer abatement project, but there is not enough funding at this time. Tim Lavocat said they are actively working on it.

Essex Greens/Waterford Village Planned Unit Residential Development (PURD) requests an Amendment to the PURD Zoning for Phase 2A of Essex Greens for six patio home lots. James Callahan said the proposal would replace five duplex lots with six residential single family lots. The Planning Board has recommended approval per the amended development plan.

Sean Hopkins was present representing Essex Homes. This will result in an overall reduction in density by four units. He believes the Planning Board had two conditions. One was that there was parking on only one side of Chatham Way. They also did not want parking within 25 feet of the intersection of Covington Drive and Chatham Way. The conditions would both be acceptable and they will install proper signage. There will be no change to the infrastructure with this amendment. There has been a demand for the patio homes built to date.

Motion by Councilman Kolber, seconded by Councilman DiCostanzo to approve the request of the applicant for an amendment to the Essex Greens/Waterford Planned Unit Residential Development (PURD) for the construction of 6 residential singly family lots in place of the previously approved 5 duplex lots, subject to the following conditions:

1. Parking is limited to one side of Chatham Lane.
2. No parking within 25 ft. of the intersection of Chatham Lane and Covington Drive.

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

Andrew Grimm requests a Public Hearing to consider an Open Space Design Development for a 12-Unit Subdivision at 8196 County Road. James Callahan said the location is the north side of County Road east of Stahley Road consisting of vacant property in the Traditional Neighborhood District. The Planning Board has forwarded a recommendation on the proposed design.

Andrew Grimm said at the recommendation of the Planning Board they have made a few changes. They created a 10 ft. buffer zone for the privacy of the homeowner to the west. They will also add 16 to 20 fir trees to increase the density. There was also concern about fire safety and parking on only one side of the street. They moved the fire hydrants to the other side of the street and will install no parking signs.

There is also the concern of where the drainage would go. That is included in the drawing. Mr. Grimm said there is currently a ditch along the west property line into a pipe across Stahley Road to Ransom Creek. A retention pond is also included in the design.

Councilman Kolber said there is an extensive wetland situation on this property. He asked if there is any mitigation measures required.

Mr. Grimm said there is for .41 acres and they have proposals for on site or off site.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for September 9, 2015 at 7:45 p.m. to consider the request for an Open Space Design Development for a 12-Unit Subdivision at 8196 County Road. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Bliss Construction/Waterford Village Planned Unit Residential Development (PURD) requests Final Plat Approval for Phase 3, Part E of Waterford Estates including road dedication of approximately 640 linear feet of Kilkenny Manor for 14 estate lots.

William Schutt was present with the applicant Paul Bliss. Mr. Schutt said this is a single cul-de-sac with 14 lots. The public improvements and infrastructure have been completed. All regulatory agency approvals have been obtained or are in process.

Councilman Casilio asked if the streetlights were in.

Tim Lavocat said the lights are not installed until there is an 80% buildout of the street to avoid damage during construction. They are paid for by the developer.

Councilman DiCostanzo asked who was responsible for maintaining the island.

Mr. Schutt said the homeowners are responsible.

Councilman Casilio said they receive letters and complaints about the gazebo and asked for an update.

Paul Bliss said they have an agreement with the Homeowners Association for them to take over Renaldo Circle along with the gazebo and everything surrounding it. The Association asked him in January not to do anything yet. They have money in escrow. They paid the fee after the Town had to cut the grass. At this point in time the Association could be maintaining it.

Deputy Supervisor Meckler said when they have the agreement finalized, please send a copy to Mr. Callahan so we understand the obligations.

Paul Bliss said it is actually a release from the Homeowners Association that the sponsors no longer have to build a community center. They own the property.

Councilman Kolber said there are issues with some of these associations. He also asked if this is built to Town specifications and inspected. Mr. Lavocat said yes.

Motion by Councilman Casilio, seconded by Councilman Geiger to approve the request of the applicant for Final Plat Approval for Phase 3 Part E of Waterford Estates PURD for 14 Estate lots including the dedication of 640+/- linear feet of Kilkenny Manor subject to the following conditions:

1. All conditions as approved by the Town Engineer.
2. Dedication of approximately 640 +/- linear feet of Kilkenny Manor.
3. No building permits will be issued until all the appropriate documents necessary to convey said roads to the Town of Clarence are submitted to, reviewed by and approved by the Town Attorney.
4. Building permits will not be issued until proof of filing of the approved road deeds and easements are submitted to the Town Attorney.
5. Final Plat Approval must comply with all regulatory agency and local department conditions.
6. Appropriate fees paid by applicant.
7. Conditions of Town Engineer.
8. Performance Bond required for the streetlights.
9. All deeds on this street include lot owner's responsibility to maintain the circle.
10. Hydrant markers required.

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

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to approve the following: Clubhouse Applications - A. Garden Friends of Clarence – 2016 Monthly Meetings; B. Clarence American Legion Auxiliary – Aug. 21 – 24, 2015; C. Clarence HS Running Boosters – Nov. 17, 2015; D. Eagles Wings – Dec. 7, 2015; Legion Hall Applications – A. Clarence Democratic Committee – 2016 Monthly Meetings; B. Clarence Citizens for Veterans – Aug. 24, 2015; C. Tracy Henderson – Oct. 18, 2015; D. Catherine Sottile – Oct. 31, 2015; E. Susan Van Cleave – Nov. 22, 2015; April 24, 2016; Nature Center Lodge – A. Clarence Senior Center – Oct. 1, 2015. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of July 30, 2015 are approved for payment: General Fund - \$218,330.44; Highway Fund - \$112,388.61; Water District - \$219.01; Fire Protection Districts - \$51,943.00; Drainage District - \$1,135.68; Sewer Districts - \$73.97; Capital Fund - \$33,420.07; and Trust and Agency 203 - \$2,784.13 for a total amount of \$420,294.91. Upon roll call – Ayes: All; Noes: None. Recuse: Councilman Kolber as he was not able to review the bills. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of August 13, 2015 are approved for payment: General Fund - \$138,121.17; Highway Fund - \$141,103.34; Drainage District - \$1,663.60; Lighting Districts - \$588.94; Sewer Districts - \$62,986.01; Capital Fund - \$38,908.97; and Trust and Agency 203 - \$4,785.00 for a total amount of \$388,157.03. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Hartzell. Motion carried.

“For the Good of the Town”

Councilman Casilio said there was a delay in reporting the new streets to Amherst Alarm. Now we do it up front. Building Inspector David Metzger is reporting them for us.

There being no further business, Deputy Supervisor Meckler adjourned the meeting at 8:18 p.m.

Nancy C. Metzger
Town Clerk

Attachment to minutes of August 12, 2015

DECLARE SURPLUS LIST FOR TOWN BOARD FOR 08/12/2015				
INV #	DESCRIPTION	PURCHASED	SERIAL NUMBER	MODEL / PROCESSOR
401	ACER 17" FLAT PANEL MONITOR	8/17/2005	52300091ED5A	AL17155-8
431	SAMSUNG SYNCMASTER 17" MONITOR	12/29/2005	HA17H9NYB07343	740 N
508	19" VSEVEN MONITOR	12/28/2006	F70UG66091707U	VSEVEN
517	19" VSEVEN MONITOR	12/28/2006	F70UG66092244U	VSEVEN
589	ACER 19" WIDESCREEN MONITOR	4/3/2008	ETL870CD447510169A403	ET.C17WP.A04
591	ACER 19" WIDESCREEN MONITOR	4/3/2008	ETL870CD447510167C403	ET.C17WP.A04
355	HP COMPAQ DX200 COMPUTER	12/10/2004	MXD44806TL	80 GB, 512 MB, INTEL PENTIUM
739	HP COMPAQ DX200 COMPUTER	6/2/2005	MXD5160BY3	80 GB, 512 MB, INTEL PENTIUM
539	HP 7700 COMPAQ COMPUTER	8/20/2007	2UA7340M4H	80 GB, 2GB
584	HP7800 COMPAQ COMPUTER	3/31/2008	2UA8150JW5	80 GB, 2 MB
580	HP7800 COMPAQ COMPUTER	3/31/2008	2UA8150JW6	80 GB, 2 MB
573	HP BUSINESS DESKTOP COMPUTER	3/31/2008	2UA8150JWN	80 GB, 2 GB
788	8100 DESKTOP COMPUTER	12/29/2010	2UA101104B	160 GB, 4GB
606	HP COMPAQ DCS800	6/18/2008	2UA8251RTF	80 GB, 2 GB
572	HP ETO88AV-HP COMPAQ	12/27/2007	2UA80211ZY	80 GB, 2 GB
387	COMPAQ DX2000 MICROTOWER COMPUTER	6/2/2005	MXD5160C4W	80 GB, 512 MB
703	TOSHIBA ESTUDIO 355 COPIER - E4724	8/31/2009	CPH914529	TOSHIBA 355
732	TOSHIBA ESTUDIO 455 COPIER - E4736	8/31/2009	CQH912870	TOSHIBA 455
53	HP 2100 PRINTER	3/7/2001	USGZ309072	HP LASER2100