

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, August 24, 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 Christopher Greene, Robert Geiger, and Peter DiCostanzo. Councilman J. Paul Shear was absent. 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 Cuvillo and Planning Board Chairman Robert Sackett.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to § 105(1) H of the Open Meetings Law to discuss the proposed acquisition of real property and § 105(1) F the employment history of an individual. Upon roll call – Ayes: Councilman Greene, Councilman Geiger, Councilman DiCostanzo and Supervisor Casilio. Absent: Councilman J. Paul Shear. Motion carried.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to adjourn the Executive Session at 6:28 PM. Upon roll call - Ayes: Councilman Greene, Councilman Geiger, Councilman DiCostanzo and Supervisor Casilio. Absent: Councilman J. Paul Shear. Motion carried. No action taken.

The Work Session reconvened at 6:29PM.

Director of Community Development – James Callahan

Public Hearings:

George Smilanich – Automotive Sales 8575 Roll Road

Applicant is requesting renewal of his Temporary Conditional Permit to continue automotive sales operation at 8575 Roll Road. The proposed operation is located at an existing commercial building located on the south side of Roll Road, east of Harris Hill Road in the Industrial Business Park Zone.

The applicant received a Temporary Conditional Permit for automotive sales May of 2015. Conditions identified that no more than 3-vehicles were to be displayed for sale. Numerous complaints have been registered, the applicant is displaying many more than 3-vehicles at any given time. The applicant has explained that there are vehicles in front of the shop that are not for sale but are being staged for transfer. There will only be three vehicles along the east side that are for sale.

Formal Agenda items:

Douglas McKinnon 6575 Meghan Way

Applicant is requesting a fireworks permit for August 28, 2016. The proposed site is located on a private drive on the south side of County Road west of Conner Road. The applicant has provided all necessary paperwork including sign off by the district fire chief. The Town Board has the authority to issue Fireworks Display Permits.

Town of Clarence Comprehensive Plan 2030

A draft of Comprehensive Plan 2030 has been completed and the Town Board will now seek Lead Agency states for the Environmental Review. Prior to taking final action on adoption of the plan, the Town must complete an environmental review under SEQRA. Involved agencies will be the United States Army Corps of Engineers, NYS, Erie County, regional agencies/utilities, neighboring local governments and other local entities.

Work Session items for consideration September 14, 2016:

Great Lakes Motors 9074 Main Street

Applicant is seeking approvals to construct a new commercial building to house an automotive detail shop/office along with outside storage of trucks. The proposed site is located on the north side of Main Street west of Thompson Road/Sheridan Drive intersection on existing vacant property located in the Commercial Zone with no access to public sewers. Per the Zoning Law, the Town Board has final approval authority to allow for automotive uses in the Commercial Zone. Areas to be addressed include architectural style and community character along the Main Street corridor.

Design Architect Thomas Kujawa representing Great Lakes Motors presented a revised design of the proposed building. The proposed location is a two acre site that was previously used by a landscaper, it is a site on the Main Street Corridor that needs to be rehabilitated. Previously, Great Lakes Motors presented to the Board a 19,000 square foot building with parking however the Town Board had concerns with the size and the features of the building. Mr. Kujawa presented a new proposal with modifications. They eliminated 28 feet of the building, significantly modified the roof line by eliminating the peaked roof and replaced that with a single slope roof. The front of the building has been redesigned. They reduced the size of the windows, added a cupola feature to keep in character with the Main Street Corridor, the building will consist of stone and cement board siding. In keeping with the character of Main Street, a stone wall and landscaping will be installed along the front driveway.

There were several concerns brought up when this project was first introduced including the garage door on the front of the building. The revised proposal kept the door on the front of façade. The function of the building dictates the need for this door. Customers would enter the back of the building and exit out the front of the building. If this door was eliminated, they could bring vehicles into the building using the rear entrance however the turning radius would require a bigger building. It would also ruin the flow and the function of how the building is utilized.

Another area of concern was parking in the front of the building, the parking area was reduced and landscaping was introduced. This is a facility that works on Aspire vans, it is a detail shop and not meant for automotive sales. Councilman DiCostanzo said it looks like a car dealership to him. There are 106 spaces in the rear of the building for car storage. The area will be fenced and screened and is surrounded by vegetation on three sides, the community will not see the parked cars. The building itself is not meant for automotive sales, it is meant for a detail shop and a repair shop for Aspire vans. The parking spaces in the front of the building will be used for customer parking. Supervisor Casilio said that he is not aware of any new construction along the Main Street Corridor that parking was allowed in the front of the building. It is the Town Board's job to try to protect the character of Main Street. Supervisor Casilio suggested moving the building further back on the lot. Mr. Kujawa stated that he is 110 feet back from the property line, Emerling Insurance is 45 feet from the property line. Further, Supervisor Casilio stated that Emerling Insurance along with several other newer businesses do not have parking in the front of their buildings. The Board is trying to be consistent all along Main Street. Councilman Greene stated that the drawing presented is consistent with the type building he would see in the Industrial Zone not along Main Street. Town Attorney Meckler suggested entering the building from the side and exiting out the back. Mr. Kujawa stated that this option would require more space and turning radius. He worked hard with this proposal to reduce the scale and volume of the building. Councilman DiCostanzo stated that he would rather see a larger building if the customers could enter from the side and exit through the rear of the building. Councilman Shear who is liaison to the Planning Department was not present to comment on this proposed project. Supervisor Casilio

would like to see the building staked out to show where it is relative to the Emerling Insurance building.

Supervisor Patrick Casilio

- Announce the annual 30-day period to submit requests of viable agricultural land to be included in the certified agricultural district to Erie County Department of Environment & Planning
- Approve the request by Clarence Center VFC Benevolent Assoc. Inc. to hold their annual Labor Day Parade on September 5, 2016
- Authorize payment to the Town of Amherst for Flood Gauge Metering of Tonawanda Creek at Rapids Road
- Approve Change Order #G002 for Clarence Court and Police Facilities Project

Supervisor Casilio is working on a situation at Parker Field regarding a new neighbor and encroachment issues.

Supervisor Casilio will announce the receipt of \$336,000 in grant money the Town received thanks to the efforts of Town Engineer Lavocat and Grant Writer Bernie Rotella. The money will go towards the Alexander Drive sewer project.

There has been ongoing discussions about town vehicles being used by the Youth Bureau. When Youth Director Dawn Kinney needs a town vehicle and one is available she should use them just as she would the Youth Van.

The Town currently has an agreement with Aflac Insurance that is coming due in September, the town has no financial obligation with the company. Supervisor Casilio has been approached by a local insurance company that would like to be the insurance company of record. It would make better sense to have someone local working with our town employees rather than someone from NYC. A motion will be prepared for the next Town Board meeting.

All Department Heads are required to have their 2017 budget requests submitted to Supervisor Casilio by September 2, 2016.

The joint School Board/Town Board meeting is scheduled for 5PM, August 29th, 2016.

If there are no agenda items to discuss, the September 7th morning Work Session will be cancelled.

Councilman Peter DiCostanzo

- Authorize Supervisor Patrick Casilio to sign the 2016-2017 Justice Court Assistance Program Grant application
- Authorize Supervisor Patrick Casilio to sign CSEA Employee Benefit Fund Renewal Agreement – Blue Collar Unit
- Approve Assessor's request to attend a required training course

- Authorize Supervisor Casilio to sign Memorandum of Agreement with White Collar Unit
- Correction to the August 10, 2016 Town Board meeting minutes

The Main Street Sub-Committee met briefly. They are going to host a public forum at Clarence High School for public input and comment. The date has yet to be determined.

The Town Park pool is closed for the season.

Parks Crew Chief James Burkard is requesting Town Board approval to hire another laborer. Councilman DiCostanzo will discuss this further with Mr. Burkard and report back to the Town Board before a decision is made.

Councilman DiCostanzo has one Attorney-Client item to discuss with Town Attorney Meckler.

Councilman Robert Geiger

- Appoint Jason Geasling as an Alternate member to the Planning Board
- Approve the request of James Callahan and Jonathan Bleuer to attend the Annual Upstate NY American Planning Association Conference to be held in Buffalo, NY from September 28th through September 30, 2016

Councilman Christopher Greene

- Announce an opening on the Youth Board

Director of Administration and Finance – Pamela Cuvillo

The Budget vs. Actual Expenditures Report for July 2016 was distributed. Pam added comments to the report, noting that not every comment will be an explanation, at times it will be just a compilation of things that have happened in the department. As of the end of July, the town is \$38,000 over what was anticipated to spend at this point. Pam did not feel the town was currently in a bad position.

Highway Fund Expenditures - Employee Benefits was underspent by \$117,000 and the General Fund was \$31,000 overspent. Prior to July 2015 we allocated the bills by department, now it is based on percentage of payroll. This may have to be looked at in the future.

The Town Board met with Town Attorney Meckler to discuss an Attorney-Client matter.

There being no further business, the Work Session adjourned at 7:07 PM.

Darcy A. Snyder
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, August 24, 2016 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 7:18 p.m. Pledge to the flag was led by Councilman Robert Geiger, followed by a prayer given by Ed Burkard of St. Mary's Catholic Church.

Members of the Town Board present were Councilmembers Christopher Greene, Robert Geiger, Peter DiCostanzo and Supervisor Patrick Casilio. Councilman J. Paul Shear was absent. 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 Geiger to accept the minutes of the work session and regular meetings held August 10, 2016 with an amendment on page 221 to approve renewal of Temporary Conditional Permits to add the following to the list: o. Bronicz Wood Cutting, 4611 Shisler Road; p. GCR Landscaping, 5750 Shimerville Road; q. Burghardt Landscaping, 8694 Lapp Road; r. Strickland Welding/Fabricating, 5880 Salt Road; and s. Seitz Paving, 8346 County Road. They were omitted in error. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Supervisor Casilio announced that the month of September 2016 has been designated by the Erie County Legislature as the Annual 30-day Period during which landowners may submit requests to include predominantly viable agricultural land into any existing certified agricultural district in accordance with Section 303-b of the New York State Agricultural and Markets Law. A public hearing on the submitted applications will be scheduled to consider all requests and the date will be announced. The Erie County Department of Environment and Planning will accept applications from September 1 through September 30, 2016. Any questions on the process can be directed to Elias Reden, Planner, with the Erie County Dept. of Environment and Planning at (716) 858-1911 Email: agriculture@erie.gov. Information and applications are also available from the Office of the Clarence Town Clerk and the Assessor's Office and on the Erie County Dept. of Environment and Planning website www.erie.gov/environment.

Supervisor Casilio asked if the County will notify us if someone applies from Town or do we have to keep watch.

James Callahan said the County will notify us and let us know when the public hearing is going to be held.

Motion by Supervisor Casilio, seconded by Councilman Geiger to approve the following Special Event as requested by the Clarence Center Volunteer Fire Company Benevolent Association, Inc.:

Annual Labor Day Parade:

Date: September 5, 2016 – Parade will begin at 1:00 p.m. to end at approximately 2:00 p.m. (line-up begins at 12:30 p.m.)

Parade Route: *Lineup will begin at 12:30 p.m. in the Pine Breeze subdivision. The parade starts at 1:00 p.m. sharp from the Pine Breeze subdivision, travels south on Goodrich Road, east on High Street, south on Elm and west on Clarence Center Road to the Clarence Center Volunteer Fire Company (as outlined in submitted letter).*

On the question, Supervisor Casilio said all appropriate authorities will be notified. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Motion by Supervisor Casilio, seconded by Councilman Greene to authorize payment in the amount of \$2,410.00 to the Town of Amherst for Flood Gauge Metering of Tonawanda Creek at Rapids as part of our joint funding agreement with the Town of Amherst.

On the question, Supervisor Casilio said the flood gauge at Rapids is monitored remotely in real time by the Engineering Department to determine flood levels in northern Clarence during flooding events. To be paid from the Joint Drainage Facility Account.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Motion by Supervisor Casilio, seconded by Councilman Geiger to approve Change Order No. G002 to the Contract between the Town of Clarence and Building Innovation Group, LLC for the Town of Clarence Court and Police Project in the total amount of \$45,596.00.

On the question, Supervisor Casilio said this Change Order is for all labor, equipment and materials, fittings and connections associated with the complete redesign of the water main system which includes relocated water mains and services, larger backflow prevention devices and associated enclosure, increase in fire service main size, increase in domestic service main size, additional length of water main, addition of a new domestic water service to Town Hall for Code compliance and to abandon an existing water main. The water system redesign eliminates the need to relocate a public water main. To be paid from Capital Project 1502.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Supervisor Casilio said he is proud to announce that we are being awarded part of a grant from Governor Cuomo for Western New York water infrastructure improvements. The Town of Clarence will receive \$336,806 and along with Town funds we will be able to extend the sewer in the Alexander Drive area.

Town Engineer Timothy Lavocat said we will extend the sewer on Alexander and Elmcroft, which are a part of Sewer District No. 9. It is the last major project for the Hollow area. This will bring the District to 95% on sewers and help those who have failing septic systems. We are anticipating construction next year. The first step is detailed engineering plans and all the approvals before we are able to go out for bid.

Councilman DiCostanzo said we have a Main Street Revitalization Committee, a sub-committee of the IDA Board that has been meeting regularly. They are shooting to have a public input session in October using a technological area of the school. He will bring more information as it becomes available.

Councilman DiCostanzo said the Town Pool is now closed. The staff is generally college students who have gone back to school. We will look for ways to try and keep it open a little longer next year.

Motion by Councilman DiCostanzo, seconded by Councilman Greene to authorize Supervisor Patrick Casilio to sign the 2016-2017 Justice Court Assistance Program Grant application for the Clarence Town Justice Court in an amount not to exceed \$30,000. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to authorize the Supervisor to sign the CSEA Employee Benefit Fund Agreement for the Town of Clarence Blue Collar Unit for Dental and Vision Plans for the period from January 1, 2015 through December 31, 2017 subject to Town Attorney review and approval. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the request of the Assessor, Albert Weber, to attend the “Ethics and the Assessors Course” sponsored by the Institute of Assessing Officers (New York State Assessors’ Association) to be held on Friday, September 16, 2016, in Oneonta, NY with the use of a Town vehicle and all reasonable and necessary expenses to be paid by the Town.

On the question, Councilman DiCostanzo said this is now required and will count towards the Continuing Education requirement for an Assessor. The cost of the course is \$110.00 that includes a light breakfast and lunch. Funds are available in the Assessors Budget.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

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

Whereas, the Town of Clarence submitted an application for a New York State Water Grant for the Clarence Hollow Pollution Abatement Project in August of 2015; and

Whereas, the Town of Clarence received notification on August 17, 2016 from the State that the Town has been awarded a New York State Water Grant in an amount not to exceed \$336,806 for the Clarence Hollow Pollution Abatement Project.

Now, therefore, be it

Resolved, that the Town of Clarence confirms its intent to proceed with this project and that Supervisor is hereby authorized to execute the grant agreement with the New York State Environmental Facilities Corporation.

On the question, Supervisor Casilio said we had more than matching funds available from other grants and keeping other projects under budget to now be able to go ahead with the Alexander sewer project.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Councilman DiCostanzo said all the departments are losing their part time summer help with students going back to school.

Supervisor Casilio added that we had large numbers of residents participating in recreation activities. It was a record number of people using the pool this summer with about 10% of the population.

Motion by Councilman Geiger, seconded by Councilman Greene to appoint Jason Geasling as an Alternate Member to the Planning Board effective August 25, 2016 with a term to expire December 31, 2016. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Greene to approve the request of James Callahan and Jonathan Bleuer to attend the Annual Upstate New York American Planning Association (APA) Conference to be held in Buffalo, NY from September 28 through September 30, 2016 with the use of a Town vehicle and all reasonable and necessary costs covered by the Town. On the question, Councilman Geiger said the cost of the conference is a budgeted item. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Councilman Geiger said the Senior Center is having their final picnic tomorrow at the Town Park. They had a meeting at the Nature Center this week on humming birds.

Supervisor Casilio announced that the Town Board will attend a joint meeting with the School Board on August 29, 2016 at 5:00 p.m. It is an open meeting to the public. There is an agenda including a question and answer session. Our Planning Department will do a presentation on development progress as it has an effect on the student population for the schools.

Councilman DiCostanzo said the school's new baseball field is completed with turf. The football field turf is in, but the track is not down yet.

Councilman Greene announced that there is an opening on the Youth Board due to the resignation of Adam Singh.

Councilman Greene said there was an arrest made yesterday of a person attempting to rob a house, thanks to a neighbor who called it in.

A Public Hearing was held to consider renewal of a Temporary Conditional Permit for automotive sales at 8575 Roll Road. James Callahan said the location is the south side of Roll Road east of Harris Hill Road within an existing commercial building in the Industrial Business Park Zone. The applicant has been in operation and is requesting a renewal. The condition of the permit is to allow three vehicles on display for sale.

George Smilanich of Amherst said he would like to extend his permit for vehicle sales and inside storage.

Councilman Greene said he has been by the location and everything has been done that the Board had asked.

With no one else speaking to the subject, motion was made by Councilman Geiger, seconded by Councilman DiCostanzo to close the public hearing. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

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

Resolved, that after a public hearing duly held on August 24, 2016 to consider the renewal of an existing Temporary Conditional Permit, the Town Board grants the request for a renewal of an existing Temporary Conditional Permit for Smilanich Automotive Sales at 8575 Roll Road, subject to the following conditions: 1. Permit is for one year. 2. No more than three (3) vehicles for sale to be displayed.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Douglas McKinnon requests a Fireworks Display Permit at 6575 Meaghan Rose Way. James Callahan said the location is in an existing open space development on the south side of County Road east of Westminster Drive. The application, fire chief approval, insurance, fee and site plan have been received and are in order.

Matt Shaw said he is the owner of the fireworks company. He wants to assure the Board that they meet all safety requirements for a display at this location. They are taking extra precautions due to the dry weather conditions. The fireworks are launched in the street. It is a private subdivision. They carry water cans and have spotters watching the falling ashes. Mr. Shaw said they have done almost 200 displays this year with no issues.

Motion by Councilman Greene, seconded by Councilman DiCostanzo to approve the request of the applicant, Douglas McKinnon, for a Fireworks Display Permit for August 28, 2016 at 6575 Meghan Rose Way. On the question, Councilman Greene said all appropriate paperwork is in order including fire chief approval. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Town of Clarence Comprehensive Plan 2030 – initiate coordinated review under the State Environmental Quality Review Act (SEQRA). James Callahan said the Town has completed a draft. We are ready to begin the adoption process beginning with an environmental review. The document identifies the community vision, goals and strategies with action items to achieve the goals. A copy is available in the Planning & Zoning Department, Town Clerk's Office, and the Clarence Library and on the Town's website. A public hearing will be held prior to final adoption of the document.

Supervisor Casilio said the information in the document is to help make the Town better and provide guidance for the Board and applicants for future projects.

Motion by Councilman Greene, seconded by Councilman DiCostanzo that pursuant to Article 8 of the Environmental Conservation Law, and upon the recommendation of the Planning Board, the Clarence Town Board seeks Lead Agency Status and commences a coordinated review among involved agencies on the Town of Clarence Draft Comprehensive Plan 2030. This Type I Action involves the adoption of a new comprehensive master plan for the Town. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Greene to approve the following: Clubhouse Applications - A. Clarence Soccer Club – 2017 Monthly Meetings; B. Clarence Cross Country – Nov. 16; 2016; C. Eagles Wings – Dec. 5, 2016; Legion Hall Applications - A. Gayle Brace – Sept. 11, 2016; B. Joseph Jedrzejek – Sept. 25, 2016; C. James & Linda Muck – Nov. 12, 2016; and D. Susan Van Cleave – Nov. 13, 2016. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Motion by Councilman DiCostanzo, seconded by Supervisor Casilio that after proper audit and review by the Town Board, the following bills of August 25, 2016 are approved for payment: General Fund - \$96,862.71; Highway Fund - \$160,699.99; Water District - \$1,333.29; Fire Protection Districts - \$404.05; Drainage District - \$404.01; Sewer Districts - \$628.01; Capital Fund - \$23,341.23; Aquatic Growth District - \$500.00; and Trust & Agency 203 - \$6,297.50 for a total amount of \$290,470.79. On the question, Councilman DiCostanzo said there was a voucher pulled for more information from the vendor; however, it is included in this approval as he anticipates paying the bill. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

There being no further business, Supervisor Casilio adjourned the meeting at 7:50 p.m. in memory of Paul Kraft, a longtime Clarence resident and Father of Town employee Cheryl Hufnagel.

Nancy C. Metzger
Town Clerk