

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, September 14, 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, J. Paul Shear, Robert Geiger, and Peter DiCostanzo. Other Town Officials present were Director of Community Development James Callahan, 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 CuvIELLO and Planning Board Chairman Robert Sackett.

### **Emergency Services – David Bissonette and David Baumler**

Councilman Shear stated that during the water emergency this past July, he was contacted by several residents who questioned why the residents of the town were not somehow notified of the problem. Councilman Shear has researched this to find out ways to notify town residents of any emergencies. He addressed the School Board and asked if there was a possibility for them to forward their emergency call list to the town and the answer was very positive however the school attorney did not feel it was a good idea. They did however indicate that BOCES has an economical system.

David Bissonette stated that the previous Reverse 911 System the town had back in the 1990's was very manual and slow. It was based on hard line phones, each number had to be physically loaded into a data base. This became very inaccurate and antiquated as people moved out of the house, phone numbers changed and the cellular phone industry took hold. Currently the implementation of NY Alert is widely the accepted method of communication state wide. There is no charge but a person has to go to the site and load in their personal information.

During the water emergency, there were resources that could have been used but were not implemented by Erie County and the Water Authority.

Looking back, David Baumler stated that he would have ordered a State of Emergency for the Town of Clarence and he would have ordered Erie County do a reverse 911 for Clarence because he cannot count on the County's message to happen or be timely. People with landlines and those who have signed up for NY Alert would have been notified. When an emergency manager makes a request, it goes through the county, they are the ones to implement it. They would have to act on the towns request but they would also have to filter that information by getting the correct information before putting out an alert. The Water Authority and the Health Department would have to be consulted.

Dave Baumler stated that he was in contact with Erie County during this emergency via conference calls and an action plan was agreed upon but the County did not implement it.

With NY Alert, you can sign up for the types of emergencies and severity of emergencies you want to receive. This is the best system available, people just have to sign up for it.

David Baumler recommends educating the public about NY Alert and making the residents better connected to this state wide program. Residents have to take the time to sign up and determine what emergencies they want to be made aware of. Karen Jurek suggested putting an article in the Clarence Bee. Dave Bissonette suggested inserting a letter with the tax bills or possibly sending out post cards. Karen Jurek further suggested putting the information in church bulletins, Senior Center newspaper, Rock Oak newsletter etc.

**Director of Community Development – James Callahan**

***Work Session agenda items for consideration September 28, 2016:***

SBA Towers 9545 Tonawanda Creek Road

Applicant is seeking approval to construct a 154' monopole cellular telecommunications tower. The proposed site is located on the south side of Tonawanda Creek Road, east of Goodrich Road on existing vacant property consisting of 20+/- acres in the Agriculture Flood Zone. Approvals will require site plan approval from the Planning Board, a height variance from the ZBA and a Special Exception Use Permit from the Town Board. The Town Board will have final approval authority and will act as Lead Agency on this matter. Referral to the Planning Board will initiate formal review of the application.

Councilman Shear attended the Zoning Board of Appeals meeting last night and the 153' 8" tall wind turbine located at 6660 Goodrich Road (Lakeside Sod Industrial Business Park) was discussed. The item was tabled because the applicants did not stake it correctly in a timely manner. It will be on next month's ZBA agenda. Councilman Shear questioned whether or not the Board would be adopting possible changes to the Town Code regarding wind turbines. Councilman Shear will meet with James Callahan and Planning Board Chairman Robert Sackett to discuss this further.

**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 Change Order No. G003 for the Town Court and Police Facilities Project
- Authorize the Parks Department to dismantle the greenhouse at the Main Street Park

There was discussion regarding the demolition of the lavatory near the tennis courts at the Main Street Park. Previously it had been discussed that the both lavatories would be demolished once the new facility was built. The new facility was completed this spring the lavatory near the large pavilion was dismantled however the lavatory near the tennis courts is still intact. Supervisor Casilio will make a motion tonight to have that lavatory dismantled as well. Replacing this lavatory will require tying into the sewer system which will be very expensive.

Supervisor Casilio has completed the 2017 budget. He was able to handle all the requests made by Department Heads. The tax rate will be slightly lower, he was also able to stay within the tax cap.

The Hollow Association is requesting the town pay for the flags in Clarence Hollow. Supervisor Casilio did not feel the request was unreasonable. He feels the flags are left up to long and deteriorate. He would rather see them taken down in November before the severe weather hits. The cost for the flags for this year is approximately \$1,700. The Town Board was in agreement with this request.

Animal Control Officer Jerome Schuler is requesting the dog kennel be air conditioned. The last two summers have been extremely hot and 85 degrees is the cut off for kennels. He has money left over in his budget and there is money in other areas of the budget it can be taken it from. Three prices were obtained, the lowest was approximately \$4,500 for a built in system. Supervisor Casilio will bring a motion forward at the next Town Board meeting.

Supervisor Casilio attended the Buffalo-Niagara Partnership meeting yesterday.

**Councilman Peter DiCostanzo**

- Approve the request by Northern Erie Sno-Seekers to use Bike Paths for the 2016 -2017 Season

Councilman DiCostanzo along with Supervisor Casilio and Director of Administration and Finance Pam CuvIELLO will be attending the Supervisor's Roundtable sponsored by Drescher and Malecki tomorrow.

The Brothers of Mercy sponsored an Oktoberfest 5K Race last Friday and had a great turnout.

Councilman DiCostanzo has one Attorney Client item to discuss regarding a parcel of land and what it could be used for.

**Councilman Robert Geiger**

- Approve request from Justice Court for Clerks to attend a meeting on September 10, 2016
- Announce the Scarecrow Festival on September 24, 2016 sponsored by Clarence Hollow

**Councilman Christopher Greene**

- Authorize Supervisor Casilio to sign the 2015 Stop-DWI Memorandum of Understanding

Some electrical work is being done at the Youth Bureau. The electrical system is being upgraded and made compliant.

Councilman Greene suggested the Town send a formal letter to County Executive Poloncarz regarding Connor Road. Supervisor Casilio stated that he would like to talk to Highway Superintendent Dussing before a letter is sent.

**Councilman J. Paul Shear**

- Approve the transfer of funds from the 2016 Town Clerk Budget

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of several individuals and one Attorney Client item. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:35PM.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Supervisor Casilio, seconded by Councilman Geiger to adjourn the Executive Session at 7:00 PM. Upon roll call - Ayes: All; Noes: None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, September 14, 2016 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 7:05 p.m. Pledge to the flag was led by Councilman Christopher Greene, followed by a prayer given by Councilman Robert Geiger.

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

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

WHEREAS, the newly constructed updated bathroom facilities were opened to the public on May 20, 2016 to replace the old-antiquated facilities; and

WHEREAS, one of the old bathroom facilities was removed when the new facility was constructed; and

WHEREAS, the one remaining older bathroom facility is on an old septic system that is inefficient; and

Now therefore be it,

RESOLVED, that the remaining old bathroom facilities near the basketball courts is declared as surplus and no longer needed for town purposes and should be demolished; and be it further

RESOLVED, that the old bathroom facility located near the basketball court in the Main Town Park be demolished by the Parks Department.

On the question, Supervisor Casilio said this was part of the plan. The new facility will be connected to the sewer at some point.

Town Engineer Timothy Lavocat added that was the original plan that once the new bathroom facility was built, the two smaller buildings would be removed.

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

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

WHEREAS, Greenhouse located in the Main Park on Main Street was declared as surplus at the June 1, 2011 Town Board Work Session and was to be out to reverse bid for dismantling; and

WHEREAS, the Town solicited proposals from interested parties for the removal of the Greenhouse and the results were not favorable; and

Now, therefore, be it

RESOLVED, that the Clarence Town Board hereby authorizes that the Greenhouse located in the Main Park on Main Street be dismantled by Parks Department.

On the question, Supervisor Casilio said this started in 2011. We had the asbestos removed and put it out to bid and no one was interested. It is in a dilapidated state and needs to be removed from the site.

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

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to accept the minutes of the work session and regular meetings held August 24, 2016. Upon roll call – Ayes: Councilmembers Greene, Geiger, DiCostanzo and Supervisor Casilio; Noes: None. Recuse: Councilman Shear. (He was not present at that meeting.) Motion carried.

Supervisor Casilio asked Mr. Callahan about the notification to the Town of applicants for the Agricultural District.

James Callahan said the County would notify the Town. There have not been any applicants reported at this point.

Supervisor Casilio said as a reminder, 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](mailto: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](http://www.erie.gov/environment).

Motion by Supervisor Casilio, seconded by Councilman Greene to approve Change Order No. G003 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 \$7,785.00.

On the question, Supervisor Casilio said this Change Order is for additional labor and materials required to relocate the main water tie-in location as required by the Erie County Water Authority resulting in additional 8" and 4" water main lengths, bends and restraint fittings. To be paid from Capital Project 1502.

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

Supervisor Casilio said he attended a presentation on smart growth yesterday, as did James Callahan.

Mr. Callahan said the main presenter is an expert in identifying and doing the math for the assessed values and types of projects. Basically, he said mixed use and smaller parcel development is a more efficient land use. It is also more valuable to the bottom line of a community as opposed to big box development.

Supervisor Casilio said it was attended by planning people throughout Western New York. We also had members of our Planning Board in attendance.

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

Whereas, the Northern Erie Sno-Seekers Inc. Snowmobile Club, has requested permission from the Clarence Town Board to use the following Town owned properties for the 2016/17 Snowmobiling Season as insured New York State Class A corridor snowmobile trails:

1. "West Shore Line" bike path that runs from Salt Road to Davison Road.
2. Allow for parking on the Salt Road Parking area for "Drop and Ride" site.
3. Trail running through Memorial Park between the parking lots and baseball diamond and the northern side of east/west main driveway,
4. Allow for parking on the stone parking lots at Memorial Park between the baseball diamonds and the north side of the main driveway for a "Drop and Ride" site.
5. Begin at Goodrich Road running parallel on the north side of the Peanut Line Bike Path, heading east through the former Thompson property and former Cimato Property into Memorial Park between the parking lots and baseball diamonds on the north side of the east/west driveway
6. Beeman Creek Park Trail to connect the trails on the North side of the Town.
7. Ransom Road Bridge for access to area businesses conditioned on the bridge being protected with rubber matting and the trail being clearly marked and maintained by the Northern Erie Sno-Seekers, Inc.
8. Town owned property north of Greiner and west of Salt with written permission from the lessee, Kreher's Poultry Farms with copy of same to the Town.

Resolved, that the Clarence Town Board grants permission to the Northern Erie Sno-Seekers Inc. Snowmobile Club for the use of the above Town owned property subject to the following conditions:

1. The Northern Erie Sno-Seekers Inc. Snowmobile Club is to provide the Town of Clarence with a certificate of insurance naming the Town as an additional insured on the Northern Erie Snow Seekers, Inc. Snow Mobile Club's insurance and name the above areas on said certificate.

2. This use is approved and authorized with the understanding that snowmobiles are allowed only on the right-of-way of the bike path and absolutely not allowed on the paved portions of the bike path.
3. That all trails will be clearly marked with signs and barrels and the path maintained throughout by the Northern Erie Sno-Seekers Inc. Snowmobile Club.
4. That the season will run from December 15, 2016 to April 1, 2017.
5. This approval is for the 2016-2017 term expiring on April 1, 2017 and is to be reviewed on a year to year basis upon receipt of the request for use of said properties by the Northern Erie Sno-Seekers.

On the question, Councilman DiCostanzo said the people he knows involved in this group are militant about how they treat the paths and other people's property.

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

Councilman DiCostanzo said he will attend a supervisor's roundtable session put on by an accounting firm tomorrow along with the Supervisor and Finance Director Pam CuvIELLO. The main focus of it is budget issues.

Councilman DiCostanzo said the Brothers of Mercy 5K Run and Octoberfest was a great success. They had a good turnout of over 500 runners.

Councilman DiCostanzo reported that the work has begun for the traffic light at Thompson and Greiner Roads.

Councilman DiCostanzo said the Supervisor has been working very hard on the 2017 budget. The department heads submit their requests to him. He then puts together a tentative budget to present to the rest of the Board by the end of this month. The Town Board will review it and a public hearing will be held prior to final approval.

Supervisor Casilio said so far he is under the tax cap and with a lower rate than last year.

Motion by Councilman Geiger, seconded by Councilman Greene to approve the request from the Court Justices for Mary Kelly and Marilyn Taton to attend the Breakfast Meeting on Saturday, September 10, 2016 at 9:00 a.m. sponsored by the Erie County Magistrates' Association and the Erie County Town & Village Court Clerks' Association at the Town of Aurora Court and with all reasonable and necessary expenses to be paid by the Town.

On the question, Supervisor Casilio said the Court Office received late notice of this meeting and that is why it is being done at this meeting.

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

Motion by Councilman Geiger, seconded by Councilman Shear to authorize the Supervisor, Patrick Casilio to sign the Memorandum of Agreement by and between the Town of Clarence and the White Collar Unit that will provide Anne Cimato with five (5) days of paid vacation to be used before the one year anniversary of her appointment as full time Dog Control Officer per the terms and conditions of the agreement, subject to review and approval by the Town Attorney's Office.

On the question, Councilman Geiger said the Town and the Union agree that this is a special benefit being provided to Ms. Cimato due to her prior service to the Town, and the granting of this special benefit shall not be binding on the Town in any future scenario nor shall it be deemed to set any practice or precedent of providing paid vacation to any employee.

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

Councilman Geiger welcomed Jan Reicis, President of the Chamber of Commerce. He added that they recently had a nice ribbon cutting for the Buffalo Gallery and Gift Shop at Eastern Hills Mall.

The Clarence Hollow Association is hosting the Scarecrow Festival on September 24<sup>th</sup>. There will be a lot of scarecrows placed along Main Street. Organizations are welcome to participate.

Motion by Councilman Greene, seconded by Councilman DiCostanzo to authorize Supervisor Patrick Casilio to sign the 2015 Stop-DWI Memorandum of Understanding between the Town of Clarence and the Erie County Stop DWI Office. On the question, Supervisor Casilio said the County pays us for supplying data on DWI cases disposed in our Court. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Greene reported that the Youth Bureau is having some electrical work done. They obtained three quotes to have breakers changed out and some other minor work.

Motion by Councilman Shear, seconded by Councilman Geiger to approve the transfer of funds from the 2016 Town Clerk Budget as follows: \$100.00 from account A1410.479 – Other Classified to account A1410.432 – Dues and Subscriptions.

On the question, Councilman Shear said this transfer is being made for the renewal for Business First. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Shear said the food and beer at the Brothers of Mercy Oktoberfest was great. Supervisor Casilio said it was a very successful event for a worthy cause.

Councilman Shear said it was also nice to see the thousands of people attending the Labor Day Fair.

Town Clerk Nancy Metzger announced that the school tax bills went out this week and are due October 17<sup>th</sup>.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the following: Clubhouse Applications - A. Cub Scout Pack 563 – Monthly Meetings Sept. 2016 – June 2017; B. Ginger Lindner – Sept. 23 – 26, 2016; C. Clarence Girl Scouts – Sept. 26, 2016; D. Youth Bureau – Jan 28 & 29, 2017; and Legion Hall Applications - A. Mandana Waseh – Sept. 17, 2016; B. Cub Scout Pack 563 – Dec. 9, 2016; C. Albert Weber – Dec. 28, 2016; D. Susan Van Cleave – Jan. 14, 2017; E. Rhonda Diehl – Mar. 18, 2017. 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 September 8, 2016 are approved: General Fund - \$116,757.00; Highway Fund - \$62,034.21; and Capital Fund - \$174,317.30 for a total amount of \$353,108.51. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Ray Skaine said he understands that the Town Highway Department does not stripe roads. However, he believes that Old Goodrich Road desperately needs them. The lighting is not sufficient to see at night. Perhaps the Highway Department could put it out to bid or work something out with the County.

Supervisor Casilio said we have added a light to that road to try and make it safer. We can contact Jamie about it again. He knows it is not as easy as it sounds.

There being no further business, Supervisor Casilio adjourned the meeting at 7:30 p.m. in memory of Brother Jude from the Brothers of Mercy.

Nancy C. Metzger  
Town Clerk