

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, August 13, 2014, 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 Bernard Kolber, Patrick Casilio, Peter DiCostanzo and Robert Geiger. Other Town Officials present were Director of Community Development James Callahan, Junior Planner Jonathan Bleuer, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Senior Building Inspector David Metzger, Planning Board Chairman Robert Sackett, Planning Board member Steven Dale, Confidential Secretary to the Supervisor Karen Jurek and Director of Administration and Finance Pamela Cuvillo.

Director of Community Development – James Callahan

Public Hearing:

Douglas McCall 10360 Main Street

A Public Hearing is scheduled for 7:45 PM to consider a Temporary Conditional Permit for an automotive sales operation at 10360 Main Street. The proposed site is located on the north side of Main Street, west of Hillcrest Drive at existing residential property located in the Clarence Hollow TND. Per the Zoning Law, the Town Board may consider the use with a Temporary Conditional Permit.

Formal Agenda items:

Spaulding Green Open Space Design Overlay

Applicant is proposing an amendment to the previously approved subdivision layout. The action was referred to the Planning Board for review, comment and recommendation. The Planning Board has forwarded a recommendation to approve the proposed amendment identifying that all previously approved conditions of the original approval must be maintained. Overall the total number of lots remains unchanged. An action under SEQRA to amend the design has also been forwarded by the Planning Board. (The original project was approved under a FEIS and Final Findings Statement. The proposed amendment does not impact any past findings on the project). Conditions associated with the Planning Board recommendation include requiring the required mitigation to the Greiner Road/Thompson Road intersection (as per Final Findings) and construction of the recreational trail through the project with specific timelines identified.

Per the Zoning Law, the Town Board is the final approval authority to create an open space overlay.

Main Ingredient 9980 Main Street

Applicant is proposing to create an outside dining area at existing restaurant located on the north side of Main Street, east of Kraus Road in the Commercial Zone. Outside dining may be considered with a Temporary Conditional Permit as issued by the Town Board after a required public hearing. Hours of operation and noise are generally the major concern associated with outside activities adjoining residential areas.

Proposed Sign Law Amendments

The proposed changes deal with temporary and flag signs, permanent monument signs in the restricted Business Zone, digital sign parameters in the TND Zone, and landscape requirements. The Town Board has approval authority for Local Law amendments. An action under SEQRA has also been forwarded by the Planning Board

Work Session items for consideration August 27, 2014:

Excavation Permit – annual renewals

Per the Excavation Law, the following applicants are applying for their annual permit:

Buffalo Crushed Stone, Emeritus Holdings, 10001 Grand Corporation and Lakeside Sod. All applications including fees, bonds, NYSDEC permits etc. have been filed.

Rick Divita 10550 Keller Road

Applicant is seeking an amendment to have the Town Board approve a two lot open development area as an alternative to the Special Exception Use Permit. The proposed site is located on the north side of Keller Road, east of Strickler Road at existing residential property located in the Agriculture Rural Residential Zone. Applicant received a Special Exception Use Permit to construct a secondary living unit on the property in 2013. As the Town Board approved the previously approved project, the Town Board can modify the previous approval.

The reason for the change is the cost to the owner associated with placing a second power pole on a single property. Separating the ownership of the parcels reduces the cost. All requirements of the Open Development Area code can be met with the proposed design. An agreement to allow for the shared driveway must be reviewed and approved by the Town Attorney's Office.

Supervisor David Hartzell

Historic Preservation Committee member Carol Cornwall is requesting a meeting with the Town Board relative to the town owned house at 10375 Main Street adjacent to the Main Town Park. Her group of volunteers would like to make some minor repairs to the house however Town Attorney Meckler stated that the Town Board first has to decide what they want to do with the house. Having volunteers doing the work could result in a union issue not to mention the liability to the town. It was brought to Supervisor Hartzell that Ms. Cornwall is on the agenda tonight to get direction from the Town Board. Supervisor Hartzell stated that the Board has to hold Ms. Cornwall off until the Board decides what they want to do with this building.

The Recreation Advisory Committee is requesting another 12.5 million dollars to put into the Green Print Program as a continuation of the original program. There is approximately three million dollars left. The RAC would like to put it on the ballot in November. Town Attorney Meckler stated that if the Town Board wanted to hold a public hearing (there is no requirement to hold a Public Hearing) there would not be enough time to get the process completed before the November election. Supervisor Hartzell stated that since there is not enough time the Board can discuss this further at a later date.

The Town Board received a letter and pictures from Jodi Follett regarding the Meadow Lakes Park pavilion. The refrigerator in the pavilion was not cleaned properly. She is also requesting a snack bar at the park to accommodate their baseball tournaments. Councilman Casilio stated that both softball and football built their own facilities. Councilman Kolber suggested they get together and purchase a portable concession trailer to move from one tournament to the other. Councilman DiCostanzo stated that the Town is not going to put a snack bar in every park. Councilman DiCostanzo has already spoken to Park Crew Chief James Burkard about the condition of the refrigerator. Supervisor Hartzell suggested the Town Board read the letter and send any comments to Councilman DiCostanzo and a follow up reply will be sent to Ms. Follett.

Supervisor Hartzell received a letter from the woman whose son froze to death in Tillman Park Nature Preserve. She is requesting the Town erect a fence around the pond and

also install a memorial marker. The Tillman Nature Preserve is state owned property, Supervisor contacted a representative at the State and was told the town could do what they wanted. Supervisor Hartzell called the woman back and told her the State gave her permission to erect a small memorial marker in honor of her son she however felt the Town should pay for it and erect it. Councilman Casilio stated that people purchase memorial benches or trees in the arboretum for their loved ones all the time. Supervisor Hartzell will send a letter telling her she can erect a memorial marker at her own expense or offer her the option of purchasing a tree in the arboretum.

Supervisor Hartzell received a letter from Roswell Park thanking the town for use of our facilities during Ride for Roswell.

Supervisor Hartzell has several motions for the regular meeting:

- Presentation to Clarence Library Team 1, winner of Battle of the Books competition
- Set Bid Date of September 3, 2014 for the removal of leaf compost from our recycling area on Sheridan Drive
- Declare the 2005 Dodge Caravan Cargo Van (Animal Control van) as surplus
- Accept Bid – 2014 544K Wheel Loader for Highway Department
- Award Bid for the purchase of 2015 12-passenger van
- Award Bid for the purchase of (1) 2015 Ford Escape

Supervisor Hartzell will invite Victor Martucci to a Work Session to discuss bonding.

Councilman Bernard Kolber

- Declare Surplus – computer equipment

Councilman Patrick Casilio

- Change Order No. 1 for Lexington to Lapp Road Drainage Project
- Hydrant Maintenance Fee – Woodland Hills Subdivision
- Hydrant Maintenance Fee – Spaulding Green Phase 11
- Hydrant Maintenance Fee – Waterford Estates Phase III-E
- Hydrant Maintenance Fee – Harris Hill Commons Subdivision
- Authorize amended Operation & Maintenance Agreement with Erie County for Clarence Sewer Districts (adding in Clarence Sewer District 10 and the expansion of Sewer District 6)
- Set a Bid Date – Main Town Park Restrooms and Shop Facility Project

There was a discussion relative to the August 2 shed fire and the slow response and poor communication by NYSEG. Town Attorney Meckler received a letter from Harris Hill Fire Chief and the homeowner and will forward them to the proper authorities at NYSEG.

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

Councilman Peter DiCostanzo

The Property Tax Freeze Credit is a two-year tax relief program that reimburses qualifying NYS homeowners for increases in local property taxes on their primary residences. In order for the credit to be available to the homeowners in a local taxing jurisdiction, the jurisdiction must comply with the NYS Property Tax Cap and after the first year must also develop an efficiency plan.

To be eligible for the credit, homeowners must meet the requirements for the STAR property tax exemption (the property must be the homeowner's primary residence and the total household income must be \$500,000 or less).

The requirements imposed on taxing jurisdictions (school districts and local governments) will be phased in over two years. **Year 1:** the jurisdiction must comply with the property tax cap. This means the increase in the tax levy cannot be more than that allowed by a formula established by State law. **Year 2:** in the second year, the jurisdiction must comply with the tax cap and also develop and implement a Government Efficiency Plan to reduce costs by consolidating services.

Councilman DiCostanzo met with the Ethics Committee today and discussed amendments to the Ethic's Code. He will forward a copy of the changes to the Town Board for their review and input.

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

Councilman Robert Geiger

Councilman Geiger presented pictures of a dilapidated residence on Wolcott Road, the individual was given a dead line to tear the structure down.

Councilman Geiger attended a meeting at the Chamber of Commerce relative to the Main Street corridor. "There are many people with good ideas and there is a lot of good going on in the Hollow."

Councilman Geiger has a list of changes that have to be made at the Gerber Genealogy Library, the proper authorities are addressing it.

There were some issues with mold at the Historical Museum, the Parks Department took care of it however, this does not address the water problem. Town Engineer Lavocat has reapplied for a grant for a new roof for the museum.

Councilman Geiger will announce several upcoming community events.

The Youth Bureau van broke down last Saturday and the Highway Department mechanics are trying to fix the problem. The Youth Bureau had several activities scheduled for the week and had no vehicle. The Senior Center van is not used in the evenings and Councilman Geiger would like to see some coordinated use or exchange of vehicles between the Youth Bureau and the Senior Center when these situations arise. One of the van drivers from the Senior Center would drive the van for the Youth Bureau. Councilman DiCostanzo stated that in the past there has not been much cooperation among both parties with sharing of vehicles. Councilman Geiger stated that there is

cooperation now and will be in the future. Town Attorney Meckler stated that his only issue is having an experienced driver operating a 12 passenger van.

The Youth Bureau put together figures showing the costs of owning their building compared to the costs for leasing the building. Councilman Geiger would like to discuss further the maintenance of the Youth Bureau building - not the landscaping or cleaning but petty maintenance such as changing light bulbs etc.

Motion by Supervisor Hartzell, 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 a particular person. On the question, Robert Sackett, Steve Dale were asked to remain in the meeting. Upon roll call – Ayes: Councilmembers Geiger, DiCostanzo, Casilio, Kolber and Supervisor Hartzell; Noes: None. Motion carried.

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

Darcy A. Snyder
Deputy Town Clerk

Motion by Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:22PM. Upon roll call – Ayes: Councilmembers Geiger, DiCostanzo, Casilio, Kolber and Supervisor Hartzell; Noes: None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, August 13, 2014 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 7:30 p.m. Pledge to the flag was led by Councilman Peter DiCostanzo, followed by a prayer given by Imam Yahya Luqman of the Ahmadiyya Moslem Community.

Members of the Town Board present were Council Members Robert Geiger, Peter DiCostanzo, Patrick Casilio, Bernard Kolber and Supervisor Hartzell. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler and Town Engineer Timothy Lavocat.

Motion by Councilman Casilio, seconded by Councilman Kolber to accept the minutes of the work session and regular meetings held July 23, 2014. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell presented a proclamation to Clarence Library Coach David Fairlie, the volunteer coaches and students of Team No. 1 who won 1st Place, Team No. 2 – 3rd Place, Team No. 3 – 5th Place and Team No. 4 – 6th Place in the 16th Annual Summer “Battle of the Books” county-wide competition.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to set a bid date for September 3, 2014 at 10:00 a.m. to accept sealed bids for the removal of leaf compost from the Town recycling area on Sheridan Drive. The bid price submitted will be per cubic yard loaded and hauled offsite by the successful bidder within 60 days. The volume of material consists of piles totaling 6,100 cubic yards.

On the question, Supervisor Hartzell said the bid packages will be available at the Highway Department and the Town Clerk’s Office.

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

Motion by Supervisor Hartzell, seconded by Councilman Kolber that upon the request of Highway Superintendent, James Dussing, to declare the following vehicle as surplus and no longer needed for Town purposes: 2005 Dodge Caravan Cargo Van; Serial No. 1D4GP21R95B124754 (Hwy. T-22)

On the question, Supervisor Hartzell said this surplus equipment will be taken to Bontrager Real Estate and Auction Service Inc. to be sold at auction.

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

Motion by Supervisor Hartzell, seconded by Councilman Casilio that upon the recommendation of Highway Supt. James Dussing, the Town Board accepts the State bid Contract No. PC65307 Award No. 22063 for a new 2014 544K Wheel Loader with a JRB attachment from Five Star Equipment for \$115,233.76 with trade of the 2002 John Deere TC-54H wheel loader – H-48. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber that upon the recommendation of Highway Supt. James Dussing, the bid for the purchase of a 2015 Ford Transit, 12-passenger Van is awarded to Delacy Ford Inc. at their bid of \$16,045.68 with trade of a 2008 Chevy Express Van. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell said the bid award for the purchase of a 2015 Ford Escape was discussed in the work session and is withdrawn. It will be introduced at a later time.

Supervisor Hartzell said he received a letter from Roswell Park thanking the Town for allowing them to travel through the Town for the annual Ride for Roswell. Many people participate in this event and they raised \$4.3 million for the cause.

Supervisor Hartzell said the Chamber of Commerce did very well on the recent “Taste of Clarence” event. It was well attended, excellent food and a lot of fun.

Supervisor Hartzell said the Town Board will meet with the Clarence School District at the end of this month. The Town Board will also meet with Vic Martucci to discuss the bond initiative he has presented to the School Board.

Motion by Councilman Kolber, seconded by Councilman Casilio to declare as surplus, the list attached to and hereby made a part of these minutes, of computer equipment no longer needed for Town purposes. (See Attachment 1)

On the question, Councilman Kolber said the surplus computer equipment will be sold or donated to a deserving entity or entities. All remaining equipment will be disposed of accordingly as set forth by any state or local laws and/or rules and regulations.

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

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to approve Change Order No. 1 to the Lexington to Lapp Road Drainage Project contract between the Town of Clarence and N.F.P. & Sons, Inc of Wheatfield, New York in the add amount of \$12,200 and also to approve a contract time extension to November 30, 2014.

On the question, Councilman Casilio said the Change Order No.1 is for additional excavation, material removal and associated restoration and is to be paid from the Townwide Drainage District. Contract time extension is due to wet weather.

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

Motion by Councilman Casilio, seconded by Councilman Kolber that the Town of Clarence agrees to pay the annual fire hydrant maintenance fee to the Erie County Water Authority for ten (10) fire hydrants within Woodland Hills Subdivision on Via Chiara and Shardale Drive upon Final Plat approval and formal public infrastructure acceptance by the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber that the Town of Clarence agrees to pay the annual fire hydrant maintenance fee to the Erie County Water Authority for two (2) fire hydrants within Spaulding Green Phase 11 on Alderbrook Lane upon Final Plat approval and formal public infrastructure acceptance by the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Geiger that the Town of Clarence agrees to pay the annual fire hydrant maintenance fee to the Erie County Water Authority for two (2) fire hydrants within Waterford Estates Phase 3E on Kilkenny Manor upon Final Plat approval and formal public infrastructure acceptance by the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Geiger that the Town of Clarence agrees to pay the annual fire hydrant maintenance fee to the Erie County Water Authority for nine (9) fire hydrants within Harris Hill Commons Subdivision on Anfield Road, Eastmoor Lane, Old Trafford Court and William Smith Way upon Final Plat approval and formal public infrastructure acceptance by the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

Be it Resolved, that the Supervisor is authorized to sign the amended Intermunicipal Operation and Maintenance Agreement with Erie County for Town of Clarence Sanitary Sewer Districts, subject to the review and approval of the Town Attorney's office.

On the question, Councilman Casilio said the original agreement is being amended to add Clarence Sewer District No. 10 and the expansion of Clarence Sewer District No. 6.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to set a bid date for September 16, 2014 at 10:00 a.m. in the Office of the Town Clerk for the Main Town Park Restrooms and Shop Facility Project.

On the question, Councilman Casilio said the Bid Documents will be available in the Office of the Town Clerk August 18, 2014.

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

Supervisor Hartzell recognized Gabe Maddalena from the Chamber of Commerce, Planning Board Chairman Robert Sackett and members Paul Shear and Steven Dale.

Councilman DiCostanzo thanked the Parks Department for taking on the project to put restrooms up at Parker Park. It looks nice and will be appreciated by the residents.

Councilman Geiger said the Chamber Golf Classic is coming up September 15th. The Senior Center is holding an open house on August 22nd from 3 to 8 p.m.

Councilman Geiger recognized Patti and Dan Gamin who won 8 blue ribbons at the Erie County Fair for his apples, which are grown here in Clarence.

The Clarence Hollow Association has put together a Main Corridor Group to do some great things for the Hollow area.

A Public Hearing was held to consider a Temporary Conditional Permit for an automotive sales operation at 10360 Main Street. James Callahan said the location is the north side of Main Street, west of Hillcrest Drive. It is an existing residential property in the Traditional Neighborhood District.

Doug McCall said he owns the property and also lives there. He would like to get a dealer plate and sell a few cars at this location. He would like to display one or two vehicles at a time. He is retired and this is a hobby for him.

Councilman Casilio said he needs to have three spaces for his license, but he intends to display one or two.

Mr. McCall said he has 20 spaces there, some of which are for his tenants. He asked for eight cars, but he has no problem with two.

Councilman DiCostanzo said the Town Board does not favor all sorts of “stuff” displayed on Main Street.

Councilman Kolber said he likes to encourage small businesses, but he does not want to see cars all along Main Street. He asked if it would be a problem if he did not display them along Main Street.

Mr. McCall said he does not see the purpose of that. He would like some exposure.

Councilman Kolber said we have had problems in the past and other sites have become cluttered.

Mr. McCall said he is requesting one or two cars on display at the road.

Councilman Kolber said we get complaints about people selling cars in their yards and we are giving you permission for something that we try to discourage.

Mr. McCall said anyone can display a car for 30 days. He would like to display at Main Street.

Councilman Casilio said he lives there and he is asking for two display cars.

James Callahan said we can identify in the conditions that there be no open hoods, banners, balloons or flags to make it look like a used car lot.

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

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

Resolved, that after a public hearing duly held on August 13, 2014, the Clarence Town Board grants a Temporary Conditional Permit to the applicant, Doug McCall, for an automotive sales operation at 10360 Main Street, subject to the following conditions:

1. Temporary conditional permit is granted for 1 year.
2. Provide spaces for three cars.
3. Limit of two cars for display.
4. No banners, balloons, open hoods or flags.

On the question, Councilman Kolber said he has no problem with the applicant; he has a problem with the display of used cars on Main Street in the Hollow.

Upon roll call – Ayes: Councilmen Geiger, DiCostanzo, Casilio and Supervisor Hartzell; Noes: Councilman Kolber. Motion carried.

Spaulding Green Open Space Design Overly requests an Amended Concept Plan approval for overall subdivision design. James Callahan said the location is the east side of Goodrich Road,

north of Greiner Road consisting of an existing previously approved open space design subdivision. The applicant is proposing to amend the design. The Planning Board has forwarded a recommendation to approve the proposed design amendment with conditions to ensure compatibility with the established conditions for the overlay. The Town Board has final approval authority for design amendments.

Councilman Casilio said he will recuse himself from all discussion and decision on this item. He has a relationship with the law firm.

Donald Powell with his client Dominic Piestrak were present. Mr. Powell said they are talking about Phases 4a, 4b and 10. Phases 4a and 4b remain as previously approved. The proposed changes for Phase 10 include 50 lots from 36 lots, but within the Town requirements. The amendment does not change the overall project with 380 total lots. There are sewer taps available for all 380 lots. The redesign provides an increase of approximately 12 acres of additional open space in Phase 10, including a 75 ft. buffer along the entire southern boundary. The connection to Green Valley Drive is included as requested by the Town. The applicant will hold off on that connection until the Town directs them to open it. They did not request that connection. They will put a barricade in and not allow any traffic to use that connection.

Mr. Powell said they are increasing the green space in Phase 10 while increasing the amount of lots. The entire project provides the Town with over 218 acres of open space. The amendment meets or exceeds all Town regulations. The Planning Board imposed a number of conditions with their recommendation including the completed construction of the walking path. They have no problem doing that. They have also agreed to install a traffic light as requested by the Planning Department. It is on a County road, so they will have to work with the County to do that.

Supervisor Hartzell asked about the bike path.

Mr. Piestrak said they are waiting for DEC approval to run it through the forest area. It has been slightly moved to keep it out of the backyards of some of the lots.

Mr. Piestrak said everyone is aware of two houses on Greiner that they have gone through and disrupted the people there. It has been a sore subject. He has had a conversation with the people and of course they would like to have kept it the way it was. He does not know if they have many opportunities to get to Greiner or not.

Mr. Powell said Spaulding Green will install stone walls and alleviate the drainage concerns. They also moved the road 15 feet from the one neighbor. They have done a lot of things to alleviate the concerns. No one wants this in their backyard, but they are doing everything that they can at this time. Once the road is completed, Woodstream Nursery will design and install landscaping. Once that is completed, they believe it will be an attractive entranceway and the neighbors that have been impacted will have their concerns alleviated.

Councilman DiCostanzo said the drawings presented in their packet do not show houses in half of Phase 7. One refers to it as an exception and the other is blank.

Councilman Kolber asked where the additional lots in Phase 10 were coming from.

Mr. Powell said they are coming from Phase 5 and Phase 9.

James Callahan said the Findings Statement identified 380 units. If they exceed that, the applicant has to apply for a whole new project with a full environmental review.

Councilman Kolber said the minutes are very clear when this was designed that the agreement between the developer and the neighborhood was that Phase 10 would be the last phase developed. This is a major modification and it also changes the nature of the lot sizes coming out of that neighborhood. It is so clear.

Mr. Powell said he also read those minutes again today and he does not think it is that clear.

Councilman Kolber said he does not think it could be more clear.

Mr. Powell said he read that the Phase 10 road would be the last thing completed. There will be no construction or any other traffic to Green Valley at this time.

Councilman Kolber said this is not a public hearing, but some of the neighbors are here. He would like to give them the opportunity to comment because this is a major modification to what was previously presented.

Supervisor Hartzell said this is unusual, but this is a major project and they will be allowed to have their say.

Speaking to the subject:

Kent Frey said he and his wife live on Green Valley Drive and they completely oppose any change to the current plan that was approved. This project has gone through this Board for multiple

years and had multiple changes. The developer and the Board agreed on a plan along with the homeowners. There is no upside to this. The Town loses on the tax base with townhomes that pay less. He is adding 14 more homes in a smaller area. He is not using the green space the way the project was originally intended. It makes no sense to have this conversation again after it was already agreed to and approved.

Frank Cordaro said he lives on Green Valley Drive and it is unconscionable what this Board, previous boards and Mr. Piestrak have allowed to happen to the residents at 9810 Greiner Road. It shows a lack of empathy to allow a road to be put in less than 5 yards from their house. He said he receives requests in the mail every day to help save the environment while the Board allows this developer to destroy it.

Patti Gamin said she looking at the comparison, she likes their first plan better because of the price and the beautiful architecture of the homes going up in the area. She does not see why we would squeeze homes in the new section. She is all for keeping with the original plan.

Laurie Frey said she lives on Green Valley and they sat here in 2008 and heard all the plans and agreements made. The one thing that excited her about the plan was the walking trails and bike paths. They are previous purchasers of land from Mr. Piestrak in Williamsville and were promised a beautiful entranceway. As homeowners, they ended up having to do it at their own expense. There is still no promised entrance there. She cautions the Town on the promises especially when considering more concessions. This could be a fabulous development for the Town of Clarence.

Chuck McCarty said he does not think the opening to Green Valley should take place any sooner than was originally planned. He figures that should be about 2018. The Planning Board said they would approve this as long as that did not get moved forward. If they get into this and the safety board says there is not sufficient emergency access, it could be moved up. Who trumps who, the Town Board or the safety board?

Councilman Kolber said the reason for the connection was for safety reasons. He does not like the change to the size of the lots.

Mr. McCarty said the change in density will also change the traffic in that area. It changes what the original studies addressed. He prefers that the road never came through, and he does not like how this came about now.

Robin Teall said she lives at 9810 Greiner Road. She presented a picture to the Town Board. They own a 111 ft. x 200 ft. lot. She has lived in Clarence her whole life. She feels naïve to have believed that the Town Board would look out for the current residents. The proximity of this new road to their home is devastating, the construction is unnerving and there is the danger of it being so close to the "S" curves on Greiner. It is too late to do the right thing now. She hopes that in the future the Board steps away from a drawing to go and look at what is being approved. Dominic and his engineer have met with them to try and do their best in this bad situation. She is really nervous after hearing a previous speaker. She hopes Dominic keeps his promise because 15 feet will at least give them some screening.

John Buyers said he lives where the Freys used to live. He met Dominic in 1974 and found him to always be an honorable, decent person. It is embarrassing to hear what was said. Mr. Buyers said he is also a part of this project. This project was approved in 2008 and now it is 2014. Dominic has built some of the finest projects in Western New York. They would love to have the same development as Spaulding Lake, but not with the economy the way it is today. They were supposed to have this project completed in 10 years.

Councilman Kolber said he is not attacking his integrity. Mr. Piestrak has done some beautiful projects. The point is if you say you are going to do something, you should do that.

Mr. Buyers said in today's economy it is almost impossible to guarantee 6 or 8 years from now. There needs to be some flexibility to what they are trying to do.

Dominic Piestrak said he is willing to talk to Freys. He resents the fact that they said he did not do what he said he would. He has never backed out. He did say that the road connection would be the last thing that he would do.

Mr. Powell read the minutes stating that the Green Valley Drive connection would be the last thing that he would do.

Supervisor Hartzell said given the fact that there has been discussion on this item, he would like to bring it back in two weeks.

Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to lay this item, the request by Spaulding Green Open Space Design Overly for an Amended Concept Plan approval for overall subdivision design on the table and talk about it in two weeks. Upon roll call – Ayes: Councilmen DiCostanzo, Kolber and Supervisor Hartzell; Noes: Councilman Geiger. Recuse: Councilman Casilio. Motion carried.

The Main Ingredient requests a Public Hearing to consider a Temporary Conditional Permit for outside dining at 9980 Main Street. James Callahan said the location is the north side of Main Street east of Kraus Road consisting of an existing restaurant in the Commercial Zone.

Diane Meaney, owner said it has been packed every day. She will use the same space that has been used in the past. There are speakers outside and she would just have background music.

Motion by Councilman Casilio, seconded by Councilman Geiger to set a Public Hearing for September 10, 2014 at 7:45 p.m. to consider the request for a Temporary Conditional Permit for outside dining at 9980 Main Street. Upon roll call – Ayes: All; Noes: None. Motion carried.

Item 14 to consider the Proposed Sign Law Amendments. James Callahan said there are no significant changes. There are some clarifications and updates to temporary signs including flags, definition to monument signs, A-frame signs, LED signs for gas/service stations in the TND and landscaping maintenance for monuments and all permit signs.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for September 10, 2014 at 7:50 p.m. to consider a Local Law amending the Code of the Town of Clarence Sign Law. Upon roll call – Ayes: All; Noes: None. Motion carried.

Carol Conwall regarding volunteer preservation maintenance.

Supervisor Hartzell said she can speak, however, she should talk to the Town Attorney about the items in the letter she wrote. There are items to discuss with regard to liability and union issues.

Carol Conwall said she took a lot of time on this presentation and taking pictures. She presented the Town Board documentation she put together and would like it to be in the record. She would like Mr. Meckler to contact her prior to the next meeting. She does not appreciate this. She was asked to hold off at the last meeting and that someone would contact her and they did not. The Board was aware she was coming tonight. This property is historic and it needs to be taken care of. You hire people to take care of other people's properties and we are not leading by example.

Supervisor Hartzell said we have had someone look at that building several times. The Town would lease it to them and they would fix it up. There are a lot of issues. We cannot just have volunteers slap paint on it.

Councilman Kolber said she is on the agenda and has been waiting here all night.

Carol said she would like to know if they can do it and if not fine. If they can help maintain the property, they would like to know how they can do that.

Town Attorney Lawrence Meckler said first the Town needs to decide what they want to do with this building. We don't want to move forward on it if the decision is to demolish the building. He appreciates the fact that they want to help to do something good. It is not something that can be given an immediate answer until there is a plan. There are union issues and we would have to meet with them. There could be contract work required. There are so many issues that have to be addressed before her questions can be answered.

Carol Conwall said she understands, but the vegetation is so overgrown. We could make it look nicer in the meantime so it complements the rest of the Town Park campus. The stone fence is heritage to our Town. If you let the trees grow, they are going to deteriorate the stone wall. There is a hole in the roof soffit that will allow critters to get in. The downspout is falling down. The shingles are curling. The garage roof needs repair and the vegetation trimmed down. All of the buildings need painting. She suggests a cultural heritage center for the arts. She has it all outlined in her packet.

Carol said a place in the Hollow to showcase all of the people involved in the arts that have lived in Town would provide a place to go. Tourism helps the tax base. It would benefit the Town, the schools and the quality of life. There are a lot of things in this Town that are not being tapped.

We have a lot of heritage that can be expanded on. She understands if volunteers cannot go on the property, but she hopes the Town will take the time to preserve it as long as we can until something is decided.

Councilman Casilio said the property looks better now than when the Town purchased it. We have said that we do not want it to fall into disrepair. We have not followed through with some of the repairs that she noted. Maybe we need to maintain it on a higher level until we make a decision. It is not the intent to let it rot and fall down. Buildings like that could have about an \$80,000 drain on the Town to maintain it. That is one of the things that have to be considered. He thinks it would be a good project for the Hollow Association to take on.

Councilman DiCostanzo said an estimate was done and it would cost about \$250,000 to fix it up. It is a lot of money.

Carol Conwall said we could create something for people to do in Clarence. She asked that they all review the information she presented.

Councilman Casilio said he sees the \$80,000 drain on the budget. He has suggested that we carve out that lot and sell the house. There are options.

Carol Conwall said after speaking with Tom Todoroff who once lived in the house, she wrote a story included in the packet about his time there. He is now a producer, actor and acting coach in New York City.

Councilman Kolber said he does not think anyone wants to see it torn down, it is a matter of deciding what will be best for the Town.

Carol Conwall said she had a creative thought and if they want more, just ask. We need to find the resources to do this. If a committee has to be formed, she is sticking her foot right in. There is a lot in this Town and we should use it to benefit from it as best as we can.

(Carol Conwall submitted a packet of information, which is on file in the Town Clerk's Office. It includes: Letter dated August 6, 2014 regarding Volunteer Preservation Maintenance for 10375 Main Street; Letter dated August 13, 2014 regarding Volunteer Preservation Maintenance for 10375 Main Street; Proposal to create Cultural Heritage Tourism Program; Cultural Heritage Center for the ARTS – Hall of Fame Listing; Story – “The House, the Town that saved the Boy” – about a conversation Carol had with Tom Todoroff who once lived there; and a pamphlet created by Carol called “Hometown Hidden Treasures”.)

Supervisor Hartzell said the Town has not ignored this building. The IDA has met with a micro-brewer who has looked at it three times. They have a meeting set for next week with another businessperson. The IDA has been actively looking for someone to occupy the building. That would be the best thing to do to get it active on the tax rolls again.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to approve the following: Clubhouse Applications - A. Clarence Lions Club – 2015 Monthly Meetings; B. Jaycees Antique Show – March 28 & 29, 2015; C. Youth Bureau WinterFest – Jan. 24 & 25, 2015; D. American Legion – May 25, Nov. 11 & Dec. 9, 2015; Legion Hall Applications - A. Nehzat Goshtasb – Sept. 6, 2014; B. Hema Hossain – Oct. 11, 2014; C. Carol Hockwater – Oct. 26, 2014; D. Andrew Smith – Dec. 21, 2014; E. American Legion – 2015 Monthly Meetings; F. Girl Scout Troop #586 – 2015 Monthly Meetings and Park Pavilion Special Request - A. Youth Bureau WinterFest – Jan. 24 & 25, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Geiger that after proper audit and review by the Town Board, the following bills of July 31, 2014 are approved for payment: General Fund - \$190,175.69; Highway Fund - \$71,090.92; Water District - \$1,351.92; Fire Protection Districts - \$1,271.59; Drainage District - \$8,899.09; Lighting Districts - \$804.86; Sewer Districts - \$265.46; Capital Fund - \$10,454.35; and Trust & Agency 203 - \$2,370.00 for a total amount of \$286,683.88. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Geiger that after proper audit and review by the Town Board, the following bills of August 14, 2014 are approved for payment: General Fund - \$159,308.15; Highway Fund - \$147,933.05; Water Districts – 35,039.69; Drainage District - \$2,089.45; Sewer Districts - \$104,961.99; Capital Fund - \$238,207.87; and Aquatic Growth District - \$527.00 for a total amount of \$688,067.20. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Thomas Steffan said he is a member of the Historic Preservation Commission. Mr. Steffan said he disagrees and believes the Town is neglecting the building at 10375 Main Street.

Supervisor Hartzell said he agrees. The Park Superintendent has come in and said we need to do something with the roof. We know it is deteriorating.

Mr. Steffan said you have an obligation as property owners to do your best to keep it up. It will need some heat during the winter. This is Clarence and people want to live here. It reflects badly on the Town to have a property like that on Main Street.

Supervisor Hartzell said it is not unusual once we obtain property. We try to lease it out if we can. If that does not happen the Board may choose to mothball a house even though they could tear it down. We have shown this house to a couple of businessmen. We will talk to Parks and bring up your issues.

Councilman Kolber said we bought this property because it was contiguous to the Town Park. We have not done anything with it yet.

Thomas Steffan said when you acquire land, the obligation comes with it. A decision should be made so that it does not deteriorate further.

Councilman Casilio said we do not want to be in violation of our own codes either. We will have James Burkard get pricing on patching the holes and painting the house the same as it is now. He should also bring in a roofer and see how much that would cost.

Motion by Councilman Casilio, seconded by Supervisor Hartzell to request that James Burkard get three prices for painting the house the same color including patching any holes in the walls and for replacing the roof and or patching it. Upon roll call – Ayes: All; Noes: None. Motion carried.

Howard Melancon said the property you are all talking about on Main Street is deplorable. The Town bought the property a few years ago and it just sits there.

Supervisor Hartzell said we bought it for the property not the house.

Mr. Melancon said you should not have bought the property behind if you did not know what you would do with the front. Lame excuses were given to the lady who spoke earlier. All these things should have been thought about before tax dollars were spent to purchase it. Then you try to ignore the poor lady that is up here talking.

Supervisor Hartzell said he thinks they knew exactly what they were doing. It is rare that a property becomes available contiguous to a park. We are actively trying to get someone to buy it or lease it.

Mr. Melancon said he understands that but in the meantime it could be taken care of.

Councilman Kolber said he would like to see someone buy it.

Councilman Casilio said when we bought it you could not even see the house. It is better now.

There being no further business, Supervisor Hartzell adjourned the meeting at 9:05 p.m.

Nancy C. Metzger
Town Clerk

Attachment 1**Monitors**

SELL/SURPLUS	INV #	DESCRIPTION	PURCHASED	SERIAL NUMBER	MODEL
SURPLUS/SELL	299	HP L1702 FLAT PANEL MONITOR	2/18/2004	CNN4021TNZ	HPL1702
SURPLUS/SELL	300	HP L1702 FLAT PANEL MONITOR	2/18/2004	CNN4021SSX	HPL1702
SURPLUS/SELL	343	17" ACER FLAT PANEL MONITOR	10/18/2004	4250174RH00	ACER AL1715
SURPLUS/SELL	371	17" ACER FLAT PANEL MONITOR	2/4/2005	450004A6ED34	ACER L1715B ETL
SURPLUS/SELL	402	17" ACER FLAT PANEL MONITOR	8/17/2005	5230008FED5A	17" ACER AL17
SURPLUS/SELL	532	19" ACER FLAT PANEL MONITOR	8/23/2007	ETL490837071713712423	AL1916CB
SURPLUS/SELL	533	19" ACER FLAT PANEL MONITOR	8/23/2007	ETL780C082703076FF4042	AL1916CB
SURPLUS/SELL	587	ACER AL1917 19" WIDESCREEN	4/3/2008	ETL870CO447510167B403	ET.C17WP.AO4
SURPLUS/SELL	588	ACER AL1917 19" WIDESCREEN	4/3/2008	ETL870CO4475101683403	ET.C17WP.AO4
SURPLUS/SELL	590	ACER AL1917 19" WIDESCREEN	4/3/2008	ETL870CO447510168D403	ET.C17WP.AO4
SURPLUS	680	19" HP COMPAQ LA19 MONITOR	11/3/2009	SCNK938011Y	LA1951G
SURPLUS	777	20" LCD WIDESCREEN MONITOR	11/24/2010	Y30A6HA003497	20" MONITOR

Computers

SURPLUS	INV #	DESCRIPTION	SYSTEM / SIZE / PROCESSOR	PURCHASED	SERIAL NUMBER
SURPLUS	270	HP COMPAQ D530 COMPUTER	2.66 GHZ, 40 GB, 512 MB, INTEL PENTIUM	10/15/2003	USW34108S9
SURPLUS	290	HP COMPAQ D530 COMPUTER	2.66 GHZ, 40 GB, 512 MB, INTEL PENTIUM	12/17/2003	USW35208PF
SURPLUS	356	HP COMPAQ COMPUTER HP DX 2000 MICROTOWER	80 GB, 512 MB, INTEL PENTIUM	12/10/2004	MXD44806T6
SURPLUS	432	COMPUTER	3.0 GHZ, 80 GB, 512 MB	12/29/2005	MXD54507L0
SURPLUS	451	DELL OPTIPLEX COMPUTER DELL OPTIPLEX 170L DESKTOP	4.30 GHZ, 80 GB, 2 GB	4/19/2006	9DWPS91
SURPLUS	452	COMPUTER DELL OPTIPLEX 170L DESKTOP	4.30 GHZ, 80 GB, 2 GB	4/19/2006	9411T91
SURPLUS	453	COMPUTER	4.30 GHZ, 80 GB, 2 GB	4/19/2006	4HIIT91
SURPLUS	547	HP COMPAQ DC7700 COMPUTER	80 GB, 2 GB, INTEL CORE	11/2/2007	2UA74316WL
SURPLUS	570	HP COMPAQ DC7700 COMPUTER	80 GB, 2 GB, INTEL CORE	12/27/2007	2UA80211ZW
SURPLUS	578	HP7800 COMPAQ COMPUTER	80 GB, 2 GB, DUO CORE 2	3/31/2008	2UA8150JW2
SURPLUS	579	HP 7800 COMPAQ COMPUTER	80 GB, 2 GB, DUO CORE 2	3/31/2008	2UA8150JW4
SURPLUS	583	HP7800 COMPAQ COMPUTER	80 GB, 2 GB, DUO CORE 2	3/31/2008	2UA8150JW3
SURPLUS	677	HP COMPAQ BUSINESS DESKTOP	2.93 GHZ, 1X250 GB, 2 GB	11/3/2009	SMXL9421V4S
SURPLUS	678	HP COMPAQ BUSINESS DESKTOP	2.93 GHZ, 1X250 GB, 2 GB	11/3/2009	SMXL9421V6N

Scanner

SURPLUS	INV #	DESCRIPTION	PURCHASED	SERIAL NUMBER	MODEL	VENDOR
SURPLUS	529	SCANNER FUJITSU	12/1/2002	002900	SCANNER FUJITSU	GENERAL CODE PUBLISHERS