

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, November 19, 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, Town Attorney Lawrence Meckler, Senior Building Inspector David Metzger, Planning Board Chairman Robert Sackett, Planning Board member Steve Dale, Confidential Secretary to the Supervisor Karen Jurek and Director of Administration and Finance Pamela CuvIELLO.

Director of Community Development – James Callahan

**Public Hearings:**

Lou Visone east of 8570 Main Street

A Public Hearing is scheduled for 7:45 PM to consider a Temporary Conditional Permit for display and sale of storage sheds east of 8570 Main Street. The proposed site is located on the north side of Main Street, east of Harris Hill Road in the Harris Hill Traditional Neighborhood District. The Town Board has authority to approve uses in the TND and to issue Temporary Conditional Permits. Landscaping, number of display units and hours of operation will have to be addressed.

**Work Session items for consideration December 3, 2014:**

David and Sarah Krantz 6110 Salt Road

Under the Town Historic Preservation Local Law, applicant is proposing local historic designation for existing home with barns at 6110 Salt Road. The proposed site is located on the west side of Salt Road north of the Peanut Line Trail in the Agriculture Rural Residential Zone. The Historic Preservation Commission has held a public hearing on the application and has forwarded a recommendation for the Town Board to designate the property as a local historic landmark. A public hearing will be required to consider the application.

Drew Brown 9500 Main Street

Applicant is proposing outside dining. The proposed site is located on the northeast corner of Main Street and Goodrich Road within Willow Square (formerly Rock Garden Apartments) existing commercial and residential development currently under construction in the Commercial Zone. Per the Zoning Law, the Town Board may consider the use with a Temporary Conditional Permit. A Public Hearing will be required to consider the request.

The University at Buffalo students working on the Master Plan Bike Path project will give a preliminary presentation at UB South Campus on Tuesday, November 25<sup>th</sup> at 2PM. They will present a formal presentation to the Town Board in December.

**Town Attorney Lawrence Meckler**

Town Attorney Meckler will prepare the shared services agreement with the Town of Lancaster for Town Assessor Christine Fusco. A resolution will be presented at the next Town Board meeting.

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

**Town Engineer Tim Lavocat**

Town Engineer Lavocat attended the pre-submittal meeting for the NYS Police barracks project. The meeting was well attended by prospective architects and engineers. Over forty firms were represented. Councilman Casilio attended the meeting as well.

**Supervisor David Hartzell**

- Set a Bid Date to accept sealed bids for the Parks Department 2007 GEM E-4 Electric Car
- Transfer Funds from the 2014 Budget

**Councilman Bernard Kolber**

Councilman Kolber will make a motion approving the Court Clerks request to attend the Association of Towns 2015 Training School and Annual Meeting from February 15 – 18<sup>th</sup>, 2015 in NYC.

**Councilman Patrick Casilio**

Councilman Casilio will make a motion to approve a fund transfer in the Town Clerk's budget.

The Town of Clarence Highway Department has been working overtime clearing snow in several towns including Lancaster, Alden and Cheektowaga. Highway Superintendent Dussing was out at 4AM checking the roads and checking on his crews working in other towns. Clarence and Clarence Center Fire Departments are working in Cheektowaga with their rescue vehicles. The Town of Clarence Disaster Coordinators have been working with the County Disaster Coordinator around the clock as well. Councilman Geiger asked if the town would be reimbursed for man-hours. Supervisor Hartzell stated that he was informed that the town should keep track of all their expenses. Right now the storm is considered an emergency not a disaster. Unless it is a disaster, FEMA will not reimburse. Councilman Casilio said he is very proud of our highway workers and volunteers, they are doing a great job.

**Councilman Peter DiCostanzo**

Councilman DiCostanzo will set a Bid Date for a Fuel Control System at the Parks Department Fuel Tank.

Councilman DiCostanzo attended the ZBA meeting last night. Regent Development request approval and grant an area variance for the proposed density of 124 apartment for the multi-family component of the proposed project at 8230 Wehrle Drive. Per the amendment of the Town's Multi-Family Law, the allowable density for this proposed project is 93 units. The applicant said he would agree to 112 units vs. 124. The applicant has until December 1<sup>st</sup> to submit any more written changes. The Public Hearing was closed. The ZBA will have to take action on the SEQRA.

Councilman DiCostanzo discussed the letter the Town Board received from School Superintendent Hicks to discuss enacting a local law placing additional residency restrictions on sex offenders that move into the area. Town Attorney Meckler will address this at the next Town Board meeting.

There was a discussion regarding Conner Road. The County does not want to do any repairs to the road unless the Town of Clarence agrees to take it over.

Time Warner contacted Councilman DiCostanzo regarding crossing guards at Transit Middle School. Councilman DiCostanzo had thought both towns were in agreement with the proposal however Amherst Councilman Mark Manna does not feel the Town of Clarence is doing enough. Councilman Kolber stated that the Clarence residents that go to Transit Middle School all pay Williamsville School taxes. The Town of Amherst budgets \$300,000 for crossing guards. The Town of Clarence 2015 budget was doubled to \$15,000 to cover the additional crossing guard at Transit Middle School.

Parks Department General Crew Chief Robert Linda stated that the town owned property at 10375 Main Street has been winterized.

Councilman DiCostanzo would like the Town Board along with Highway Superintendent Dussing to make a final decision on the size of decal that should be put on all town vehicles. Councilman DiCostanzo will work on a resolution for the next Town Board meeting.

Karen Jurek has scheduled a Retirement Seminar for December 1, 2014, several vendors will be present.

**Councilman Robert Geiger**

There are several committees that have openings and should be filled by the first of the year.

The Youth Bureau and Recreation Department will be hosting a Christmas Tree Lighting Ceremony on Sunday, November 23 at the Clubhouse.

Motion by Councilman Kolber, seconded by Supervisor Hartzell to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of an individual. Town Attorney Meckler had one Attorney-Client item to discuss as well. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:30PM.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman Kolber to adjourn the Executive Session at 7:15PM. 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, November 19, 2014 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell, Jr. called the meeting to order at 7:30 p.m. Pledge to the flag was led by Councilman Bernard Kolber, followed by a prayer given by Councilman Geiger.

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

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to accept the minutes of the work session and regular meetings held November 5, 2014. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to set a bid date of Monday, December 29, 2014 at 10:00 a.m. to accept sealed bids for the Parks Department 2007-GEM-E-4 Electric Car.

On the question, Supervisor Hartzell said vehicle specifications and a minimum bid price will be included and available in the Town Clerk's Office.

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

Motion by Supervisor Hartzell, seconded by Councilman Geiger to approve the following budget line transfers from the 2014 Budget:

\$ 995.00 from account 001.1620.0454 - Stationary Plant & Equipment Maintenance to account 001.1620.0457 – Office Equipment Maintenance/Supplies.

\$1,400.00 from account 001.1953.0400 – telephone & Cell Phones to 001.1954.0400 – Physicals & Testing.

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

Supervisor Hartzell said the Chamber had an excellent mixer on November 18<sup>th</sup>. Jim Rash and Paul Leone from the IDA gave a presentation.

Supervisor Hartzell said he received a letter sent to the Highway from a resident saying what wonderful road services Clarence provides and thanks to Paul Englert for his diligence.

Supervisor Hartzell said we have heard that the school vote was going to be the next open day of school. He encourages everyone to get out and vote.

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the request of Town Justice Robert G. Sillars for Marilyn Taton and Mary Zimmerman to attend the Association of Towns 2015 Training School and Annual Meeting from February 15-18, 2015 in New York City with all reasonable and necessary expenses to be paid by the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to transfer funds in the 2014 Town Clerk's Budget as follows:

\$300 from A1410.479 Other Unclassified, and

\$750 from A1410.430 Printing and Advertising

for a total amount of \$1,050 to A1410.220 Office Equipment.

Councilman Casilio said the purpose is to purchase a Currency Counter and Counterfeit Detection Machine for the Town Clerk's Office.

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

Councilman Casilio said he talked to Highway Supt. Dussing on Tuesday morning as he was checking roads in the Town. The Town was not hit as hard as the other towns in the County. Mr. Dussing informed him that we sent a loader to Alden, a loader and two trucks to Lancaster

and a snow thrower to Cheektowaga. Clarence and Clarence Center Fire Companies are working shifts in Cheektowaga. Our Disaster Coordinator is also working with the other County coordinators to help with the efforts in the County. He thanked Mr. Dussing for the great job he is doing.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to set a Bid Date for Monday, December 15, 2014 at 10:00 a.m. to accept sealed bids for a Fuel Control System at the Parks Department fuel tank. On the question, Councilman DiCostanzo said bid documents will be available in the office of the Town Clerk on December 3, 2014. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said he thinks it is great that the Highway Department is helping other towns. He believes that is what people want to see; cooperation with each other.

He also thanked Rich McNamara, who is a member of the Northern Erie Sno-Seekers, for helping remove snow with their trail grooming equipment.

Councilman Geiger said there are still openings on Town committees including the Cable Committee, Conservation Advisory, Landscape Committee, the Recreation Advisory Committee and a few others as listed on our website.

Councilman Geiger said the Youth Bureau speaker series event was held the other night. It was well attended with excellent speakers.

Councilman Geiger said the Clarence Hollow will be putting up their lights and are asking others in that area to put up white lights.

Councilman Geiger announced that the Planning Board meeting for November 26<sup>th</sup> is cancelled.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of November 20, 2014 are approved for payment: General Fund - \$260,860.53; Highway Fund - \$124,309.45; Water District - \$789.00; Fire Protection Districts - \$145.00; Drainage Districts - \$301.91; Lighting Districts - \$680.93; Special Revenue - \$5,353.00 and Trust and Agency 203 - \$4,940.00 for a total amount of \$397,379.82. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the following: Clubhouse Applications - A. Girl Scouts of Clarence – March 14, 2015; B. Ledgeview Cub Scouts – May 3, 2015; C. Girl Scouts of Clarence – May 17, 2015; Legion Hall Applications - A. Girl Scouts of Clarence – Nov. 22, 2014; March 10, 2015; B. Bulldogs Cheerleaders – Dec. 9, 2014; C. Mark Francisco – Dec. 12, 2014; D. Gary George – Dec. 13, 2014; E. Clara Weber – Dec. 28, 2014; F. Rebecca Falsafi – Jan. 17, 2015; G. Mandana Waseh – March 1, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider a Temporary Conditional Permit for display and sale of storage sheds east of 8570 Main Street. James Callahan said the property is located on the north side of Main Street, east of Harris Hill Road consisting of vacant property in the Harris Hill Traditional Neighborhood District. The Town Board may consider this permit following the public hearing.

Lou Visone and Mike Shields were present. Lou Visone said they are proposing approximately six sheds to be on display. He believes it is a good use for the property temporarily until they decide on a project. They will be set back in line with the existing buildings on either side.

Councilman Kolber said his concern is that we have turned down similar requests in the past and the precedence that this could present. Outdoor displays have been part of the business on the site. He asked if there is a way to enhance the site, which is in a natural state, to compliment the rest of the area.

Mr. Visone said they have already mowed it down and he thinks it looks better. They will keep it that way. He could add some shrubs if they would like. The parking would be on their existing parking lot next store. It is really not intended as a walkthrough area. They will post their phone number and people can call them if they are interested. They are purchased and delivered

by the Amish in Cherry Creek, New York who build them. They do not intend to have stock of them on the site.

Councilman Casilio said it is very unusual to allow retail sales on cut grass. There is a lot of vacant property along Main Street.

Mr. Visone said he understands as he owns some of it. He thinks it is a good use for the area. He will not pave it. He has the plaza next store. It is a conditional permit. What he is going to get out of this will not even pay the taxes. It is a little project that his 88 year old father wants to do. They will have a banner on the side of the shed. If they feel they would like a sign, he will come in and apply for one.

With no one else speaking to the subject, motion was made by Supervisor Hartzell, 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 Geiger to adopt the following resolution:

RESOLVED, that after a public hearing duly held on November 19, 2014, and after all interested parties being heard, the Clarence Town Board approves a Temporary Conditional Permit to the applicant, Lou Visone, for the display and sale of storage sheds on the existing vacant lot east of 8570 Main Street, subject to the following conditions:

1. The Temporary Conditional Permit is granted for one year.
2. Approval of the Landscape design by the Landscape Committee.
3. Number of display units not to exceed six.
4. Display to be setback in line with existing buildings.
5. No lighting.
6. Permit can be revoked at the discretion of the Town Board.
7. One sign permitted according to the Traditional Neighborhood District Code.

On the question, Councilman Kolber said he is normally against these types of things. He is willing to try it out since it is somewhat of an improvement to the area, as well as, it gives the landowner an opportunity to develop some revenue from his property.

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

“For the Good of the Town”

Noel Dill said he is part of the initiative called “Discover Main Street” to include Main Street from Transit Road to the Pumpkin Farm. They would like to incorporate all of the various districts that have done a great job in promoting their areas. They are putting their money behind it and bringing in others to promote Main Street businesses. They have had social media access. They are going to have radio advertising.

Mr. Dill said they are trying to promote Main Street as a destination for all of Western New York to come to. People interested in getting involved can contact them. They have a website called DiscoverMainStreet.com to find out more. The Sun Newspaper is going to run a passport ad. If you go to six businesses and have the passport punched, you can enter into a drawing for gift certificates.

They want to include Main Street as a whole destination. Mr. Dill said businesses do not have to pay a fee at this time. They would like to see business contribute to keep this going. A list is still being put together of all the businesses along Main Street. They are working with the Chamber and the Clarence Hollow Association, but it would be a separate group focused on all of Main Street. It is an opportunity for the businesses to benefit in a different way.

Councilman DiCostanzo asked if it was exclusive only to Main Street.

Mr. Dill said the focus is Main Street businesses. It is not a profit making entity, but something to give back. They will be reaching out to all of the community resources. The group is evolving. They will promote business events. They want to build on everything that is going on now.

Councilman Kolber said he thinks it is a fantastic idea.

Supervisor Hartzell said he appreciates him coming in to share this with the Board and wishes them the best of luck.

Lou Visone said the Town purchased a parcel last fall from Nuchereo's and he wanted to know if there were any plans for it. It is a beautiful area.

Councilman Casilio said we are looking at the possibility of putting a trail in there.

James Callahan said we did apply for a grant to use it as an educational destination. However, we were not successful in obtaining the grant.

Mr. Visone said he would be happy to offer his equipment for a day to do clearing. He added that he is involved in a group called Laugh Out Loud with world headquarters here on Main Street. It is a humanitarian group that has helped the people in Sierra Leone, Africa.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:15 p.m.

Nancy C. Metzger  
Town Clerk