A Work Session of the Town Board of the Town of Clarence was held on Wednesday, June 12, 2019 at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Casilio called the meeting to order at 4:30 PM. Members of the Town Board present were Christopher Greene, Robert Geiger and Peter DiCostanzo. Councilman J. Paul Shear was absent. Other Town Officials present were Assistant to the Supervisor Karen Jurek, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Director of Community Development James Callahan, Assistant Director of Community Development Jonathan Bleuer, Senior Building Inspector David Metzger, Director of Administration and Finance Kimberly Ignatowski and Planning Board Chairman Robert Sackett.

Director of Community Development – James Callahan

Formal Agenda items:

Meet in the Center 9470 – 9490 Clarence Center Road

The applicant is proposing a Temporary Conditional Permit to operate a seasonal farmer’s market in the parking lot at Bank of Akron. The market would be open every Saturday from 8AM – 1PM. Setup and teardown would occur on the day of the event. Vendors will utilize pop-up tents and access will be controlled at entrance/exits.

The proposed site is located on the northeast corner of Clarence Center Road and Goodrich Road within the Traditional Neighborhood District. The proposal requires a Temporary Conditional Permit as issued by the Town Board after a Public Hearing is held. Depending on level of attendance, street parking may need to be restricted to one side of the street.

Annual Firework Display Permit requests:

a) June 29, 2019 at 9385 Martin Road
b) July 4, 2019 at Brookfield Country Club
c) July 4, 2019 Clarence Hollowfest
d) July 13, 2019 at Brookfield Country Club
e) August 30, 2019 Clarence Center Labor Day Fair
f) September 21, 2019 at Brookfield Country Club

Items b – f have come before the Town Board for approval with regularity every year. Item a) is a new request.

Skylighters, a professional fireworks company has submitted the above list of permit requests for approval. Each permit application contains a certificate of liability insurance and map of the launch site and radius. Each application has been sent to the appropriate Fire Chief for comment. Firework Display permits require Town Board approval.

Work Session items for consideration June 26, 2019

Samuels Grand Manor 8750 Main Street

Applicant is seeking approval to convert existing second floor banquet space to six apartments and to construct a 6-car garage accessory addition. The proposed site is located on the north side of Main Street, west of Overlook Drive at existing banquet facility located in the Harris Hill Traditional Neighborhood District. The Planning Board has approved the site plan and architectural plans associated with this proposal. The Planning Board has also forwarded a recommendation for a Special Exception Use Permit.

Per the Zoning Law, the proposed conversion to Multiple Family Residential will require a Special Exception Use Permit as issued by the Town Board. A Public Hearing will need to be set in order to consider this request. Per the conditions of the Planning Board, the
applicant must receive Landscape Plan Approval before the issuance of a Special Exception Use Permit. The applicant must also submit detailed architectural elevations outlining the materials to be used, matching the existing building.

Ted Hallac 7149 Transit Road
Applicant is seeking approval to construct a 7,500 square foot commercial building on the property located on the southeast corner of Transit Road and Lapp Road on existing 2.8 acre parcel located in the Swormville Traditional Neighborhood District. The existing building currently used as a salon is proposed to remain. Per the Zoning Law, the proposed commercial building requires Town Board consideration and referral to the Planning Board will initiate a review of this proposal.

In its current configuration, this proposal does not meet Code of the Town of Clarence. A variance will be required from the Zoning Board of Appeals to allow parking within the front yard setback. Parking within the front yard setback is not allowed within the TND Zoning. Joint comprehensive planning between the Town of Clarence and the Town of Amherst previously proposed a hamlet style development pattern, with buildings fronting the street and side/rear parking.

The Town of Amherst has received a mixed-use project application across from Lapp Road, featuring mixed use buildings fronting Transit Road with parallel parking spots on Transit Road. It is to be determined what comment the Department of Transportation will have regarding the Transit Road ROW configuration and the potential for street parking.

Supervisor Patrick Casilio
Supervisor Casilio had no report.

Councilman Peter DiCostanzo
Motions:
- Approve request of Parks Employee for an unpaid leave of absence
- Appoint Recreation Attendant PT – Seasonal

Councilman DiCostanzo and Councilman Greene discussed with Animal Control the possibility of a Dog Park. Councilman DiCostanzo and Councilman Greene do not want the town to be in “the dog park business.” Animal Control expressed many concerns with dog parks especially with Animal Control being called out whenever an issue arises, not to mention the filing of all the required paperwork should a dog bite or dog attack occur. Councilman DiCostanzo was hoping to just designate a piece of land with a fence and let a non-for profit organization handle the operation however, the question came up as to who would police and/or maintain the operation.

Councilman DiCostanzo, Councilman Greene, Town Attorney Meckler and Town Engineer Lavocat met with Clarence Baseball and Clarence Softball to discuss the utilities at Memorial Park. The meeting went well.

Councilman Robert Geiger
Councilman Geiger reported that a large Husky dog in his neighborhood got off his leash and killed a large Golden doodle. The Husky is still around and is supposed to wear a muzzle, some of the nicest, well-mannered dogs can turn violent.
Councilman Christopher Greene

Motions:
- Endorse application and authorize Supervisor to sign for funding from NYS DEC through the CFA for Catch Basin Vacuum Truck

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to §105(1) F the employment history of a particular person(s) and §105(1) H the acquisition of real property. Upon roll call – Ayes: Councilman Greene, Councilman Geiger, Councilman DiCostanzo and Supervisor Casilio. Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

There being no further business the Work Session adjourned at 4:55 PM.

Darcy A. Snyder
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, June 12, 2019 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 6:02 p.m. Pledge to the flag was led by Councilman Robert Geiger, followed by a prayer given by The Rev. Vicki Zust of St. Paul’s Episcopal Church.

Members of the Town Board present were Councilmembers, Christopher Greene, Robert Geiger, Peter DiCostanzo and Supervisor 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 Greene to accept the minutes of the work session and regular meeting held May 22, 2019. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to accept the minutes of the morning work session held June 5, 2019. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger that upon the recommendation of Parks Crew Chief, James Burkard, approval is given for Parks Employee, Janel Farolino, for an unpaid leave of absence for November 8, 11, 12, 13, 14, and 15, 2019 and from February 17 through and including February 20, 2020.

On the question, Councilman DiCostanzo said Ms. Farolino disclosed at the time of the interview and hiring process that she would require time off on these dates for pre-planned trips. This request is being granted pursuant to the provisions in Article 24 of the WCU Contract. By granting this request, the Town Board is not creating precedence setting policy. Any request for an unpaid leave of absence will be reviewed on a case-by-case basis.

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

Motion by Councilman DiCostanzo, seconded by Councilman Greene that upon the recommendation of the Recreation Director, Raina Singh is appointed to the position of Recreation Attendant PT-Seasonal retro-active to June 8, 2019 at the hourly rate of $11.10. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Councilman DiCostanzo announced that Friday is the Clarence Peddle Party. Bicycle riders will meet at West Shore Brewery at 6:00 p.m. and leave for a ride at 7:00 p.m.

Councilman Geiger welcomed Errol Douglas, member of the Chamber of Commerce Board of Directors.

Councilman Geiger announced that the Red White and Brew event is June 15th at the Large Pavilion to benefit veterans.

Councilman Geiger said the Buffalo Tour Group was in Town visiting the Asa Ransom House, the museum and some other sites in the Hollow area.

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

WHEREAS, the Town Board desires to pursue funding opportunities to purchase a Catch Basin Vacuum Truck. This is a piece of equipment that will be used to clean catch basins which capture grit and debris, which, if not removed in a timely fashion, can discharge toxic and biological pollutants during rain and/or snow melt events.

WHEREAS, the Town Board desires to secure this piece of equipment to the lowest possible cost to the Town and Town taxpayers, and

WHEREAS, the Town Board desires to apply for financial assistance from New York State Department of Environmental Conservation, Division of Water; Water Quality Improvement Project (WQIP) program through the CFA (Consolidated Funding Application), and

WHEREAS, the Town Board commits to providing the required local matching funds to insure the timely purchasing of the piece of equipment proposed.

NOW, THEREFORE BE IT
RESOLVED, that Patrick Casilio, as Supervisor of the Town of Clarence, is hereby authorized and directed to accept funds from the New York State Department of Environmental Conservation, Division of Water; Water Quality Improvement Project (WQIP) program, in an amount not to exceed $268,152.12 (75% of the total equipment cost of $357,536.16), and enter into and execute a project agreement with the State for such financial assistance to the Town of Clarence to purchase a Catch Basin Vacuum Truck, and be it further

RESOLVED, that upon approval of the application for financial assistance that the Town make available $89,384.04 (25%) in matching funds to satisfy the requirements of the funding program, and be it further

RESOLVED, that the Town Board authorizes the Supervisor to sign all documents and agreements related to this project from the New York State Department of Environmental Conservation, Division of Water.

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

In regard to Public Participation, no one spoke.

Meet in the Center requests a Public Hearing to consider a Temporary Conditional Permit to operate a Seasonal Farmer’s Market at 9470 – 9490 Clarence Center Road on Saturday mornings. James Callahan said the Association is proposing a market at the northeast corner of Railroad Street and Clarence Center Road in the parking lot of the Bank of Akron. The Town Board can consider the request for a Temporary Conditional Permit after a public hearing is held.

Deborah Tangelder representing the Meet in the Center Merchants Association said they would like to do a small scale grassroots market where people can come with their families. They want to invite people to be a part of the community as they do with the other events they have. The entrances will be closed off for access, except for emergency vehicles if necessary. The bank will be closed on Saturday mornings.

James Callahan said in the interim, before the public hearing is held, the Planning Department has the authority to issue a commercial special event to give them the test run.

Supervisor Casilio said a concern was brought up about where people will park. He asked if anyone had a comment they would like to bring up.

Carol Conwall said she is a vendor and helps out with the advertising and marketing for the Hollow Farmer’s Market. They are currently in competition with the Wednesday market at the BJ’s Plaza and now with this. It will dilute the benefits of the Hollow Farmer’s Market that has been around for 17 years. They have been trying very hard to create an awareness of the market to the whole Town. There is also competition with the farm markets and the supermarkets. This is one more hurdle for them to overcome.

Councilman DiCostanzo asked if they should just say no. If someone wants to open a salon, do we say we have enough and you can’t do it?

Carol Conwall said they are volunteer based and it takes a lot of hours to put this on. It is difficult to do and try to get people to go to the Hollow instead of Transit Road. It will affect the Hollow market.

Deborah Tangelder said the proposal is for now through October 26th and the hours of 8:00 a.m. to 1:00 p.m. She thanked Carol for her comments. When this opportunity came to them they reached out to people involved in other markets to make sure they did this differently. They would like to be able to enhance one and other by referring to each other. The target is the walking community and people to the north. All of the vendors would have to produce or make their own products. They will only have food at their market. They will stay away from the entertainment draw and tell people that those activities are available at the Hollow market. They would work with them to promote that. It will not include crafts or artisan vendors. They are open to working together for the whole Town. She would like to give it a try. It is what the Eshelman’s did way back at the four corners. They are not looking to harm them in any way. It will be a local based market. They have agreed that they will not contact any vendor associated with another market. They do have some members from their board who are also on the Hollow market board. She would be open to discussion in the future because they are team players.

Tom Scott said he does not see a problem with this. They should give it a shot and see what happens. He believes it will draw people from the north who do not want to get into Main Street traffic. He does not see an impact.

Supervisor Casilio said the public hearing will address concerns the local people may have.
Motion by Councilman Geiger, seconded by Councilman DiCostanzo to set a Public Hearing for July 10, 2019 at 6:15 p.m. to consider the request of the applicant, Meet in the Center, for a Temporary Conditional Permit to operate a Seasonal Farmer’s Market at 9470 – 9490 Clarence Center Road on Saturday mornings from 8:00 a.m. to 1:00 p.m. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Annual Fireworks Display Permit Approvals:
A. June 29, 2019 at 9385 Martin Road
B. July 4, 2019 at Brookfield Country Club, 5120 Shimerville Road
C. July 4, 2019 at Clarence HollowFest, 10405 Main Street
D. July 13, 2019 at Brookfield Country Club, 5120 Shimerville Road
E. August 30, 2019 at Clarence Center Labor Day Fair, 9415 Clarence Center Rd.
F. September 21, 2019 at Brookfield Country Club, 5120 Shimerville Road

James Callahan said all fees, insurance and fire chief approvals are on file in the Planning and Zoning Office.

Supervisor Casilio said there is one new request, but we have not received comments on any of the others.

James Callahan said the Martin Road request is a short, low volume display at a private benefit for Mercy Flight.

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to approve the requests for a Fireworks Display Permit as follows:
A. June 29, 2019 at 9385 Martin Road
B. July 4, 2019 at Brookfield Country Club, 5120 Shimerville Road
C. July 4, 2019 at Clarence HollowFest, 10405 Main Street
D. July 13, 2019 at Brookfield Country Club, 5120 Shimerville Road
E. August 30, 2019 at Clarence Center Labor Day Fair, 9415 Clarence Center Rd.
F. September 21, 2019 at Brookfield Country Club, 5120 Shimerville Road

On the question, Councilman Geiger said all the appropriate paperwork, fees, insurance and fire chief approvals are on file in the Planning and Zoning Office.

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


Motion by Councilman DiCostanzo, seconded by Councilman Greene that after proper audit and review by the Town Board, the following bills of May 30, 2019 are approved for payment: General Fund - $149,720.65; Highway Fund - $28,217.22; Water District - $1,402.67; Fire Protection Districts - $4,140.40; Sewer Districts - $110,035.17; Capital Fund - $1,340.00; and Trust and Agency 203 - $6,332.50 for a total amount of $301,188.61. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Greene that after proper audit and review by the Town Board, the following bills of June 13, 2019 are approved for payment: General Fund - $101,593.45; Highway Fund - $47,394.56; Drainage District - $8,500.00; Lighting Districts - $628.54; Sewer Districts - $400.00; Capital Fund - $222,797.68; and Trust & Agency 203 - $1,110.00 for a total amount of $382,424.23. Upon roll call – Ayes: All; Noes: None. Absent: Councilman J. Paul Shear. Motion carried.

“For the Good of the Town”
Janet Vito said senior center members have come before the Town Board March 27, 2019 and May 8, 2019 with specific concerns and requests for responses. To date they have not received any feedback and would like to know the status.
The Senior Center Board Minutes of May 9, 2019 under Liaison Report – Bob Geiger state none. She wonders if that is accurate when members are waiting for answers to their concerns. The recording of the meeting does not have him making that statement.

Supervisor Casilio said when she made comments previously there was no indication of who to respond to. The statements and concerns were referred to the Town Attorney.

Town Attorney Lawrence Meckler said this item, For the Good of the Town is for citizens to come up and speak. There is absolutely no obligation to respond to any of the questions. As stated, all of the comments have been referred to him and to the extent that he feels is necessary or appropriate, he will let the liaison to the Senior Center Board know if there is anything of any legal importance to be communicated. There is no obligation to answer what is brought up in March April, this month or the next. They are welcome to bring up their comments but should not expect an answer or explanation as to why they would or would not answer any question.

Tom Scott said he gave Mr. Meckler the information he found regarding what constitutes a quorum. The Town Board minutes of July 11, 2012 a motion approves increasing the Board of Directors of the Clarence Senior Center to 15. He found in a retrieve bill that vacancies on a board count towards a quorum. If they are allowed 15 people, they have to have half of 15. A statement was made at the senior center meeting that the number of members appointed the previous year constitutes how many are required for a quorum. That would mean any new members appointed during the year would not count towards the quorum. This is why they get upset about the way they do things. They make up the rules in their slanted way. This should stop and he thinks it is a legal issue that should be addressed.

Ruth Haas said she asked things before and did not realize that the Board does not answer people when they ask questions. The senior center is given a lot of tax dollars and this Board should start overseeing how the money is used. She does not think they should put money into the stock market year after year and not taking any of the profits out of it to use for the senior center. Now they cannot even get a free cup of coffee. They have to pay a quarter.

Terrence Morrisey said he is here to suggest a bulletin board for the bike path. Something protected from the elements to post local events such as the slow roll bike ride, youth bureau or senior center activities, bike, walking or running club updates. It could include parades, fire hall events and farmer’s markets. He thinks it would be helpful and maybe bring in more people to the different events. It could be a way to organize bike or walking clubs. He has a few suggestions for locations. The Town Board can decide where to widen or narrow the scope of information.

Councilman Christopher Greene said in regard to the Town Attorney’s comments, saying that we are not obligated does not mean that they will not listen or act on information provided. It means we are not obligated to give a written letter to respond. What they do may include actions. He said he can assure them that their voices have been heard in the past and actions have been taken. He appreciates them providing more information as they see fit. He believes in having eyes and ears all over town as he is not at the senior center.

There being no further business, Supervisor Casilio adjourned the meeting at 6:37 p.m. in memory of John Matteson a former employee for over 34 years in the Clarence Highway Department.

Nancy C. Metzger
Town Clerk