

A Work Session of the Clarence Town Board was held on January 7, 2009 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 6:00 P.M. Members of the Town Board present were Council members Joseph Weiss, Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Other town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Director of Administration and Finance Pam Smith, Senior Building Inspector David Metzger Confidential Secretary to the Supervisor Karen Jurek.

Director of Community Development – James Callahan

Formal agenda items:

Clayt Ertel 8225 Tonawanda Creek Road

Applicant is seeking approval to split one residential building lot from the parent parcel. The existing farmland with farmstead consists of 109+/- acres in the Agriculture Flood Zone and is located within the density flood way. Per the Subdivision Law, the Town Board has authority to approve minor subdivisions.

Mary Feeney 9155 Main Street

Applicant is seeking approval to open an automotive sales operation that must include a display area for three vehicles. The proposed site is located on the south side of Main Street, west of Sheridan/Thompson intersection. The existing commercial building is located on 1+/- acres in the Commercial Zone. Per the Zoning Law, the Town Board has authority to approve automotive sales operations via a Special Exception Use Permit or a Temporary Conditional Permit.

Work Session items for consideration 1/21/09:

Wilson Greatbatch Inc. 10000 Wehrle Drive

Curt Cashmore representing Wilson Greatbatch is requesting approval for an addition to existing facility to provide more office space. The exterior will match the existing façade. The proposed project conforms to all setback requirements in that zone.

Mr. Cashmore stated that they have completed their recent expansion by adding a second floor and extending the building to the west. The plans call for expanding the building to the east to provide more office space along the front. They will not be encroaching on the existing Conservation Easement. They may come back at a later date to discuss reconfiguration of the driveway.

Supervisor Scott Bylewski

The outcome based budget meeting will be held February 9th.

Supervisor Bylewski referenced the article in the Buffalo News regarding sales tax revenue. Supervisor Bylewski has received the sales tax check, it was greater than what he had budgeted but less than Dresher & Malecki had projected. The town has a healthy fund balance that should help us through these tough times.

Town Clerk Nancy Metzger has submitted her 2008 annual reports for both the Town Clerk and Tax office.

There was an issue regarding some trees in the Spaulding Lake Conservation area. It was hazardous to have the Parks Department remove the trees and based on a conversation with the Town Attorney, it was decided to have an outside firm take care of the matter.

An alternate and delegate will have to be appointed for the Association of Towns 2009 Annual Meeting and Training School. Councilman DiCostanzo will be appointed delegate and Town Engineer Latona will be appointed alternate.

Senior Building Inspector David Metzger reported on the recent ISO evaluation. The rating that the building department received based on the evaluation by ISO was downgraded one step (Class 4 to a Class 5). The reason for that is that NY State has not adopted the latest version of International Code Council Family of Codes but this is uniform throughout the entire state. There is nothing they can do in the building department to maintain their level, the delay in the code update is what has downgraded the building department rating and the state is not going to change that until October. Dave is hoping ISO will hold off with their evaluation report if not, they will downgrade the building department now and in October bring them back to a Class 4 rating.

This past Monday Supervisor Bylewski went before the Clarence Fire District to talk with them about the Local Government Efficiency Grant Program (fka Shared Municipal Services Initiative). Supervisor Bylewski received word that based on information received from their attorney, the fire district does not care to pursue the grant at this time. They did however thank Supervisor Bylewski for attending the meeting and they would like the discussion to continue and look for a way to partner with the town that would benefit the community regarding these issues. After talking with our grant writer, Supervisor Bylewski would like to go forward and pursue an RFQ and make it grant funded contingent and see what responses we get.

Supervisor Bylewski will contact Joe Floss regarding a change in the LOSAP to address Dan Loudenslager's issue.

Town Attorney Bengart has reviewed the Lean Six Sigma Contract. There were several smaller changes after that draft the Town Board reviewed. Supervisor Bylewski will sign off on the contract.

Supervisor Bylewski received input from several people regarding the infrastructure stimulus package. Unfortunately the suggestions that were made were not "shovel ready" suggestions. We do have one project that Town Engineer Latona prepared for the Miles Road Bridge which is a "shovel ready" project.

Supervisor Bylewski has a line item transfer for the Town Attorney's office for budget purposes.

Given a change in the NYS Municipal Law, we have to change our Procurement Policy. As a result of this change, we now have to list everyone (their name and title) who can purchase items.

Supervisor Bylewski has several Executive Session items regarding the employment history of several individuals and two Attorney Client items to discuss.

Councilman Joseph Weiss

Highway Superintendent Ted Donner has two requests for transfer of funds.

Highway Superintendent Ted Donner is requesting a bid date be set for one 700-gallon trailer mounted sewer cleaner with pivoting wheel.

Councilman Weiss will be attending the annual NEST meeting tomorrow night with Recycling Committee Chairman Chuck Eckert.

Upon recommendation of Recreation Director Clifford Trapper, Councilman Weiss will appoint three individuals to the Winter Recreation staff for 2009.

Councilman Weiss has one item to discuss in Executive Session regarding the employment history of an individual.

Councilman Bernard Kolber

Councilman Kolber has two items to discuss in Executive Session regarding the employment history of an individual.

Councilman Patrick Casilio

Highway Superintendent Ted Donner is requesting authorization to purchase two used vehicles from the Harris Hill VFC. A 2003 Ford Expedition and a 2002 Dodge Durango from the Harris Hill VFC, these vehicles will be used by Town Security.

Councilman Peter DiCostanzo

Councilman DiCostanzo is receiving numerous calls regarding a crossing guard at Transit Middle School. Councilman Casilio stated that he has placed two telephone calls to the Williamsville School Superintendent. We still do not know if the school wants to pursue this.

A Bee Heard in the Clarence Bee commented on the need for a traffic signal at the intersection of Greiner and Thompson Road. Supervisor Bylewski stated that the town has sent a request to the County to study this intersection it is also part of the mitigation process for the proposed Spaulding Green Subdivision.

Town Attorney Bengart and Councilman DiCostanzo have discussed the historic designation for several town owned buildings. Town Attorney Bengart stated that the Historic Preservation Committee will recommend the buildings to be designated; the Town Board will then authorize the Supervisor to apply to the Historic Preservation Committee.

Councilman DiCostanzo has one item to discuss in Executive Session regarding the employment history of an individual and one Attorney – Client item.

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

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

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 6:57 P.M. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

**Organizational Meeting
January 7, 2009 at 7:00 P.M.
Clarence Town Hall, One Town Place, Clarence, New York**

Supervisor Scott Bylewski led in the pledge to the flag followed by reading of a prayer.

Installation of Newly Elected Officials

Councilman Peter DiCostanzo was administered the oath by his wife Colleen, along with their three sons.

Town Justice Michael Powers was administered the oath by Retired Town Justice William Waible.

Councilman DiCostanzo thanked his family and everyone who helped him throughout his campaign. He also thanked everyone here who he deals with every day.

Town Justice Michael Powers thanked the Town Board for appointing him and giving him the opportunity to serve the Town. He thanked Judge Sillars for all his help in getting started. He thanked his staff, Mary Zimmerman, Nancy Meyer, Marilyn Taton, Guy Fleming and Tom Fulton for all that they have done to make the transition easy. He also thanked his dear friend Nancy Shea for supporting him throughout the campaign.

Justice Powers also thanked the people of the Town of Clarence for their support in voting him into office. He pledges to do everything in his power to justify the trust, confidence and responsibility placed on him.

Supervisor Scott Bylewski called the **2009 Organizational Meeting** to order at 7:13 p.m.

Members of the Town Board present were Councilmembers Peter DiCostanzo, Patrick Casilio, Bernard Kolber, Joseph Weiss and Supervisor Bylewski. Several Town department heads and employees were also present.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held December 17, 2008. On the question, Supervisor Bylewski had a few spelling corrections on pages 373 – 375. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to approve the transfer of \$3,207 from the 2008 budget line A1420.471 Legal and Professional Services to the 2008 budget line A1420.220 Office Equipment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to amend the Procurement Policy for the Town of Clarence by adding Guideline 8 as follows:

GUIDELINE 8 - Pursuant to the provisions of New York State General Municipal Law 104-b (f), effective January 1, 2009, those employees authorized for purchases on behalf of the Town and their respective titles shall be listed in Appendix 1 of this policy and said listing shall be updated biennially.

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

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following transfer of funds in the Highway budget: \$54,000 from account DA5110.413 Resurfacing Materials to DA5142.415 Snow Removal – Chemicals to cover the cost of the salt delivered in December. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following transfer of funds in the Highway budget: \$3,419 from account A5132.250 Fixtures and \$2,331 from account A5132.454 Repair and Maintenance of Equipment for a total amount of \$5,750 to

account A5132.450 Repair and Maintenance of Building. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to set a Bid Date of January 20, 2009 at 10:00 a.m. for the purchase of one 700-Gallon Trailer Mounted Sewer Cleaner with Pivoting Wheel. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to appoint the following to the Winter Recreation Staff for 2009: Matthew Schlabach as Supervisor; Julia Foy and Nicole Miller as Student Helpers. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said he met with Cliff Trapper to discuss the hockey program for the 7th and 8th graders, which is going very well. A few of the older kids have shown an interest, but we do not have a program for them at this time. We are willing to start one if there are at least twelve kids who would like to participate.

Councilman Weiss said he and Chuck Eckert will be attending the NEST meeting tomorrow night and he will report on that at the next meeting.

Councilman Weiss complimented the Bee on the fine article about Tom Lorenz from Main Mobility. He is a great guy and is doing well. He brought his business to the Town and has done a great job. Councilman DiCostanzo added that his property is kept up very nicely.

Supervisor Bylewski reported that they have received the Town Clerk's Annual Report of Fees for 2008. The total amount collected was \$544,457.29. The report includes non-financial transactions as well as a breakdown of all the fees. A copy of the report is on file in the Town Clerk's Office.

Councilman Kolber said a letter was received from Time Warner Cable regarding the merging of some of their subsidiaries resulting in the transfer of the franchise in Clarence to Time Warner NY Cable LLC. This transfer will have no impact on the operation of the cable system.

Councilman Kolber said another letter was received regarding their rate increases that will begin February 1, 2009. A copy of the letter will be on file in the Town Clerk's Office.

Councilman Casilio received the 2nd Quarter Report for Avoidable Alarms, including 17 avoidable fire alarms and 635 avoidable security alarms. There were 23 billable alarms with a total amount collected of \$830.

Motion by Councilman Casilio, seconded by Councilman Kolber that upon recommendation by Highway Supt. Ted Donner, authorization is given to purchase the following used vehicles from the Harris Hill Fire Company: a 2003 Ford Expedition for \$6,000 and a 2002 Dodge Durango for \$4,000 to be paid from the vehicle replacement account. On the question, Councilman Casilio said we will be selling three vehicles to help fund the purchase. We have been working for the last two years on establishing public safety initiatives including the public safety committee, volunteer patrols on our bike paths, additional security and a wireless video system. This will add to the security presence in the Town to help make it a safe place to be. Councilman Kolber added that they have been inspected by the Highway Department and recommended for purchase. Councilman Casilio said they do come equipped with lights and some radio communication. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said at times residents complain that they do not receive notice about certain things. He asked Andrea from the Bee to let people know that they can check the Town's website to see what is going on. Agendas and legal notices are posted on the site. People need to take it upon themselves to be aware.

Councilman DiCostanzo said people have been requesting that a signal be installed at Thompson and Greiner Roads. It is a requirement of the Spaulding Greens Development project as it moves forward.

Councilman DiCostanzo said the New Year's Eve event at the clubhouse was a great event. The fireworks were wonderful.

Councilman DiCostanzo said he is going to pursue historical preservation status for the museum, the Town Park Clubhouse, the log cabin and the Gerber Library.

Councilman Weiss reminded everyone of the Chamber of Commerce Awards Dinner on January 22, 2009.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve the following items 1 – 4:

1. **Town Board Meetings:**

Regular Town Board meetings will be held on the 2nd and 4th Wednesday at 7:30 p.m., except as noted:

January	7 and 21
November	4 and 18
December	2 and 16

Work Session to start at 6:00 p.m.

Work Session may be held at 9:00 a.m. on the first Wednesday of each month, as called by the Supervisor.

2. **Agenda Format:**

1. Call to Order
2. Pledge to the Flag
3. Prayer
4. Roll Call
5. Minutes of Previous Meeting
6. Supervisor's Report
7. Council Reports
8. Public Announcements
9. Departmental Reports
10. Public Participation (Limit of 3 minutes on Agenda Items, Town Board Members and Department Reports only.)
11. Balance of Agenda Items
12. "For the Good of the Town" (Limit of one minute)

NOTE: Council members shall vote by reverse seniority, with the Supervisor voting last.

3.1 **Agenda Policy for all non-land use projects or items** - any person or entity wishing to be placed on the Agenda must notify the Town Clerk with subject matter by noon on Thursday prior to the Wednesday Board Meeting. The Supervisor upon consultation with the Town Board may make exceptions.

3.2 **Agenda Policy for Land Use Proposals** –All proposed land use projects or items to be placed on the Town Board agenda must have all appropriate applications or approvals completed and submitted, including appropriate fees, to the Planning & Zoning Department on or before 4:30 pm of the Wednesday the week before the Town Board meeting.

- If the item is a new application, then it may be placed on the Town Board's Work Session to determine an appropriate review process. The item may be placed on the next available Town Board Agenda.

- **Exceptions:**

- a. Any item on a Planning Board agenda the Wednesday before a Town Board meeting that receives a Planning Board recommendation, be it approval or denial, may be placed on the next Town Board Work Session.

- b. Case-by-case determination by the Town Supervisor in consultation with the Planning & Zoning Department.

3.3 **Agenda Policy for Town Board Notification Policy for Land Use Proposals:**

This policy is developed in accordance with Master Plan 2015, Chapter VIII, page 32 to allow for the public to have a voice in local land use decisions. This policy supersedes but does not replace any notice required by law.

- Unless required by law, an item's first appearance on any Town Board agenda does not require any additional notification.
- Any and all items referred to the Planning Board shall be noticed for the Planning Board's first agenda. All above-mentioned notices shall be sent by the Planning & Zoning Department by first class mail to property owners within five hundred feet (500') from the subject property. Notification of an item on any other future meeting may be sent at the discretion of the Director of Community Development, the Planning Board Chairperson, or Planning Board Executive Committee.
- After the Planning Board's first meeting regarding the proposed project, all affected property owners may stay involved by visiting the Town's Website, speaking with Town staff in the Planning and Zoning Department, or by reading the Clarence Bee, where such notices and agendas are published. Also, all meeting agendas are posted in Town Hall as required by Town Law.

4. **Town Hall Offices:**

Supervisor	-Week Days	8:30 a.m. – 4:30 p.m.
Town Board	-Week Days	8:30 a.m. – 4:30 p.m.
Town Clerk*	-Week Days	9:00 a.m. – 5:00 p.m.
	*-July & August	8:30 a.m. – 4:30 p.m.
Town Attorney	-Week Days	8:30 a.m. – 4:30 p.m.
Court	-Week Days	8:30 a.m. – 4:30 p.m.
	Note: Window Hours	9:00 a.m. – 4:00 p.m.
Administration & Finance	-Week Days	8:30 a.m. – 4:30 p.m.
Zoning Office	-Week Days	8:00 a.m. – 4:30 p.m.
Zoning Office – clerical	-Week Days	8:30 a.m. – 4:30 p.m.
Assessor	-Week Days	8:30 a.m. - 4:30 p.m.

Highway and Parks Departments:

Office Hours	-Week Days	8:00 a.m. – 4:00 p.m.
Shop Hours	-Week Days	7:00 a.m. – 3:30 p.m.

Engineering and Building Departments:

Office Hours	-Week Days	7:30 a.m. - 3:30 p.m.
Inspector's Hours	-Week Days	7:00 a.m. – 3:30 p.m.

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

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following items 5 – 20:

5. All items which pertain to conditions of employment, pay, vacation and the like are applicable to employees not covered under collective bargaining agreement (except seasonal, part-time and temporary).
6. Adoption of **Employee's Salary Schedule** as within the 2009 Adopted Budget except as noted in the Organizational Minutes.
7. **New York State Retirement:** The Town shall pay for all employees under the Retirement Plan Section 75-1.

8. **Holidays:**

January 19, 2009	Monday	Martin Luther King Day
February 16, 2009	Monday	Presidents' Day
April 10, 2009	Friday	Good Friday
May 25, 2009	Monday	Memorial Day
July 3, 2009	Friday	Independence Day Holiday
September 7, 2009	Monday	Labor Day
October 12, 2009	Monday	Columbus Day
November 11, 2009	Wednesday	Veterans' Day
November 26, 2009	Thursday	Thanksgiving Day
November 27, 2009	Friday	Thanksgiving Holiday
December 24, 2009	Thursday	Christmas Eve – ½ day*
December 25, 2009	Friday	Christmas Holiday
January 1, 2010	Friday	New Year's Day

NOTE: Employee must work the day before and the day after the holiday to be paid unless on vacation or approved paid sick leave.

*Christmas Eve ½ day Holiday occurs only when Christmas falls on Tuesday thru Friday.

9. Designation of **Trick or Treat** Night on Saturday, October 31, 2009 from 5:00 p.m. to 8:00 p.m.
10. March 11, 2009 is proclaimed **Founder's Day** in honor of Asa Ransom, the first settler and one of the founders of the Town of Clarence.
11. **Longevity payments:** Except for elected officials, longevity will be paid to full time employees in accordance with the following schedule in a lump sum payment in a separate check in the pay period of the employee's affected anniversary date.
- | | |
|------------------------------------|------------|
| 5 – 9 years of full-time service | \$ 750.00 |
| 10 – 14 years of full-time service | \$ 850.00 |
| 15 – 19 years of full-time service | \$ 925.00 |
| 20 – 24 years of full-time service | \$1,025.00 |
| 25+ years of full-time service | \$1,125.00 |
12. Any employee who is an active **Volunteer Fireman** may, with Department Head approval, respond when needed, to any working fire, first aid or mutual aid call within the Town of Clarence and within their fire district. Log in/out procedures per Section 604 of the Personnel Policy.
13. **Residency Requirement** as set forth in the Town of Clarence Local Law 1-2004, code 39.11-39.15.
14. Approval for all Elected Officials, Code Enforcement Officers, Town Engineer, Assistant Town Engineer, Clerks to Town Justice, Director of Administration and Finance, Zoning Department, Town Attorney and Assessor's Office to attend their respective **association meetings** with reasonable and necessary expenses to be paid by the Town. All meetings must have Department Head approval prior to attending.
15. **Use of Vehicles:** Upon advance Town Board approval, employees using personal vehicles for official Town business shall be paid a mileage allowance in accordance with IRS rates. No Town vehicles will be allowed to leave the Town except when on official business and with prior Department head approval. The only Town vehicles which may be taken home after regular working hours will be those used by the Supervisor, Parks Crew Chief, Highway Superintendent, Highway Deputy Superintendent, Parks and Highway General Crew Chiefs, Town Engineer, Assistant Town Engineer, Dog Control Officer, Director of Community Development, Junior Planner, Code Enforcement Officers and Plumbing Inspector.

16. All **mail** will be distributed by the Supervisor's Office.
17. All appointments unless otherwise noted are for the year 2009 or unless otherwise set forth by law.
18. The Supervisor is the **appointing officer** for the Town of Clarence pursuant to the New York State Civil Service Law. The appointing officer's responsibilities include signing appointment and personnel change forms submitted to Erie County Dept. of Personnel, certifying the Civil Division payroll, making sure it is accurate and in accordance with Civil Service Law and canvassing candidate eligibility lists assuring all procedures under the Civil Service Law are followed.
19. The Town Board approves the recommendation of Judge Powers for the appointment of Mary Zimmerman as his Clerk to the Town Justice. The Town Board approves the recommendation of Judge Sillars for the appointment of Marilyn Taton as his Clerk to the Town Justice. **Clerks to the Town Justice** to work additional hours as requested by the Town Justices for all Court Sessions.
20. Appointment of David Wetzler, Guy Fleming, Randall Haentges, Suzanne H. D'Archangelo, John Micciarelo and Thomas Fulton as **Security Officer** PT in the **court** office at the rate of \$15.68 per hour – minimum pay of two (2) hours.

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

Motion by Councilman Kolber, seconded by Councilman Weiss to approve the following items 21 – 42:

21. Appointment of Dawn Trippie, Shirley Moore, Sandra Janson, Beverly Campochiaro, Deborah Griffiths, Sara Krawczyk, Paula Gregorio-Hebler, Amy Major, Cassandra Fish, Yvonne Work and Jamie Krawczyk as Clerks P/T. All **Clerks-P/T** will be called by the Supervisor's Office upon request from the Department Head. No payment will be authorized if this procedure is not followed.

Appointment of Robert Anderson as **Van Driver**, RPT and Arnold Castren, Camille O'Rielly and Robin Sendlbeck as Substitute Van Drivers.

Appointment of Camille O'Reilly as Laborer-RPT. Appointment of Robert Dickinson as Laborer PT.

Appointment of Kelly Shantz, Anne Cimato and Donna Giezycki as **Dog Control Officers-RPT**.
22. Town Clerk Nancy Metzger appoints Darcy Snyder and Gayle Brace as **Deputy Town Clerks**. Appointment of Nancy Metzger as **Registrar of Vital Statistics, Records Management Officer and FOIL Records Officer**, Darcy Snyder as Deputy Registrar of Vital Statistics and Gayle Brace as Sub Registrar of Vital Statistics with all fees for registrar services remitted to the Town of Clarence General Fund.
23. Appointment of Steven Bengart, Town Attorney as **Town Prosecutor**. Appointment of David Donohue as **Deputy Town Attorney/Deputy Town Prosecutor**. Appointment of Cynthia Rosel as **Paralegal**.
24. Appointment of Joseph Latona P.E. Town Engineer, as **Administrator of Flood Plain**, Town Sewer Districts and Building Department.
25. Appointment of Timothy Lavocat P.E. as **Deputy Flood Plain Administrator**.
26. Appointment of Robin Sendlbeck as **Payroll Clerk RPT**, provisional in the Supervisor's Office, effective January 5, 2009, at the rate of \$14.23 per hour.

27. Appointment of Lauri Plis as **Accountant RPT**, provisional, in the Accounting Department, effective January 13, 2009 at the rate of \$22.96 per hour, subject to the completion of all pre-employment requirements.
28. Appointment of David Bissonette as **Natural Disaster Services Coordinator** and David Baumler as **Area Director of Civil Defense** to coordinate emergency services.
29. Appointment of Joseph Meacham and Anthony Haas as **Security Officer PT** at the rate of \$14.60 per hour. Appointment of William O'Donnel and Alan Wolbert as Security Officer PT at the rate of \$13.52 per hour. Appointment of Roseanne Goetz, Rita Savage, Theodore Adrian, Peter Bordin, Ronald Kline, Ronald Bosela, George Brown, James Schmeigiel, Robert Sugg and Adam Muchow as Security Officer PT at the rate of \$12.93 per hour.
30. Appointment of **School Crossing Guards** for a one-year term: Rhonda Carpenter, Eleanor Cename, Lorraine Hunt, Edward Hemline, Donald Schultz and Carl Schaefer. Appointment of Arnold Castren, Theodore Adrian and Paul Specht as Substitute Crossing Guards. Appointment of Rhonda Carpenter and Eleanor Cename as School Crossing Guard Supervisors at a stipend of \$250 each.
31. The Town Board approves the recommendation of the **Highway Superintendent Theodore Donner** to appoint Gregory Giblin as Deputy Highway Superintendent, Jeffery Hemline as General Crew Chief, Gail Englert as Confidential Secretary and Camille O'Reilly Laborer-RPT.
32. The Deputy Highway Superintendent, General Crew Chiefs, Deputy Town Clerks and the Secretary to the Superintendent of Highways shall be compensated at **time and a half** for all hours worked over normal work week. At the discretion of the Department Head, the above employees would be eligible for four (4) hours call-in pay at the applicable straight or overtime rate for each call-in that occurs following the employees' normal work day. In the event a call-in occurs two (2) hours or less before the employee's normal starting time, the minimum pay at the discretion of the Department Head could be two (2) hours of pay at the applicable straight or overtime rate.
33. Appointment of Clifford O. Trapper as **Recreation Director II P/T** at an annual salary of \$18,540. Appointment of Christopher Durr as Deputy Recreation Director PT at an annual salary of \$10,238.
34. Appointment of John Burns as **Parks Crew Chief** and **Administrator of Street Lights**. Appointment of James Burkard as **General Crew Chief** in the Parks Department.
35. Appointment of James Callahan as **Director of Community Development**. Appointment of Brad Packard as **Junior Planner**, provisional.
36. Appointment of Pamela Smith as **Director of Administration and Finance**.
37. Appointment of Dawn Kinney as **Executive Director-Youth Board** and Kellie Jeffery as Program Coordinator RPT, provisional.
38. Petty Cash allowed for Town Clerk - \$300; Justice Court - \$50 for each Judge (2) and Engineer - \$50.
39. Grant a one year leave of absence to Karen Jurek from the Civil Service Senior Clerk position in the Parks Department effective 1/1/2009 to continue as Confidential Secretary to the Supervisor.
40. Appoint Karen Jurek as in-house **Computer Network Coordinator** with a stipend of \$3,500.00 and Web Site Coordinator with a stipend of \$1,500.00.

41. Appointment to the **Arboretum Design Committee** for a one year term: Stephen Murtaugh, James Burkard, Roy McCready, Todd Norris, Peter Wolfe and Robert Fogelsonger.
42. Appointment to the **Audit Committee** for a one-year term: Councilman Peter DiCostanzo, as a member of the Town Board. (There are currently two openings). This is a new committee and will consist of three members, one (1) member will be from the Town Board and two (2) members will be residents.

On the question, Supervisor Bylewski said the Audit Committee is a new committee that has come about given the emphasis placed on internal controls. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the following items 43 – 67:

43. Appointment to the **Avoidable Alarm Committee** for a one-year term: David Metzger, Building Department Representative and David Stengel. (There is currently one opening).
44. Appointment to the **Bicentennial Committee** with a term to expire March 31, 2009: Mark Woodward, David Hormell, Elaine Wolfe, Flora Leamer, Linda Nastasi, Rosemarie Cardoso, Douglas Kohler, Donna Wanamaker, Timothy Pazda, Kathleen Hallock and Cynthia Riggio.
45. Appointment to the **Cable Television Advisory Committee** for a one-year term: Paul Santa Maria, Julie Ann McCullough, Chuck Eckert, Debra Fine and Henry Becker.
46. Appointment to the **Capital Projects Committee** for a one-year term: Town Supervisor, Director of Community Development, Town Engineer, Highway Superintendent, Parks Crew Chief, Director of Administration & Finance and Councilman Joseph Weiss, member of the Town Board.
47. Appointment to the **Clarence Hollow Community Character Protection Board** for a one-year term: William Henderson, Scott Kreher and Robert Lenz.
48. Appointment to the **Community Center Committee** for a one-year term: Supervisor Scott Bylewski, member of the Town Board, Dawn Kinney, Executive Director of the Youth Board, Neil Streubing, member of the Senior Center Board, Clifford Trapper, Recreation Director II, and Joseph Latona, Town Engineer.
49. Appointment to the **Community Residence Committee** for a one-year term: Eileen McCallister, Lynette McConnell, David D’Amato and Jeff Wang. (There is currently one opening).
50. Appointment to the **Conservation Advisory Council** for a term to expire 12/31/2011: James Delellis. Appointment of Peter Wolfe as Chairperson for a one-year term. (There is currently one opening).
51. Appointment to the **Detention Pond Committee** for a one-year term: Town Engineer, Assistant Town Engineer, Highway Superintendent, Town Attorney and Director of Community Development.
52. Appointment to the **Ethics Board** for a five-year term to expire 12/31/2013: David D’Amato and Faith O’Neil-Badhorn.
53. Appointment to the **Fire Advisory Board** for a one-year term: The elected year 2009 Fire Chiefs from Clarence, Clarence Center, East Amherst, Harris Hill, Rapids and Swormville Volunteer Fire Companies.
54. Appointment to the **Historic Preservation Commission** for a four-year term to expire on 12/31/2012: Joanna Pickering. Appointment of Henry Brodowski as Chairperson and

- Joanna Pickering as Vice-Chairperson/Secretary to the Historic Preservation Commission for a one-year term.
55. Appointment to the **Clarence Industrial Development Agency** for a one-year term: Clayton Ertel, Mary Powell, Christopher Kempton, Michael Buettner, Scott Bylewski, David Hartzell. (There is currently one opening).
 56. Appointment to the **Inter-Community Committee** for a one-year term: Andre Pigeon and Paul McCarthy. (There is currently one opening).
 57. Appointment to the **Landscape Review Committee** for a one-year term: James Burkard and Gerald Drinkard. (There is currently one opening).
 58. Appointment to the **Clarence Library Board** for a five-year term to expire 12/31/2013
Joan Schultz.
 59. Appointment to the Clarence **Meeting House Board** for a one-year term: Joanna Pickering, Daniel Gamin and Linda Mosher. (There are currently two openings).
 60. Appointment to the **Planning Board** with a term to expire 12/31/2015: Richard Bigler. Appointment of Gerald Drinkard, Chairperson; Albert Schultz, 1st Vice Chairperson and Wendy Salvati, 2nd Vice Chairperson for a one-year term. Appointment of Gregory Todaro as alternate for a one year term.
 61. The **Sign Review Board** shall consist of the Planning Board Chairperson and two members of the Planning Board.
 62. Appointment to the **Plumbing and Drainage Board** for a one-year term: Larry Merkle, Richard Haag, Daniel Loudenslager, Timothy Lavocat, (representative of Engineering Dept.), and Joseph Latona as Chairperson.
 63. Appointment to the **Public Safety Committee** for a one-year term: David Elia, Jill Licata, James Murphy and Elizabeth Eyrick. The following will be invited to all Public Safety meetings: Representatives of the Erie County Sheriff's, NYS Police, Clarence Parks Security, Clarence/Newstead Fire Chiefs' Association, Clarence Disaster Coordinator and the Clarence School District. (There is currently one opening).
 64. Appointment to the **Recreation Advisory Committee** for a one-year term: Michael Powers, Peter Wolfe, John Burns, Henry Brodowski, Robert Geiger, Clifford Trapper and Margaret Walker.
 65. Appointment to the **Senior Center Board** for a three-year term to expire 12/31/2013: James Blum, Edna Scherf, Darrell Young, Neil Strubing and Robert Friedman.
 66. Appointment to the **Solid Waste Recycling Committee** for a one-year term: Donald Adams, Marjorie Ebersole, Brenda Young, Chuck Eckert, David Beckinhausen, Maurice Vaughan and Thomas Muscaralla.
 67. Appointment to the **Town Environmental Quality Review Committee (TEQR)** with a term to expire 12/31/2011: Jonathan Hickey and Robert Sackett. Appointment of Matthew Balling as Chairperson for a one-year term. Appointment of James Callahan as Director and Brad Packard as Assistant Director of the Town Environmental Quality Review Committee for a one-year term, pursuant to Chapter 91 of the Code of the Town of Clarence.

On the question, Councilman Casilio said he is recusing himself on item 55 only, as Mary Powell is his sister. Upon roll call – Ayes: All; Noes: None. Recuse: Councilman Casilio on item 55 only. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following items 68 – 78:

68. Appointment to the **Traffic Safety Advisory** Board for a one-year term: John Wind, Kim Silvestro and Joseph Nemmer.
69. Appointment to the **Youth Board** for a one-year term: Holly Zuffranieri, Beverly Campochiaro, Anthony Persico and Karen Monteleone. (There are currently two openings).
70. Appointment to the **Zoning Board of Appeals** with a term to expire 12/31/2013: Daniel Michnik. Appointment of Arthur Henning, Chairperson for a one-year term and Daniel Michnik as Vice Chairperson for a one-year term. Appointment of Robert Geiger as alternate for a one-year term to expire 12/31/09.
71. Approval of the Investment Policy, **Procurement Policy** and **Policy Manual** for the Town of Clarence, which are available from the Offices of the Supervisor or the Town Clerk.
72. Appointment of Supervisor as **504/ADA Officer** for Erie County Community Development Program.
73. Appointment of Amato, Fox & Company as **Auditors** and Drescher & Malecki and Capital Markets Advisor, LLC as **Financial Consultants** to the Town Board at their standard hourly rates.
74. Town Board authorizes the Assessor to bill and the Supervisor's office to collect for the Town's **PILOT agreements** for all IDA inducements. Town Board authorizes Town Clerk to bill and collect for **Avoidable Alarm** charges.
75. Appointment of Manufacturers and Traders Trust Co., HSBC/Clarence Branch, Key Bank/Clarence Office, Bank of America/Transit Road Branch, Bank of Akron/Clarence Center and Main Street Branches, Citizens Bank, JP Morgan Chase Bank, First Niagara Bank, Northwest Savings Bank, Lake Shore Savings Bank and Waterford Village Bank as **depositories** for the Town of Clarence.
76. **Minutes** of the Town Board meetings will be published in the Clarence Bee and on the Town's website at the Town Clerk's discretion.
77. All Boards and Committees are reminded that they are subject to the **Open Meetings Provisions** of the Public Officers Law.

For all meetings scheduled at least one week in advance, public notice of the time and place of the meeting must be given to the news media and posted on the Town Hall bulletin board at least 72 hours in advance. Whenever possible, the meeting schedule for the entire year shall be posted in January.

Minutes of all Meetings subject to the Open Meetings Law must be filed with the Town Clerk within 2 weeks.

Minutes of Executive Sessions must be filed with the Town Clerk within one week.

Committee and Board appointments made during the year shall be brought up at a work session and then acted upon at the next Town Board Meeting after thorough review with the Town Clerk's office.

78. Set Public Hearing date of February 25, 2009 at 7:45 pm for the Annual review of the Master Plan.

Adopt the following **resolutions pertaining to the Highway Department**:

Resolved, that pursuant to the provisions of section 284 of the Highway Law, the Town Board agrees that monies levied and collected for the repair and improvement of highways, and

received from the state for the repair and improvement of highways, shall be expended as follows:

The sum of \$1,360,888 may be expended for general repairs upon 118.84 miles of Town Highways including sluices, culverts, and bridges (having a span of less than five (5) feet and boardwalks or the renewal thereof.

Miscellaneous road resurfacing Harris Hill Gardens, Clarence Center Area and Green Acres Road.

Resolved, that pursuant to Section 143 of Highway Law, the town board authorizes the Town Superintendent of Highways to rent or hire equipment within the approved 2009 budgetary appropriations.

Whereas, Section 103 of the General Municipal Law requires public bidding for purchases of equipment in excess of \$10,000.00 and

Whereas, the Highway Superintendent of the Town of Clarence makes numerous purchases from time to time throughout the year in total amount not to exceed the annual budget, and

Whereas, pursuant to Section 142 of the Highway Law it is desirable for the Town Board to authorize the Highway Superintendent to purchase said equipment, tools and other implements in excess \$1,000.00 and

Now therefore be it resolved, that the Highway Superintendent is hereby authorized to purchase without prior approval of the Town Board, equipment, tools and other implements to be used for highway maintenance, construction, or reconstruction, snow plows or other devices for the removal of snow from highways in a sum not to exceed the limitations as prescribed under 103 of the General Municipal Law as amended from time to time.

The Town Board has adopted a purchasing procedure in accordance with section 104B of the General Municipal Law. The Highway Superintendent will comply with that procedure.

The Town Board authorizes the Highway Superintendent and or the Deputy Highway Superintendent to attend all functions of Erie County Highway Superintendent's Association, New York State Highway Superintendent's Association 2009, along with the Town Engineer. All reasonable expenses will be covered by the Town of Clarence.

On the question, Councilman DiCostanzo said minutes from Executive Sessions must be filed within one week, which means only if there was action taken. Supervisor Bylewski said there are still minutes provided stating the opening and closing and the purpose. If action is taken, that is also included. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said he just received notification that Main Street is closed out towards Akron right now. Councilman Casilio said it is because of a fire out there.

Supervisor Bylewski said he received the notification from the New York Alert System that notifies you of road closings. Anyone can subscribe to receive the message by email, text or telephone.

Councilman Casilio said the Senior Center was on alert to open as a warming center during the power outage last week. We received only one call.

Supervisor Bylewski thanked the department heads in attendance and said he looks forward to serving with them again over the next year.

Public Participation

Paul Shear said he would like to address item 26. There is currently a preferred list through civil service to fill that particular position. A canvas letter was sent out on January 2nd which requires five days to respond. That takes us past this evening. He would like the Board to understand that the preferred list is still open. He thinks that it would not be appropriate to make an appointment until civil service laws are fully administered.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of December 24, 2008 are approved for payment: General Fund - \$162,335.56; Highway Fund - \$76,305.27; Water District - \$3,762.26;

Lighting Districts - \$1,037.13; Sewer Districts - \$2,250.00; and Capital Fund - \$15,940.00 for a total amount of \$261,630.22. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of January 8, 2009 are approved for payment: General Fund - \$68,075.14; Highway Fund - \$55,897.97; Water District - \$34,513.38; Sewer Districts - \$145.56 and Trust and Agency 203 - \$459.18 for a total amount of \$159,091.23. On the question, Councilman DiCostanzo said he has only reviewed the abstract and not the bills. He believes there was a short timeframe to look at them. Based on the abstract, he will vote on them. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski announced his **liaison assignments** are as follows: Arboretum Committee, Bicentennial Committee, Capital Projects, Clarence Center Community Association, Computers, Ethics, Grants, Industrial Development Agency, Inter-Community Committee, Law-Legislation, Recreation Advisory Committee and Town Hall.

Councilman Weiss announced his liaison assignments are as follows: Animal Control, Conservation Advisory, Detention Pond Committee/Drainage, Engineering, Environmental Management Council, Highway, Insurance, Master Sewer, Parks, Recycling and Sewer Districts.

Councilman Kolber announced his liaison assignments are as follows: Cable TV, Clarence Meeting House Board, Clarence Senior Center, Clarence School District, Clergy Association, Community Residences, Library, Service Organizations and Zoning Board of Appeals.

Councilman Casilio announced his liaison assignments are as follows: Avoidable Alarms, Clarence Hollow Association, Emergency Services, Labor Management, Park Security, Public Safety, Public Utilities/Street Lights, Sidewalk Task Force and Traffic Safety.

Councilman DiCostanzo announced his liaison assignments are as follows: Assessors, Clarence Chamber of Commerce, Historic Preservation, Historical Society, Planning, Recreation, TEQR Committee and Youth.

Supervisor Bylewski made the following **appointments**: Karen Jurek as **Confidential Secretary**, Patrick Casilio as **Deputy Supervisor**, Mark Woodward as **Town Historian** and Hans Mobius to serve a one-year term on the Right-to-Farm Resolution Committee.

“For the Good of the Town”

Supervisor Bylewski said we did have a presentation a few months ago by Kevin Gaughan in regard to reducing the members of the Town Board from five to three people. The question has come up on how to effectively handle the open meetings law legislation.

He contacted Robert Freeman, Director of the Committee on Open Government. Mr. Freeman stated that there is really no effective way to comply with the Open Meetings Law on a practical basis with a three-person board.

Councilman Weiss thanked the Town Clerk’s office for the fine report that was submitted.

Councilman Casilio thanked the Supervisor for appointing him as his deputy.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:10 p.m.

Nancy C. Metzger
Town Clerk