

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday May 14, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 8:30 a.m.

Members of the Town Board present were Councilmembers Robert Altieri, Daniel Michnik, J. Paul Shear, Peter DiCostanzo, and Supervisor Patrick Casilio. Other Town officials present were Director of Community Development Jonathan Bleuer, Town Engineer Timothy Lavocat and Town Attorney Lawrence Meckler.

Director of Community Development - Jonathan Bleuer

PUBLIC HEARINGS:

Frank & Julie Rivett

The applicant is requesting a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence located at 10100 Shamus Lane, the northerly lot at the terminus of Shamus Lane.

The addition is in the form of an attached 2-story carriage house with first floor garage and patio, and second floor living unit.

The applicants will agree to the deed restriction and everything is in order.

The Town Board has the authority to consider this request after holding a public hearing.

Maria & Nick Tiberia

The applicant is requesting a Special Exception Use Permit for the construction of a secondary living unit within the existing home's basement located at 5659 Creekwood Court, on the east side of Creekwood Court.

No exterior addition is proposed. The use of the space would be for seasonal cooking and extended family visits.

The applicant will agree to the deed restriction.

The Town Board has the authority to consider this request after holding a public hearing.

FORMAL AGENDA ITEMS:

Christopher & Lorissa Naugle

The applicant is requesting a public hearing to consider a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence located at 5024 Rockhaven Drive, on the north side of Rockhaven Drive, in the Spaulding Lake subdivision.

The addition is proposed to create additional garage space, an in-law apartment, and backyard entertainment area.

The Town Board referred the proposal to the Planning Board for review in November 2024 because at that time the proposal was for an attached secondary living unit garage addition that violated the side yard setback. The applicant worked extensively with the Planning Board to redesign the project and propose a code compliant project that meets all required setbacks. The Planning Board has recommended issuance of a Special Exception Use Permit for this secondary living unit, subject to eight conditions.

Town Board has the authority to consider this request after setting and holding a public hearing.

Edge Development, LLC.

The applicant is requesting a public hearing to consider a Special Exception Use Permit for a conceptually approved mixed-use project containing multiple-family housing and commercial space located at 9105 Sheridan Drive, on the south side of Sheridan Drive, west of Main Street.

The Planning Board has issued a negative declaration under SEQRA and concept plan approval subject to fifteen conditions. The Zoning Board of Appeals has issued variances for the total number of multiple-family housing units and the third story of the mixed-use building.

The project consists of approximately 7,000 sq ft of commercial space and twenty-two apartments. One three-story mixed-use building fronting Sheridan Drive containing 7,000 sq ft of commercial on the first floor and ten total apartments on floors two - three, and three two-story residential townhome buildings to the rear, each containing four units.

We may have to work with the applicant to change this slightly because we are running into the mixed-use building and it's ADA compliance for having a first-floor unit, which this does not have.

Town Board has the authority to consider this request after setting and holding a public hearing.

WORK SESSION ITEMS:

Kelton Enterprises, LLC.

The applicant is requesting a referral to the Planning Board to consider a Change-In Use approval for a proposed Tim Horton's restaurant as a rehabilitation of the former bank with drive-through located at 8503 Main Street, on the southeast corner of Main Street and Harris Hill Road.

No outside dining is proposed and there would be a total of three vehicular access points; two on Harris Hill Road and one on Main Street.

In February 2024, the Town Board referred a Tim Horton's proposal on this site to the Planning Board with a series of conditions and considerations. At that time, the referral was for site plan review. In October 2024, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). From February 2024 until March 2025, the applicant made modifications to the proposal per comments received. Due to conflicting interests, it was determined that not all comments, conditions, and considerations could together be met. On March 28, 2025 the applicant submitted a new application for consideration.

In this proposal there are no right-of-way modifications of any kind, which alleviates the need for any DOT or County approvals and puts this in the hands of the Planning Board for review.

Councilman Altieri commented, this is not good. We need help from the DOT and the County. Traffic is horrendous there.

Councilman Shear explained the problem is that this is now a request just for a change in use, and the DOT and County are no longer involved.

Councilman Altieri asked, so what happens to the neighbors. Everybody suffers for a Tim Hortons.

Councilman Michnik asked if they are talking about closing off Nottingham Terrace again.

Jonathan said no modifications to any right-of-way.

Councilman DiCostanzo asked if we can request any traffic mitigation.

Jonathan said we can request it but we have no authority to require it, or we have no ability to get the DOT or the County to do anything apart from what they are willing to collaborate on. The hope is the applicant and the Planning Board can enter into good faith negotiations with the County and the State and try to find some kind of compromise.

Supervisor Casilio added at a minimum we would like to be able control how the building looks, but we now have no control over the entrance or exits.

Councilman Michnik added, so basically this will be shoved on us.

Supervisor Casilio responded no; this is really no different than Trader Joe's. But if they hit a dead end at us, they can file an Article 78 and then we would be totally out of the picture. They potentially could just open the doors and still just have it look like an old bank if they wanted to.

Councilman Altieri said he totally understands the Article 78 and the change in use, but it is not good if it just gets shoved down into the neighborhood.

Supervisor Casilio said, unfortunately it is what it is. Hopefully the traffic will self-correct itself. I don't like pork chop islands or the right turn only on Main Street. With the right turn only on Main Street, if all the cars end up on Nottingham Terrace, then we would have to do something with Nottingham Terrace.

Jonathan explained the project that ultimately failed, what it had become, was far worse for the neighborhood. There is no doubt about that. It was creating a scenario that cars couldn't get South without going into the neighborhood.

Councilman Michnik asked if speed bumps could be put in on Nottingham Terrace.

Supervisor Casilio said no. We tried that once before on Old Post Road and it didn't turn out well.

Supervisor Casilio added he thinks a center lane on Harris Hill Road would solve a lot of problems. Maybe we could experiment with shutting down Nottingham Terrace with barriers. It might be a possibility in the future. It is our road, so if Tim Horton's goes in without our input, we could decide to shut it down.

Jonathan responded, if the neighborhood is being impacted, we absolutely could.

Councilman Shear added, keep in mind there are still seven or eight other entrances/exits to that neighborhood.

Supervisor Casilio said the State does not like five-corner intersections. The entrance to Nottingham Terrace near the Main Steet and Harris Hill Road intersection makes it almost a five-corner intersection. The State would not be upset with us at closing the entrance to Nottingham Terrace down.

Jonathan added the Town's pursuit of closing that was never a result of speed or accidents. It was trying to make something better. Trying to make it a community feature, because it was a historic entry point. Trying to make it more than a gutter road and into a community space, no different than the Hollow Farmers Market and the pocket park in Clarence Center.

Supervisor Casilio added he can't emphasize enough this is going to be totally up to the Planning Board.

A referral to the Planning Board would allow for a thorough review of this proposal.

Mitchell Rivera

The applicant is requesting consideration of a Special Exception Use Permit for the construction of a secondary living unit as a conversion of an existing detached accessory structure behind the primary residence located at 10377 Clarence Center Road, on the south side of Clarence Center Road, east of Strickler Road.

The existing 4.8-acre property is in the Agricultural-Rural Residential zone containing a single-family home and detached accessory structure. The existing residence driveway would be extended to the rear yard structure that is proposed to be converted into the two-bedroom, one-bathroom unit for the applicant's parents.

Councilman Shear asked if they are planning on making any changes to the exterior of the out building.

Jonathan responded, apart from entry, no.

Councilman Michnik expressed his concern regarding secondary living units. Discussion continued regarding what happens to these types of properties in the future.

A referral to the Planning Board would allow for a thorough review of this proposal. Alternatively, the Town Board has the authority to consider this request after setting and holding a public hearing

Severyn Development, Inc.

The applicant, on behalf of the Seufert's, is requesting a Special Exception Use Permit for an attached secondary living unit as part of a new residence construction located at 7178 Kenfield Road, on the northwest corner of Kenfield Road and Lapp Road.

Within the approximately 6,000 sq ft home, the secondary living unit is proposed to contain approximately 1,280 sq ft.

A referral to the Planning Board would allow for a thorough review of this proposal. Alternatively, the Town Board has the authority to consider this request after setting and holding a public hearing

AJ's Tree Service

The applicant is requesting preliminary conceptual review of an industrial tree service operation to be located at 9865 County Road, on the south side of County Road, west of Strickler Road.

The existing forty-seven acre vacant parcel is in the Industrial and Agricultural-Rural Residential zones.

The proposal includes equipment sales, service, outdoor display and storage, outdoor wood processing yard, outdoor rental storage, and material production. An 8,876 sq ft sales, service, and office building is proposed at County Road, accessed by two vehicular access points, customer parking, and equipment sales lot. A business inventory storage lot is proposed to the rear of the building, with an access drive to the rear of the site. The rear of the site is proposed to contain an outdoor wood processing yard, fenced outdoor rental storage, storage and service buildings, and a future wood production facility.

The applicant is concept planning everything now, but this is probably a ten to twenty year plan. Consideration of this will require a litany of things. A referral to the Planning Board would start the SEQRA review process. Wetlands is a huge issue here. Ultimately this will return to the Town Board for a number of things: possible rezoning of the rear of the property, at the very least Temporary Conditional Permits for outside operations, and likely more.

8750 Main Street Associates, LLC.

The applicant is requesting preliminary conceptual review of a fifty-one unit multiple family housing project to the rear of the existing Samuel's Grande Manor facility located at 8750 Main Street, on the north side of Main Street, west of Overlook Drive.

The existing 9.6-acre property is in the Traditional Neighborhood District and Residential Single-Family zone, containing a banquet facility and multiple-family housing units.

Two three-story structures are proposed, containing twenty-four and twenty-seven units. Three detached garage buildings are proposed, each containing between eight and twelve bays. A portion of the project has been designed within the Residential Single-Family zone, which would require rezoning consideration.

In 2021, the property owner Charles Pezzino proposed a forty unit project. After a thorough Town review and project modification, a twenty-four unit project was conceptually approved. In 2023, the property owner deemed the project cost prohibitive, and proposed a twenty unit project. During the Town's thorough review, the applicant ceased to pursue that project. Since then, the property owner has entered into an agreement with the current project sponsor who is now proposing fifty-one units.

Town Engineer Timothy Lavocat asked if there have been any preliminary discussions with the DEC regarding septic for fifty-one units.

Jonathan replied no, and in his estimation, this is the largest septic multi-family project we have in town. That is ultimately why we got them down from forty units to twenty-four units back in 2021.

Mr. Lavocat said those discussions should be started.

Councilman Shear asked if there is room in the rear of the property for the second septic system.

Jonathan said yes, they have room without leaving any buffer. In past projects the Planning Board tried to get that particular area left as a buffer. In this proposal it is wiped out.

A referral to the Planning Board would allow for a thorough review of this proposal.

Director of Community Development Jonathan Bleuer presented two additional items to the Town Board.

Shalooby Loofer Brewing in the Hollow is requesting placement of a food truck trailer on their property for the good weather months and would be operated by Shalooby Loofer themselves. They do have a Temporary Conditional Permit (TCP) for outside operations. Unless the Town Board sees otherwise, the Planning Department would amend their current TCP to allow this.

Discussion continued on where the trailer would be placed and why they wouldn't just put up a small building instead.

We are in the process of a Town Code update. The Planning Department has been working on code language. The current process for secondary living units is: The Building Department sends them to the Planning Department, the item is put on a Work Session agenda, then proceeds to a formal agenda item, it can be referred to the Planning Board and then back to a formal agenda item, then goes to a public hearing, if it is approved it gets deed restricted and finally there is an annual certification process. These requests will become more and more common. Nursing homes are closing, people are aging, generational housing is becoming the way of the future. The only way to get a handle on this from a work load perspective and the Town Board agenda perspective, is the Planning Office has come up with an option for Town Board consideration. They have been broken down into three types: Type one are detached secondary living units, which we don't typically prefer. If they are detached the process remains exactly as it exists today. Type two would be if it is an attached or new construction it would go directly to the Planning Board. Typically, there are less issues if it is attached. Often times it is to the rear of the home. With brand new construction there is usually very little issue. Type three would be internal, fully internal with no exterior changes to the house. We recommend that it go directly to the Planning Department for administrative approval. It is being recommended that the deed restriction be kept in place along with the annual certification process. The annual certification process allows us to keep track of who owns the property. The enforcement mechanism is limited. We can't know if there is money changing hands. We do however know if it is ever listed on a rental site, which would be a violation of their deed restriction and a penalty offense. We also are notified by neighbors if they see something off.

Councilman DiCostanzo asked what the penalty offense is.

Jonathan said it would be a fine as determined by the judge.

Councilman DiCostanzo asked if we could codify what the fine should be.

Jonathan said that is the purview of the judge, or do you mean codify an administrative penalty.

Councilman DiCostanzo said yes.

Jonathan added another option, and the other extreme, is that secondary living units can just stop being approved.

Discussion continued regarding many concerns. A suggestion was made that they all should initially be presented to the Town Board so they can at least see what is coming in.

Jonathan said his office will modify this and bring it back for review in two weeks.

TOWN BOARD REPORTS:

Supervisor Patrick Casilio

- We have taken over the parking lot in the Hollow, but we don't own it yet.

Town Attorney Lawrence Meckler said we haven't closed on the property yet, but we have worked out an agreement with their lawyers that we can go on the property and use it any way we see fit. We have named the current owners as additionally insured.

Supervisor Casilio added the Hollow Association and the Farmer's Market both would like to do things there. There has been discussion regarding bringing in a planner to help us figure out what we could do with the property.

- Brought up discussion regarding changing the code for cul-de-sacs from thirteen homes back to the State law of thirty homes.
- The Parks Department did an amazing job putting in the concrete pad at the Senior Center for Meals on Wheels.

Councilman Peter DiCostanzo

- There were eighteen residential single family building permits issued in the first quarter 2025. One in January, nine in February and eight in March.
- Per recommendation from Town Assessor Albert Weber, James Shoemaker will be temporarily added onto the Board of Assessment Review. His service is needed for a short time.

Councilman J. Paul Shear

- No report.

Councilman Daniel Michnik

- Over ninety people attended the Historical Society presentation last night.

Councilman Robert Altieri

- The Historic Preservation Committee is still working on the Spoor's Hotel.
- Wanted to recognize Mary Cerasa. She heads up the Clarence Youth Citizenship Club and ran the Earth Day event on Saturday April 26, 2025 for a town wide clean up.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to adjourn the work session at 9:40 a.m. and enter into Executive Session pursuant to §105(1) h of the Open Meetings Law to discuss the acquisition of real property. Upon roll call – Ayes: All; Noes: None. Motion carried.

Gayle M. Brace
Deputy Town Clerk

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo, to adjourn the Executive Session at 9:56 a.m. 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, May 14, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 10:06 a.m.

Members of the Town Board present were Councilmembers Robert Altieri, Daniel Michnik, Paul Shear, Peter DiCostanzo and Supervisor Patrick Casilio. Other Town officials present were Director of Community Development Jonathan Bleuer, Town Attorney Lawrence Meckler and Town Engineer Timothy Lavocat.

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve the Work Session and Town Board meeting minutes of April 23, 2025.

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

Motion by Supervisor Casilio, seconded by Councilman Shear to approve Change Orders No. 1 and No.2 to the Contract between the Town of Clarence and Weaver Metal and Roofing, Inc for the Town Hall Roof Repairs Project as follows:

Change Order No. 1 in the amount of \$1,828.00 for perimeter parapet wall.

Change Order No. 2 in the amount of \$369.00 for additional perimeter flashing seal.

On the question, to be paid from Capital Project 141.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri to approve the request of Arden Bender to connect the existing single-family residence located at 5025 Harris Hill Road to the existing public sewer on Shardale Drive subject to the execution of an Out of District Customer Agreement with Clarence Sewer District No.10. The Out of District Customer Agreement is to be reviewed and approved by the Town Engineer and Town Attorney prior to execution.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to approve the request of Jean Bender to connect the existing single-family residence located at 5005 Harris Hill Road to the existing public sewer on Shardale Drive subject to the execution of an Out of District Customer Agreement with Clarence Sewer District No.10. The Out of District Customer Agreement is to be reviewed and approved by the Town Engineer and Town Attorney prior to execution.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik to approve the proposal from Pavilion Drainage Supply Co., Inc in the amount of \$6,602.50 for installation of box beam guard rail at Highway Department Building 6.

On the question, proposal is based on Erie County Bid pricing and is to be paid from capital project 124.

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

Motion by Supervisor Casilio, seconded by Councilman Shear to set a bid date of Thursday June 19, 2025 at 10:00AM for the Former Highway Garage Structural Repairs Project.

On the question, bid documents will be available on the Avalon Document Services Buffalo online plan room starting May 22, 2025 per the published Notice to Bidders.

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

Motion by Supervisor Casilio, seconded by Councilman Shear after holding an open competitive bid and per the Tredo Engineers recommendation letter dated May 02, 2025, the Clarence Town Board awards the Veterans Memorial Improvements Project Bid to Wayside Landscaping and Nursery of Niagara Falls New York for a bid of \$148,895.00 as they were the lowest responsible bidder. And be it further resolved that the Supervisor is authorized to sign and enter into an agreement with Wayside Landscaping and Nursery upon review and approval of the Town Attorney.

Further, The Town Board authorizes the Town Engineer to approve individual Change Orders to the Veterans Memorial Improvements Project Construction Contract for amounts not to exceed \$10,000.00.

On the question, general Fund to allocate \$115,000.00 from Fund Balance to fund this project which will be paid from Capital Project #129. Some of this is grant and ARPA related as well.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri after holding an open competitive bid and per the Architecture Unlimited recommendation letter dated May 08, 2025, the Clarence Town Board awards the Senior Center Garage Addition Project Bid to The Peyton Barlow Co., Inc. of Buffalo, New York for a bid of \$131,000.00 as they were the lowest responsible bidder. And be it further resolved that the Supervisor is authorized to sign and enter into an agreement with The Peyton Barlow Co., Inc. upon review and approval of the Town Attorney.

Further, The Town Board authorizes the Town Engineer to approve individual Change Orders to the Senior Center Garage Addition Project Construction Contract for amounts not to exceed \$10,000.00.

On the question, general Fund to Allocate \$187,500.00 from Fund Balance to Fund this Project which will be paid from Capital Project #140. However, \$150,000.00 is reimbursable per the CDBG Grant from Erie County.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik for the following bond resolution:

BOND RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK, ADOPTED MAY 14, 2025, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,700,000 TO FINANCE THE CONSTRUCTION OF IMPROVEMENTS TO FOGELSONGER PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,700,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE

THE TOWN BOARD OF THE TOWN OF CLARENCE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarence, in the County of Erie, New York (herein called the “Town”), is hereby authorized to issue bonds in a principal amount not to exceed \$1,700,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance the construction of improvements to Fogelsonger Park.

Section 2. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,700,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal amount not to exceed \$1,700,000 to finance said appropriation, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by

general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the official newspaper of the Town, having a general circulation within said Town, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form appearing in Exhibit A hereto.

Section 8. The Town Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the official newspaper of the Town, having a general circulation within said Town, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri for the following bond resolution:

BOND RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK, ADOPTED MAY 14, 2025, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,400,000 TO FINANCE THE ACQUISITION OF HIGHWAY EQUIPMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,400,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE

THE TOWN BOARD OF THE TOWN OF CLARENCE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarence, in the County of Erie, New York (herein called the “Town”), is hereby authorized to issue bonds in a principal amount not to exceed \$4,400,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance the acquisition of highway equipment.

Section 2. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,400,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal amount not to exceed \$4,400,000 to finance said appropriation, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the official newspaper of the Town, having a general circulation within said Town, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form appearing in Exhibit A hereto.

Section 8. The Town Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the official newspaper of the Town, having a general circulation within said Town, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo for the following bond resolution:

BOND RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK, ADOPTED MAY 14, 2025, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$697,000 TO FINANCE THE ACQUISITION OF PARKS EQUIPMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$697,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE

THE TOWN BOARD OF THE TOWN OF CLARENCE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarence, in the County of Erie, New York (herein called the “Town”), is hereby authorized to issue bonds in a principal amount not to exceed \$697,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance the acquisition of parks equipment.

Section 2. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$697,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal amount not to exceed \$697,000 to finance said appropriation, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the official newspaper of the Town, having a general circulation within said Town, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form appearing in Exhibit A hereto.

Section 8. The Town Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the official newspaper of the Town, having a general circulation within said Town, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

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

Motion by Supervisor Casilio seconded by Councilman Michnik for the following bond resolution:

**BOND RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK, ADOPTED
MAY 14, 2025, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT**

NOT TO EXCEED \$900,000 TO FINANCE THE TOWN'S SHARE OF THE COST OF CONSTRUCTION OF SIDEWALKS ALONG SHERIDAN DRIVE; STATING THE ESTIMATED MAXIMUM COST OF THE PROJECT IS \$4,310,035, INCLUDING THE PORTION TO BE PAID BY THE STATE OF NEW YORK; AND APPROPRIATING \$900,000 FOR THE TOWN'S SHARE OF THE COST

THE TOWN BOARD OF THE TOWN OF CLARENCE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarence, in the County of Erie, New York (herein called the "Town"), is hereby authorized to issue bonds in a principal amount not to exceed \$900,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the Town's share of the cost of construction of sidewalks along Sheridan Drive.

Section 2. The estimated maximum cost of the project, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,310,035, including the portion to be paid by the State of New York, and \$900,000 is hereby appropriated for the Town's share of the cost. The plan of financing includes the issuance of \$900,000 bonds to pay the Town's share of such cost, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. The balance of the cost of the project shall be paid by the State of New York.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 24 of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the official newspaper of the Town, having a general

circulation within said Town, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form appearing in Exhibit A hereto. Section 8. The Town Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the official newspaper of the Town, having a general circulation within said Town, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

On the question Supervisor Casilio asked if that was guaranteed.

Timothy Lavocat stated anything over the state's commitment is the responsibility of the town.

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

Motion by Supervisor Casilio, seconded by Councilman Shear for the following bond resolution:

BOND RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK, ADOPTED MAY 14, 2025, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,510,000 TO FINANCE THE PREPARATION OF PRELIMINARY PLANS AND SPECIFICATIONS IN CONNECTION WITH THE PROPOSED CLARENCE CENTER SIDEWALKS PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,510,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE

THE TOWN BOARD OF THE TOWN OF CLARENCE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) **AS FOLLOWS:**

Section 1. The Town of Clarence, in the County of Erie, New York (herein called the "Town"), is hereby authorized to issue bonds in a principal amount not to exceed \$1,510,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the preparation of preliminary plans and specifications in connection with the proposed Clarence Center Sidewalks Project.

Section 2. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,510,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal amount not to exceed \$1,510,000 to finance said appropriation, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is expected that grant funds will be received from the New York State Department of Transportation (NYSDOT). Any such funds received from grants and/or other sources are hereby authorized to be applied toward the cost of said project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes. After application of grant funds it is expected that the Town's share of the cost will be \$302,000.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish a summary of this bond resolution, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper of the Town, which has a general circulation in the Town and is designated the official newspaper of said Town for such publication.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik for the following bond resolution:

BOND RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK, ADOPTED MAY 14, 2025, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$750,000 TO FINANCE THE ACQUISITION OF A NEW GRINDER FOR THE TOWN'S GRINDING FACILITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE

THE TOWN BOARD OF THE TOWN OF CLARENCE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarence, in the County of Erie, New York (herein called the "Town"), is hereby authorized to issue bonds in a principal amount not to exceed \$750,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the acquisition of a new grinder for the Town's grinding facility.

Section 2. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$750,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal amount not to exceed \$750,000 to finance said appropriation, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of

said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the official newspaper of the Town, having a general circulation within said Town, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form appearing in Exhibit A hereto.

Section 8. The Town Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the official newspaper of the Town, having a general circulation within said Town, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

On the question Supervisor Casilio stated we are getting a grant for half of this purchase. Upon roll call – Ayes: All; Noes: None; Absent: None; Motion carried.

Motion by Supervisor Casilio, seconded by Councilman Shear at the request of Lawrence M. Meckler, Town of Clarence Town Attorney, to approve an un-paid internship for Jacob Wishnall, a student at University of Buffalo for the period of May 18, 2025 to and including August 8, 2025 for the Clarence Legal Department.

On the question, Jacob Wishnall will be interning at the Clarence Town Hall in the Legal Department. He is a law student who will be seeking work in the Legal Field as an Attorney after graduation from Law School. Jacob will be shadowing and assisting Mr. Meckler and the Legal Department Staff in various capacities working with Town of Clarence.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik to approve Rachel Conrad as Laborer Part-Time Seasonal for cleaning the Town Hall, and the offices in the Building Department and Engineering Department, effective May 5, 2025 at the rate of \$16.6304 per hour, upon completion of all pre-employment paperwork and requirements.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri to approve Rachel Conrad as Cleaner/Laborer Full-Time for cleaning the Town Hall, and the offices in the Building Department and Engineering Department, effective May 19, 2025 at Step One of the White Collar Contract at the union rate of \$26.2941 per hour, upon completion of all pre-employment paperwork and requirements.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik upon the recommendation of the Highway Superintendent, consider and approve the purchase of two (2)-2025 Chevrolet Silverado Trucks from Paddock Chevrolet. A Crew Cab model will replace H-1 and a Double Cab model will replace H-2. Both 2018 Ford F-150 pick-up trucks will be traded in for the purchase of the new Silverado Trucks.

On the question, a total cost of \$59,006.66 for both vehicles will be paid from the Highway Account # 002.5110.0279.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri upon the request and recommendation of the Highway Superintendent, Michael Minor, Jeffrey Smith, and Todd Trapper are appointed to the three open Highway Department positions of Heavy Motor Equipment Operator (HMEO), to be paid at the union rate of \$36.4642 per hour as per the Town of Clarence Blue Collar Unit #6771 contract regulations, with a start date of May 15, 2025. Due to the rate of pay for the HMEO's at step 1 position being lower than the MEO Step 2 position that these employees are being promoted from, they will be promoted directly to HMEO Step 2.

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

Motion by Supervisor Casilio, seconded by Councilman Shear upon the request and recommendation of the Highway Superintendent, John O'Reilly, Brandon Richardson, and Timothy Smith are appointed to the three open Highway Department positions of Motor Equipment Operator (MEO) Step 1, to be paid at the union rate of \$35.1933 per hour as per the Town of Clarence Blue Collar Unit #6771 contract regulations, with a start date of May 15, 2025.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik upon the request and recommendation of the Parks Superintendent, Cayden Decker is appointed to Laborer Part-Time Seasonal, to be paid at the budgeted rate of pay of \$16.6304 per hour, with a start date of May 15, 2025, upon completion of all pre-employment paperwork and requirements.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the following transfer of funds in the 2025 General Fund Budget:

\$3,765.00 from account #001.1990.4023- Contingent
to account #001.8730.4350 – Special Programs

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri upon the recommendation of the Superintendent of Highways James A. Dussing, he would like to appoint Matthew Constable as Laborer Part-Time at a rate of \$16.6304 with a start date of June 23, 2025 after graduating from Clarence High School. Matthew is finishing his second-year internship with the Highway Department and the Superintendent of Highways states he would be a good fit as Laborer Part-Time as he shows he is eager to help out in any way needed, is punctual, respectful and does a good job.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to appoint the following Lifeguard Part-Time Seasonal at Hourly Pay Rate \$19.1804 - Start Date of June 2, 2025:

Kaitlin McLaughlin

Lifeguard Part-Time Seasonal at Hourly Pay Rate of \$18.8478– Start Date of June 2, 2025.

Ava Amuso

Avery Collins

Matthew Cox

Jacob Fulcher

Ian Gawron

Julia Jobes

Molly Kinnan

Jake Overhalt

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to accept the quote of May 7, 2025 from Tiny Mobile Robots. Quote# 20250506-233251964 for the Annual Lease up to six (6) years of the Tiny Mobile Robots Pro X for the Parks Department. This is a single source item at an amount not to exceed \$15,495.00. This will be paid from the Parks Recreation budget line 001.7110.4250.

On the question, Councilman DiCostanzo stated that this is a one-year lease for now to try out the striping machine to stripe our fields.

Supervisor Casilio stated that I saw this machine stripe a soccer field in 23 minutes which we currently manually do which takes hours. It is all done by GPS and is within 3 centimeters of accuracy.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to name James Shoemaker as a temporary member of the Board of Assessment Review Committee, filling the absence of regular member Doug Curella effective immediately.

On the Question, Mr. Curella may not be available for upcoming meetings on assessment grievances. Assessor, Albert Weber needs this change in place to proceed.

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

Councilman DiCostanzo stated the new residential single-family home permits report for 2025 is January 1, February 9, March 8 for a total of 18 in the first three months, with an average of 6 per month. The board was all present at the Rebel Ride ribbon cutting, they have been open for a while but have extended their fitness business here in Clarence.

Motion by Councilman Michnik, seconded by Councilman Altieri to approve the following Special Event request:

YMCA Fitness in the Parks, Fridays from 10:00 a.m. to 11:00 a.m.– June 1 through August 31, 2025 in the Town Park on Main Street by the Bandshell.

On the question, the Youth Bureau has notified the Parks Department and has assigned this event to take place by the Bandshell at the Main Town Park. A Certificate of Insurance that meets all of the requirements has been submitted and is on file.

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

Councilman Michnik mentioned that over 90 residents attended the presentation at the historical museum on Abraham Lincoln and the assassination. Thank you to all the people who help to offer these events to the residents.

Councilman Altieri mentioned the Conservation meeting that they had last week where Mary Cerasa was in attendance. She is very active behind the scenes with the cub scouts in Clarence and I wanted to thank her for her service. I have her contact information if anyone is looking to speak to her about cub scouts.

Motion by Councilman Michnik, seconded by Councilman Altieri to approve the request of the applicant, Eastern Hills Church/John Leamer, for a Special Event Permit for the “Eastern Hills Church 5k Run/Walk” to be held on Saturday, August 23, 2025 from approximately 10:00 a.m. to 12:00 noon, along the route on the submitted map, subject to meeting all conditions of the Special Event Permit, Memorandum of Agreement, and Building Department and Emergency Management conditions, as well as any other Town requirements, in addition to, and the receipt of, the required Certificate of Insurance naming the Town of Clarence as an additional insured to be reviewed and approved by the Town of Clarence Attorney’s Office.

On the question, the Route for the event is as per the submitted map. All the appropriate agencies will be notified including the Clarence Highway & Parks Department. The applicant will obtain any permits they may need from Erie County and New York State for use of their highways, if applicable. Street closures shall only be temporary while the race is crossing the roadway. Event staff shall be at all crossing to safely direct traffic.

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

Motion by Councilman Altieri, seconded by Councilman Shear to approve the request of the applicant, the Clarence Citizens For Veterans, for a Special Event Permit for a “Red, White & Brews” fundraiser to benefit local Veterans to be held at the Clarence Town Park, 10405 Main Street, on Saturday, June 14, 2025 from 5:00 p.m. to 10:00 p.m. subject to meeting all conditions of the Special Event Permit, the Memorandum of Agreement requirements including submitting the required insurance certificate naming the Town as an additional insured to be reviewed and approved by the Town Attorney’s Office and Mobile Food Vending Permits required for food trucks per the Building Department.

On the question, the Certificate of Liability Insurance has been submitted and does include Host Liquor Liability Coverage, as the Applicant will be the sole vendor serving alcohol. Bring your own bottle or self-service will not be permitted.

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

Councilman DiCostanzo mentioned that at the work session the Town Board talked about the Tim Hortons at Harris Hill Road and Main Street. This will be on the official agenda May 28, 2025, I don’t know how everyone will vote up here but chances are it will be forwarded to the Planning Board. If this does happen approximately, when would it be on that agenda?

Jonathan Bleuer stated within a month.

Councilman DiCostanzo understands that residents can’t always make it to the morning meetings, we will question the applicant extensively, make our comments and give our recommendations. Most likely we will send this to the Planning Board, anyone who thinks that they have to take a day off of work to attend the meeting, they don’t have to. All five Town Board members as well as Jonathan Bleuer in the Planning Department have email addresses so if you can’t get here May 28, 2025 please send your emails to anyone of us and we will get it as part of the record. Last time about 10-12 people contacted us that way, all the emails went into the file and we do read them all. When the project gets to the Planning Board, those meeting are at night and where the nitty gritty question and answers happen with the applicant. This is the meeting you should attend.

Councilman Shear added that is when all the mechanics take place.

Councilman Michnik stated that is the meeting you really want to be at to express all your comments and concerns. This is true to any project that goes to the Planning Board, those are the meetings to attend.

Frank & Julie Rivett of 10100 Shamus Lane. Northerly lot at the terminus of Shamus Lane. An existing 9.2-acre property in the Agricultural-Rural Residential zone containing a single-family home in a previously approved major subdivision known as Strickler Estates. The applicant is requesting a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence. The addition is in the form of an attached 2-story carriage house with first floor garage and patio, and second floor secondary living unit. The Town Board has the authority to consider this request after holding a Public Hearing.

Frank Jr., Julie and Frank Sr. Rivett were all present to answer questions.

Councilman Shear stated that this was an excellent project.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to close the public hearing.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear for the following:

RESOLVED, that after a public hearing duly held on Wednesday, May 14, 2025, and after all interested parties having been heard, the Clarence Town Board approves the request of the applicants, Frank Rivett and Julie Rivett, for a Special Exception Use Permit to allow for the construction of an attached secondary living unit as part of the existing home at 10100 Shamus Lane in the Agricultural-Rural Residential zone subject to the following conditions:

1. All conditions as required in the Zoning Law must be met.
2. Unit must be secondary to the principal dwelling and not converted to a rental unit.
3. Occupancy shall be limited to family members, paid employees or temporary guest(s).
4. Occupancy shall be restricted to 2 persons to occupy the unit.

5. A Deed restriction shall be placed into the deed for the property restricting its use so as not to allow for the two-family dwelling to be utilized or converted into a rental unit and such deed restriction language is to be submitted and approved by the Town Attorney prior to the filing the deed.
6. An Agreement shall be entered into between applicants (and others if applicable) and the Town of Clarence, which agreement shall require that the applicant (and others if applicable) to prepare and record a Deed Restriction incorporating the conditions as spelled out in this resolution which shall be placed into their Deed. The Agreement and deed restrictions shall continue in perpetuity. A copy of the Agreement is required to be filed as an attachment to the Deed. A copy of the Agreement is to be submitted to the Town Attorney prior to the filing of the Deed for approval.
7. Proof of filing of the approved deed and attachment is required and must be submitted to the Town Attorney's office before a Certificate of Occupancy can be issued to the applicant.
8. The property owners, or any future property owners, shall provide certification to the Town Planning & Zoning office on an annual basis that the unit is being used in conformance with the conditions of approval. Failure to submit the annual certification may result in the termination of the Special Exception Use Permit, resulting in a Zoning Violation subject to enforcement and penalties as outlined within Town Code Zoning Law Chapter 229-160 and 161 or any changes made to the Code of the Town of Clarence in the future.

On the question, the specific language for the deed restrictions and the Agreement may be obtained from the Town Attorney's office.

Councilman Shear asked the applicants if they heard, understands and agrees with the conditions.

Frank and Julie Rivett stated yes.

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

Frank Rivett Sr. stated that he has been working with the board for years with Strickler Estates. I appreciate your cooperation and directing with this project, getting them through the sequence.

Maria and Nick Tiberia at 5659 Creekwood Court. East side of Creekwood Court. An existing residence in the Creekwood Meadows subdivision on a 0.2-acre parcel in the Residential Single-Family zone. The applicant is requesting a Special Exception Use Permit for the construction of a secondary living unit within the existing home's basement. No exterior addition is proposed. The use of the space would be for seasonal cooking and extended family visits. The Town Board has the authority to consider this request after holding a Public Hearing.

Maria Tiberia was present to answer any questions.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to close the public hearing.

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

Motion by Councilman Altieri, seconded by Councilman Shear for the following:

RESOLVED, that after a public hearing duly held on Wednesday, May 14, 2025, and after all interested parties having been heard, the Clarence Town Board approves the request of the applicants, Nick Tiberia and Maria Tiberia, for a Special Exception Use Permit to allow for the construction of an attached secondary living unit as part of the existing home at 5659 Creekwood Court in the Residential Single-Family zone subject to the following conditions:

1. All conditions as required in the Zoning Law must be met.
2. Unit must be secondary to the principal dwelling and not converted to a rental unit.
3. Occupancy shall be limited to family members, paid employees or temporary guest(s).
4. Occupancy shall be restricted to 2 persons to occupy the unit.
5. A Deed restriction shall be placed into the deed for the property restricting its use so as not to allow for the two-family dwelling to be utilized or converted into a rental

unit and such deed restriction language is to be submitted and approved by the Town Attorney prior to the filing the deed.

6. An Agreement shall be entered into between applicants (and others if applicable) and the Town of Clarence, which agreement shall require that the applicant (and others if applicable) to prepare and record a Deed Restriction incorporating the conditions as spelled out in this resolution which shall be placed into their Deed. The Agreement and deed restrictions shall continue in perpetuity. A copy of the Agreement is required to be filed as an attachment to the Deed. A copy of the Agreement is to be submitted to the Town Attorney prior to the filing of the Deed for approval.
7. Proof of filing of the approved deed and attachment is required and must be submitted to the Town Attorney's office before a Certificate of Occupancy can be issued to the applicant.
8. The property owners, or any future property owners, shall provide certification to the Town Planning & Zoning office on an annual basis that the unit is being used in conformance with the conditions of approval. Failure to submit the annual certification may result in the termination of the Special Exception Use Permit, resulting in a Zoning Violation subject to enforcement and penalties as outlined within Town Code Zoning Law Chapter 229-160 and 161 or any changes made to the Code of the Town of Clarence in the future.

On the question, the specific language for the deed restrictions and the Agreement may be obtained from the Town Attorney's office.

Maria Tiberia questioned if she should get legal counsel, this was just finishing my basement and requires all of this.

Lawrence Meckler stated that this is needed to move forward and if she wishes she can seek legal counsel to review. If she chooses to then not move forward or have questions you can come back to discuss, you have that right.

Maria Tiberia asked if this will have implications on my assessed value of my home.

Supervisor Casilio stated hat they can not answer that she will need to ask the Assessors Department.

Councilman Shear asked the applicant if her has heard, understands and agrees with the conditions.

Maria Tiberia stated yes.

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

Christopher & Lorissa Naugle, Robert Curtis, architect for 5024 Rockhaven Drive. North side of Rockhaven Drive, in the Spaulding Lake subdivision. An existing residence on a 0.59-acre parcel in the Planned Unit Residential Development zone. The applicant is requesting a Public Hearing to consider a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence. The addition is proposed to create additional garage space, an in-law apartment, and backyard entertainment area. The Town Board referred the proposal to the Planning Board in November of 2024. Since that time, the applicant has worked to address the comments of the Town, including a redesign of the project that meets all setback requirements. In April of this year, the Planning Board recommended issuance of a Special Exception Use Permit for this secondary living unit, subject to eight conditions. The Town Board has the authority to consider this request after setting and holding a Public Hearing. I do not see the applicants here today but would ask that you still set a public hearing.

Motion by Councilman Shear, seconded by Councilman Altieri to set a public hearing for June 11, 2025 at 10:15 a.m. to consider the request of the applicants, Christopher Naugle and Lorissa Naugle, for a Special Exception Use Permit for the construction of an attached secondary living unit at 5024 Rockhaven Drive in the Planned Unit Residential Development zone.

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

Edge Development, LLC., represented by Sean Hopkins, Bill Burke and Pat Sheedy, for 9105 Sheridan Drive. South side of Sheridan Drive, west of Main Street. An existing 2.8-acre vacant property located in the Commercial zone. The applicant is requesting Concept Plan approval of a proposed mixed-use project containing multiple-family housing and commercial space. The project consists of approximately 7,000 sqft of commercial space and 22 apartments, as follows:

- One 3-story mixed-use building fronting Sheridan Drive containing 7,000 sqft of commercial on the first floor, and 10 total apartments on floors 2-3.
- Three 2-story residential townhome buildings to the rear, each containing 4 units.

The Town Board referred this proposal to the Planning Board in October of 2024. Due to comments received, the applicant has modified the proposal. Modifications include, but are not limited to; reducing the residential density by 2 units, increasing the total amount of commercial space, and increasing the front yard setback of the mixed-use building. In November of 2024, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In January of this year, the Planning Board issued a Negative Declaration under SEQRA. In April the Zoning Board of Appeals issued variances for the total number of multiple-family housing units and the third story of the mixed-use building, and the Planning Board issued Concept Plan approval, subject to fifteen conditions. The Town Board has the authority to consider this request after setting and holding a Public Hearing.

Sean Hopkins and Bill Burke were present to answer any questions. Sean Hopkins stated that the project is virtually identical to the way that they referred it with minor enhancements from comments received by the planning board. Mr. Burke is eager to close on this project.

Supervisor Casilio stated that this is a great project.

Councilman Shear stated that from the day that you brought this project in front of us you have been very accommodating with our suggestions and we look forward to the project.

Bill Burke stated I echo all of these comments, everyone has been great to deal with making this move smoothly.

Motion by Councilman Michnik, seconded by Councilman Altieri to set a public hearing for June 11, 2025 at 10:20 a.m. to consider the request of the applicant, Edge Development, LLC, for a Special Exception Use Permit for a Conceptually approved mixed-use project containing multiple-family housing in the Commercial zone.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear for the following applications: Clubhouse: Linda Zakrzewski May 18, 2025. Legion Hall: Courtney Geertman June 22, 2025.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to approve the bill pay for April 24, 2025 as follows: General Funds \$180,679.74; Highway Funds \$214,888.91; Water Funds \$922.00; Drainage Funds \$61,256.51; Sewer Funds \$752.30 and Capital Funds \$35,366.34 for a total bill pay of \$493,965.80.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to approve the bill pay for May 8, 2025 as follows: General Funds \$162,519.85; Highway Funds \$90,676.07; Drainage Funds \$1,239.86 and Capital Funds \$66,795.45 for a total bill pay of \$321,231.23.

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

Councilman DiCostanzo congratulated Dominic Cortese and his family on their 75th Anniversary, we were able to celebrate with him over the weekend. Additionally, congratulations to Pete Rose and Shoeless Joe Jackson for being reinstated by major league baseball to be considered to be in the hall of fame.

With no further business, Supervisor Casilio closed the meeting at 10:54 a.m.

Karen Hawes
Town Clerk