

TB Mtg March 13, 2014  
TOWN BOARD MEETING  
COLDEN TOWN HALL – March 13, 2014

MEETING CALLED TO ORDER AT 7:00 PM

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE IN HONOR OF CHARLES TEBO, MARY ANNA ANDRZEJEWSKI, ANNA FISHER AND BOB ARMBRUSTER, FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

PRESENT: Councilman Jesse Hrycik  
Councilman David Arcara  
Councilman Patricia Zurbrick  
Councilman Gerald Pietraszek  
Supervisor James DePasquale

ALSO PRESENT:

Town Justice William Montgomery  
Highway Superintendent Paul Clarkson  
Bldg. Insp/Code Enf. Officer John Kotlarsz  
Asst. Bldg. Insp/Code Enf. Greg Adams  
Town Clerk Christina Kerlin  
Approximately 26 residents

MINUTES

MOTION made by Councilman Arcara, seconded by Councilman Pietraszek and unanimously approved to accept the minutes of the February 6, 2014 Town Board Workshop and February 13, 2014 Town Board Meeting as presented.

Correction to the February Highway Budget Transfer to be taken from:

FROM: DA5110.4 General Repairs	\$6,932.77
DA5130.2 Machinery Equipment	\$4,511.33
INTO: DA5142.4 Snow Contractual	\$3,324.55
DA5110.41 Fuel	\$1,670.50
DA5130.4 Machinery Contractual	\$6,449.05

PUBLIC HEARING:

LOCAL LAW 01-2014  
TOWN OF COLDEN  
LOCAL LAW INTRO NO.01-2014  
MORATORIUM ON HORIZONTAL DRILLING AND HYDRAULIC FRACTURING

Meeting opened at 7:05pm.

Supervisor DePasquale read the Local Law #01-2014:

#### SECTION 1. LEGISLATIVE INTENT

This Local Law amends a prior Local Law 1-1984, known as “Adoption of Code” adopted by the Town of Colden on December 29, 1984, as amended, relating to the administrative, legislative and general legislation of Codes within the Town of Colden as therein set forth.

#### SECTION 2. PURPOSE

The Town Board of the Town of Colden has under review a Local Law governing the use of horizontal drilling and hydraulic fracturing. At the present time, there are no Town restrictions or regulations in regard to use of land within the Town for horizontal drilling and hydraulic fracturing. The Town Board finds that the commercial extraction of natural gas and oil by hydraulic fracturing or horizontal gas well drilling in the rural environment of the Town of Colden violates the rights of residents and imposes a significant threat to their health, safety and welfare. Moreover, widespread environmental and human health impacts have resulted from commercial gas and oil extractions utilized either hydraulic fracturing or horizontal gas or oil well drilling in other area. Permitting the activity of commercial gas or oil extraction utilizing hydraulic fracturing and/or horizontal gas well drilling violates the rights of residents and endangers their health, safety and welfare by allowing the intentional deposit of toxins into the air, soil, water, environment, and the bodies of residents within the Town. The activity poses a threat to some, if not all, of the natural water supply upon which the Town of Colden relies as its sole source of water. The Board finds that it is in the best interest of the Town for a moratorium on the use of horizontal drilling and hydraulic fracturing within the Town.

#### SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the provisions of Article 16 of the New York Town Law and section 10 of the New York Municipal Home Rule Law.

#### SECTION 4. MORATORIUM AND DURATION

The Town Board of the Town of Colden hereby declares a One (1) year moratorium on the use of horizontal drilling and hydraulic fracturing within the Town.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

SECTION 6. EFFECTIVE DATE

This Local Law shall become effective immediately upon the adoption by the Town of Colden Town Board and filing with the New York Secretary of State.

Public Comment:

1. Jeanette Geckler is hoping that tonight's action will be an act of safety and a precautionary measure to come to the ultimate decision on HVHF.
2. P.J. Fraser submitted an article from the Wall Street Journal to the Town Board which she read.
3. Lisa Brothwell stated that she supports the continuation of the moratorium.
4. Bernie Horschel said he is not for or against the moratorium but that there is a lot of facts and fiction being spread around and that the horizontal drilling is not the problem it is the vertical drilling.
5. John Kotlarsz stated that the DEC and New York State have been working on HVHF regulations and the Town should wait and see what regulations come from DEC and New York State.
6. Irene Barone stated that it would not be wise to put our fate in the hands of the State or DEC and questioned the Town Board on a mailing that was going to be sent out.

Supervisor DePasquale stated he received some concerns about the wording in the mailing and he would like to hold off until the correct wording is complete before sending out a mailing.

7. Roz Fishbaugh said that Colden Well Being sent out a postcard on the subject and received over 400 responses back that did not support fracking. The Town also had a committee that worked on a report that was submitted showing the hazards of High Volume Hydro Fracking and with that the Town Board should be able to make a decision.

Supervisor DePasquale stated that he wanted a mailing to go out from the Town Board in an effort to get the opinions from the Town residents and the report submitted from the Hydro Fracking Committee was a great report.

8. Ron Fraser stated that the DEC acts on protecting the interest of the people but that the DEC works with oil and drilling companies to help exploit minerals from NY State.
9. Melissa Melnick said that 3 years ago she was diagnosed with Leukemia and will always have a compromised immune system and when the drilling was going on at Heath Road she was affected by things in the air coming from that site she had headaches not to mention all the noise that came from the drilling.
10. Ann Lombardi asked why is the Town Board not considering a ban altogether on HVHF after all this time.
11. JoAnne Braun asked who would benefit from the HVHF the Town or private sector.
12. Dan Geile said that the Town has mostly homes with well water and is very concerned about them being contaminated from the process of HVHF and hopes the Town Board will take that into consideration when make a decision tonight.
13. Marilyn Calhoun- Allen stated that with the new members of the Town Board just taking office she believes that the step they are taking to place a moratorium for one more year is the right thing.

Meeting closed at 7:39 p.m.

MOTION made by Supervisor DePasquale and seconded by Councilman Zurbrick and unanimously approved to extend the moratorium on Horizontal Drilling and Hydraulic Fracturing for 1 (one) year.

Supervisor DePasquale stated that Debbie Baker requested to be on the agenda for tonight's meeting but has rescheduled for the April 10<sup>th</sup> Town Board Meeting.

#### BUILDING COMMITTEE REPORT

Councilman Arcara reported the front door of the Senior Center is in need of repair the bottom plate has swollen and therefore the door sticks. Quotes will be collected on repair and replacement of the front door at the Senior Center.

#### INSURANCE REPORT

No Report

#### HIGHWAY & PARKS REPORT

Highway Superintendent Clarkson reported that he is hoping for winter to break and the Town's salt and sand supply is in good shape.

- Thanked the residents in Town for their understanding during the winter storms.
- Will contact the NYS DOT about moving the sign on Rt. 240 where a bump in the road is a real problem.

Supervisor DePasquale requested a copy of the requirements for the replacement of the Town's Road Signs.

Highway Superintendent Clarkson stated that the signs have to be in compliance with high visibility reflectors according to state Law by the end of 2015 and he is on schedule to have all the signs replaced by the end of this year.

#### PLANNING COMMITTEE REPORT

Councilman Hrycik reported that at the Planning Board meeting there was discussion on:

- Special Use Permits
- Review Town Code and Fees
- Hi-Intensity Signs

#### ENVIRONMENTAL COMMITTEE REPORT

No Report

#### COMMUNITY DEVELOPMENT REPORT

No Report

#### LIBRARY REPORT

Councilman Hrycik reported the Library will have some planting events coming up for the Spring Season.

#### SOLID WASTE & NEST REPORT

No Report

Supervisor DePasquale is working with neighboring Towns on a combined Hazardous Waste Pickup.

#### YOUTH & ADULT RECREATION

Councilman Zurbrick reported that Soccer registration is ongoing and to check out Recreation's Facebook Page for more information.

#### STREET LIGHTING

No Report

#### PERSONNEL REPORT

Councilman Zurbrick reported that the full time employees have received their Personnel Policy for review and working on part-time employees to receive theirs.

#### DOG CONTROL REPORT

Councilman Arcara reported 3 dogs running on Crump Road and the DCO was unable to locate the dogs. One missing golden doodle returned on its own.

#### CODE ENFORCEMENT OFFICER REPORT

John Kotlarsz CEO reported 3 Building Permits  
1 Certificate of Occupancy Issued  
1 Court Appearance  
1 Fire Inspection  
1 Phone Complaint

#### WATER COMMITTEE REPORT

Councilman Pietraszek reported that a leak on Rt. 240 has been taken care as a result there is a small claim from a homeowner that will be submitted to the Towns Insurance carrier.  
-Chlorine residuals have been good they are in the normal ranges.  
-Water Clerk Ron Smith has taken over and learning the office and doing quite well.  
-A piece of property in Town is land locked and in the Water District the Town Attorney Ronald Bennett is reviewing the issue.

#### DIRECTOR OF VETERAN AFFAIRS

No report

#### OLD BUSINESS

##### ITS Computer Upgrades

MOTION made by Supervisor DePasquale and seconded by Councilman Arcara and unanimously approved to table the computer upgrades and readdress at a later date after further review.

##### Town Website

MOTION made by Councilman Hrycik and seconded by Councilman Arcara and unanimously approved Aurora Consulting Group to host the Town's Website at \$6,205 with training to the employee's that will be contributing to the website.

##### Town Audit

MOTION made by Supervisor DePasquale and seconded by Councilman Arcara and unanimously approved Drescher & Malecki at \$8,750. for a 1 year Town Audit for the year 2013.

High Volume Hydraulic Fracking Mailing

Supervisor DePasquale read the proposed mailing and stated that after hearing from Ron and other people about issues that could come up in the mailing. The mailing will be withdrawn until further review before sending out to the residents in Colden.

NEW BUSINESS

Local IDA Agreement

MOTION made by Councilman Hrycik and seconded by Councilman Zurbrick and unanimously approved to team up with the Concord IDA which includes the Towns of Brant, Collins, North Collins, Holland, Sardinia and Wales.

The Local IDA gives the right for the Town Board to have more control of what businesses can be brought into the area.

Digital Sign at the Colden Fire Hall

Councilman Pietraszek read a letter that was submitted from the Colden Fire Company regarding a digital sign to replace the one out in front of the Fire Hall.

The sign for the Fire Company will be tabled until further review of the Town Code.

RESOLUTIONS

None

BUDGET TRANSFERS

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved the following budget transfer for the

From: A1620.2 Capital Outlay                      \$7,135.50

Into: A3310.4 Traffic Control Contr.              \$7,135.50

TOWN CLERK REPORT

Town Clerk reported that the tax bills have been sent out and are due Monday, March 17.

Town Clerk's office will be open: Saturday March 15, from 9a.m. to Noon

Monday March 17, 9a.m. to 7p.m.

SUPERVISOR REPORT

Supervisor DePasquale reported that the Town Board did meet with the Army Corps of Engineers on Creekbed Stabilization by the Town Hall but this winter has proven more of a concern for the home owner's houses south of the Town Hall. The Town Board will work diligently on correcting the entire area of the Creekbed.

-Attended the Erie County Address which stressed shared services within Towns.

- Questioned Highway Superintendent Clarkson on Seasonal Summer Highway Workers.
- Advertise for a cleaning position for the Town Hall and Senior Center approximately 9hrs. a Week
- Interviews for the cleaning position and Zoning Board of Appeals will take place April 3 prior to The Town Board workshop.

#### PAY BILLS

MOTION made by Councilman Zurbrick and, seconded by Councilman Arcara and unanimously approved to pay the following bills.

General Fund Warrant Voucher#2014-57 to #2014-85	\$16,282.97
Highway Fund Abstract Voucher #2014-24 to #2014-35	\$18,179.54
Water District Voucher #2014-06 to #2014-16	\$14,896.05
Lighting District Voucher #2014-02 to #2014-03	\$ 2,209.81
Refuse District Voucher #2014-03	\$16,542.54

#### PRIVILEGE OF THE FLOOR

Marilyn Calhoun-Allen asked if the template for the Newsletter and the password for the I-Cloud were ever received from the former Supervisor.

- What is the status of the barn being built on Route 240 by the Solly residence.

Highway Superintendent Clarkson stated that he attended Advocacy Day in Albany on March 4<sup>th</sup> and 5<sup>th</sup> in a hope to gain more “CHIPS” funding for the Town.

CEO John Kotlarsz asked to participate with the Town Board when they have any meetings to do with the DEC or Erie County Water & Soil on removal of gravel from the creekbed.

#### ADJOURN

MOTION made by Supervisor DePasquale and seconded by Councilman Pietraszek and unanimously approved to adjourn the meeting at 8:40 pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk

