

TB Mtg Feb. 2015  
TOWN BOARD MEETING  
COLDEN TOWN HALL – February 12, 2015

MEETING CALLED TO ORDER AT 7:00PM.

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE IN MEMORY OF FRANK ATHANS, BETTY LEICHT AND NATHAN BORK FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

ALSO PRESENT: Highway Superintendent Paul Clarkson  
Bldg. Insp/Code Enf Officer John Kotlarsz  
Water Operator Greg Adams  
Town Clerk Christina Kerlin  
Approximately 11 residents

#### MINUTES

MOTION made by Councilman Arcara, and seconded by Councilman Hrycik and unanimously approved to accept the minutes of the 2015 Organizational Meeting minutes and January 8, 2015 Regular Town Board Meeting minutes as presented.

Supervisor DePasquale stated that there will be a change to the mileage reimbursement from .555 to .575 which is the standard mileage allowance established by the Internal Revenue Service.

#### BUILDING AND INSURANCE COMMITTEE REPORT

Councilman Arcara reported that floors at the Town Hall will be stripped and waxed on Monday, February 16<sup>th</sup>. Town Hall roof will be monitored for any more leaks from the ice and snow build up.

#### HIGHWAY AND PARKS REPORT

Highway Superintendent Clarkson presented the “Agreement to Spend” form for 2015.

MOTION made by Councilman Arcara and seconded by Councilman Pietraszek and unanimously approved the Agreement to Spend form for 2015.

This form is on file in the Town Clerk’s Office.

-Highway Superintendent Clarkson received a bid from Van Bortol Ford for a 2015 Ford F-250 XL Super Cab 4x4 in the amount of \$35,100.34 and with trading in the 2007 Chevy 2500 HD with the 8 ft. western plow the cost would be \$31,600.34. Town Board has reviewed the bids.

#### Highway Pickup Truck

MOTION made by Councilman Pietraszek and seconded by Councilman Zurbrick and unanimously approved the purchase of a 2015 Ford F-250 XL Super Cab 4X4 in the amount of \$31,600.34 with trade in of the 2007 Chevy 2500 HD with a 8ft. Western plow.

-A reminder will be placed on the Towns website that it is illegal to plow across the road and copies of the Law will be made for Highway Superintendent Clarkson to hand out to any residents that are not adhering to the New York State Law.

Councilman Zurbrick asked if the street signs for Blanchard Road and Bleistein Road were replaced yet. Highway Superintendent Clarkson stated that the signs are up.

#### PLANNING COMMITTEE REPORT

Councilman Hrycik reported that at the last meeting the secretary was not there so he took the notes for that meeting.

Discussion at the meeting was on a:

- Special Use Permit for a Kennel
- Special Use Permit for an Auto Dealership
- Reviewed the draft of a proposed Local Law on High Volume Hydraulic Fracturing
- Codes for a Solar Panel

#### ENVIRONMENTAL COMMITTEE REPORT

Councilman Pietraszek reported that the Environmental Board met on February 3<sup>rd</sup> and will elect a chairperson at the next meeting. Disclosure forms were handed out and will be returned to the Town Clerk. The SEQR was reviewed for John Kruszka who submitted a Special Use Permit for an Auto Dealership. November minutes will be approved at the next meeting when all members are present. Reviewed the draft of the original Local Law on High Volume Hydraulic Fracturing.

Environmental Board member Linda Antkowiak stated that Craig Bouquin agreed to act as the Chairman of the Environmental Board.

#### COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported that funding is being looked into for the replacement of the bulbs on the Historical Lights and also for the property that was recently acquired by the Town next to the Town Hall.



fill out form and submit you will receive an email confirming that you have submitted a streetlight outage. If you would like a copy of your request print out the form after you have filled the form in and before you submit the form to NYSEG.

#### PERSONNEL COMMITTEE REPORT

Councilman Zurbrick reported that the training for PESH, Blood Borne Pathogens and Harassment Policy is being coordinated with the Town of Aurora as was done last year.

#### DOG CONTROL REPORT

No report

#### CODE ENFORCEMENT OFFICER REPORT

Building Inspector/Code Enforcement Officer, John Kotlarsz gave the following report for the month of Jan, 2015.

2 Building Permits Issued  
3 Certificates of Occupancy  
4 Certificates of Compliance  
3 Days of School

#### WATER COMMITTEE REPORT

Councilman Pietraszek reported that there are some meters that are not reading properly and the meters will be replaced.

- All backflow preventer tests have been completed
- Neptune radio caps will be replaced
- Water bills were sent out on January 31<sup>st</sup>
- Monthly water tests for bacteria is coming up soon
- A reminder to residents to shovel around the fire hydrants if you have one by your property
- Water Operator Greg Adams and Councilman Pietraszek attended a seminar in Batavia. Greg went to a session on Water Operator and equipment monitoring and testing. Councilman Pietraszek session was on silt and erosion control and there was streambank management and storm water drainage. A computer program from Tensar was obtained they make big plastic pipes for storm drains. The program will be shared with the highway department.

#### OLD BUSINESS

None

#### NEW BUSINESS

None

RESOLUTIONS:

Supervisor DePasquale read the following resolutions:

**IN SUPPORT OF THE NIAGARA MILITARY AFFAIRS COUNCIL**

WHEREAS, the Niagara Military Affairs Council (NIMAC) is an organization whose mission is preserve the active status of the Niagara Falls Air Reserve Station, and

WHEREAS, The Niagara Falls Air Reserve Station is home to the United States Air Force 914<sup>th</sup> Airlift Wing; the 107<sup>th</sup> New York Air National Guard; the Military Enlistment Processing Station; the 277<sup>th</sup> Quartermaster Company, Arm Reserve; the 2<sup>nd</sup> Squadron of the 101<sup>st</sup> Cavalry, New York Army National Guard; the 865<sup>th</sup> Army Combat Support Hospital, Army Reserve; and the 1982<sup>nd</sup> Forward Surgical Team Army Reserve, and

WHEREAS, the NFTA through a joint Use Agreement with the United States Government work together to maintain the integrity of the Niagara Falls International Airport airfield, ensuring that aviation missions essential to the security of our nation can be conducted, and

WHEREAS, the Niagara Falls Air Reserve Station is Niagara County's largest employer and provides significant economic and social benefits to all of Western New York, now, therefore, be it

RESOLVED, that the Association of Erie County Governments support the work of the Niagara Military Affairs Council (NIMAC) in their efforts to support the growth and prosperity of the Niagara Falls Air Reserve Station and its personnel thereby creating a positive impact on all the local Erie County governments and the Western New York Community, and be it further

RESOLVED, that the Association of Erie County Governments hereby directs the Executive Director to communicate the Association's support for the goals of the Niagara Military Affairs Council and to support the work of NIMAC to fulfill its mission.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Honorable Senators Charles Schumer and Kristen Gillibrand, Honorable Congressmen Brian M. Higgins and Chris Collins, Honorable Governor Andrew M. Cuomo, the Western New York Delegation and Erie County Executive Mark Poloncarz, and the Erie County Legislature.

Duly adopted this 12<sup>th</sup> day of February, 2015 by the following vote.

Vote: Councilman David Arcara - yes  
Councilman Jesse Hrycik – yes  
Councilman Patricia Zurbrick – yes  
Councilman Gerald Pietraszek – yes  
Supervisor James DePasquale – yes

**SUPPORTING TOWN PARTICIPATION IN COUNTYWIDE  
GOVERNMENT EFFICIENCY PLAN**

WHEREAS, Governor Andrew Cuomo and the New York State Legislature enacted the Property Tax Freeze Credit to provide property tax refunds to homeowners as part of the 2014-2015 State Budget; and

WHEREAS, the new law encourages local governments to generate long-term tax -relief for taxpayers by sharing services, consolidating or merging, and demonstrating and implementing operational efficiencies; and

WHEREAS, in year one of the program, which is 2015 for local governments, homeowners will receive the Freeze Credit if their local government stays within the property tax cap; and

WHEREAS, in year two of the program, which is 2016 for local governments, homeowners will receive the Freeze Credit for property taxes from any taxing jurisdiction in which the homeowner resides that stays within the property tax cap and puts forward a State-approved Government Efficiency Plan demonstrating savings equivalent to one percent of their property tax levies in each of the following three years; and

WHEREAS, while local governments may take a variety of approaches to develop their Government Efficiency Plans, the State has strongly encouraged they convene and facilitate a process to develop and submit county-wide Government Efficiency Plans; and

WHEREAS, as exemplified in the recent establishment of the Buffalo Erie Niagara Land Improvement Corporation in 2012, this community has a history of receiving recognition by the State for demonstrating successful regional collaborations involving many municipalities; and

WHEREAS, Erie County has offered to coordinate the development of such Government Efficiency Plans as the ‘lead agency’ on behalf of all other interested municipalities; and

WHEREAS, the Town of Colden is interested in intergovernmental cooperation with Erie County and other municipalities in submitting a county-wide Government Efficiency Plan and desires to memorialize its intention to participate in a coordinated Plan to allow its homeowners to receive the Freeze Credit.

NOW, THEREFORE, BE IT RESOLVED that the Town of Colden seeks to ensure that Town homeowners will receive the Freeze Credit as part of this new State law; and

BE IT FURTHER RESOLVED that the Town of Colden did not exceed its designated property tax cap for fiscal year 2015 and memorializes that it has no intention of exceeding the cap for fiscal year 2016, which if exceeded would disqualify the town from participation in the Property Tax Cap Freeze Credit Program; and

BE IT FURTHER RESOLVED that the Colden Town Board does hereby express its support for, and participation in an Erie County-wide Government Efficiency Plan; and

BE IT FURTHER RESOLVED that the Town Board urges the New York State Division of the Budget to approve Erie County’s coordinated Government Efficiency Plan with local governments with the understanding that the Town has played an active role in the identification of preexisting and implementation of new shared services, consolidations or merges, and operational efficiencies within the Town of Colden for inclusion in the county-wide plan; and

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to the Erie County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; the Director of the Division of Budget and Management; and the Association of Erie County Governments.

Duly adopted this 12<sup>th</sup> day of February, 2015 by the following vote.

Vote: Councilman David Arcara - yes  
Councilman Jesse Hrycik – yes  
Councilman Patricia Zurbrick – yes  
Councilman Gerald Pietraszek – yes  
Supervisor James DePasquale – yes

**BUDGET TRANSFER**

MOTION made by Councilman Zurbrick, seconded by Councilman Arcara, and unanimously approved to transfer funds as follows:

From: DA5110.4 General Repairs	\$166.50
Into: DA5130.4 Machinery Contractual	\$166.50

**TOWN CLERK REPORT**

Town Clerk Kerlin asked to set a date to advertise 2 Public Hearings for a:  
Special Use Permit – Kennel Permit at 8145 Burr Road, Chris Matschke  
Special Use Permit – Auto Dealership at 8515 Heath Road, John Kruszka  
The Public Hearings will be advertised in the Springville Journal and will take place on March 12, 2015 at 7:00pm at the Colden Town Hall.

-The 2015 Town & County Tax bills were sent out today

Councilman Hrycik reported that the Erie County Soil and Water Conservation tree & seedling program is taking place order forms are on the table in the foyer.  
Deadline is March 13, 2015 Pick-up date is April 18, 2015

**SUPERVISOR’S REPORT**

Supervisor DePasquale reported that he received information on former Supervisor Marilyn Calhoun Allen that she is going through an illness and is having treatments and it is not life threatening but if we could keep her in mind and support her.

8820 State Road

Papers have been signed for the property at 8820 State Road that the Town purchased and will be recorded at the Erie County Clerk’s office.

**PAY THE BILLS:**

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

General Fund Warrant Voucher #2014-503 to #2014-509	\$ 4,051.77
Highway Fund Abstract Voucher #2014-194 to #2014-195	\$ 166.50
Lighting District Voucher #2014-223 to #2014-24	\$ 2,218.98
Water District Voucher #2014-80 to #2014-81	\$ 3,109.84
General Fund Warrant Voucher #2015-11 to #2015-49	\$24,003.28
Highway Fund Abstract Voucher #2015-02 to #2015-22	\$28,377.53
Lighting District Voucher #2015-01	\$ 1,544.43
Refuse District Voucher #2015-02	\$16,957.14



PRIVILEGE OF THE FLOOR

James Gusch on Center Street addressed the Town Board with his displeasure that the Town Board approved the windmill at 8213 Center Street and he submitted a picture of what the windmill looks like in his back yard and stated that he and his neighbors are thinking about suing the Town for not following the Town Codes when approving the windmill.

ADJOURN

MOTION made by Councilman Pietraszek and seconded by Councilman Arcara and unanimously adjourned the meeting at 7:47 pm.

Respectfully Submitted,

Christina M. Kerlin,  
Town Clerk