

TB Mtg. September 10, 2015
TOWN BOARD MEETING
COLDEN SENIOR CENTER – September 10, 2015

MEETING CALLED TO ORDER AT 7:05PM.

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE IN MEMORY OF MARY STOJANOVICH, THOMAS LOBUGLIO, AND TIFFANY VAN ROOY 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
Asst. Rec. Dir. Jaime Ruhland
Town Clerk Christina Kerlin
Approximately 16 residents

MINUTES

MOTION made by Councilman Hrycik, and seconded by Councilman Pietraszek, and unanimously approved to accept the minutes of the August 6, 2015 Town Board Workshop and August 6, 2015 Regular Town Board meeting as presented.

BUILDING AND INSURANCE COMMITTEE REPORT

Councilman Arcara reported that a bid was received for the replacement of the roof at the highway barn and the bid came in high. Additional companies will be contacted for prices.

-Bids were received for the replacement of the furnace at the Town Hall:

Phillips Sheet Metal	\$2,342.00
Zenner & Ritter (3 models)	\$4,990.00, \$3,174.00, \$2,659.00
Total Facilities Services	\$6,855.00

Supervisor DePasquale will contact the companies for additional information and the Town Board will approve by phone.

HIGHWAY AND PARKS REPORT

Highway Superintendent Clarkson reported that ditching culverts and mowing the sides of roadways and preparing trucks for winter. Kummer Park bathrooms will be winterized sometime in October.

Enter Executive Session at 7:20

Supervisor DePasquale stated that the Town Board and Highway Superintendent will need to enter into executive session to discuss a personnel issue.

MOTION made by Councilman Zurbrick and seconded by Councilman Arcara and unanimously approved to enter into executive session with Highway Superintendent Clarkson to discuss a personnel issue.

Return from Executive Session 7:35pm

PLANNING COMMITTEE REPORT

Councilman Hrycik reported that there was no Planning Board meeting this month and at the last meeting held the discussion was on signs, portable buildings and a simpler code for dog kennels.

ENVIRONMENTAL COMMITTEE REPORT

Councilman Pietraszek stated that there was no Environmental Board meeting this month.

Erie County Soil & Water will contact the Town in October about work on the creekbed by the Town Hall parking lot the sycamore tree will have to be removed. Bids will be obtained and the Town Highway department will help out where needed.

COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported that there will be a senior trip on December 10, 2015 to the Texas Tenors the bus leaves at 9:15am and returns at 5:30pm.

-Colden Arts Festival is on October 3rd and 4th from 11am to 5pm there will be free music, a drawing for Buffalo Bills tickets and the committee is in need of vendors and volunteers.

AARP Defensive Driving Course on Wednesday, October 7th & Thursday, October 8th at 5:45pm to 9pm (must attend both days) or Saturday, October 10th from 8:45am to 3:30pm (bring a Lunch)

10% discount on insurance

4 point reduction of points for prior driving conviction

\$20 AARP member

\$25 Non-AARP member

Pre-register at the Town Hall 941-5012

Payments will be accepted the day of the course, checks to be made to AARP

Maximum of 30 students per class

A petition to have the Erie County roads reconstructed and repaired in Colden is available to sign at the Town Clerks office and residents are going around Town with the petitions as well.

Farmers Market is every Saturday from 8:30am – 1pm at the Bread of Life. The Outreach Center and Gabriel's Closet is in its 5th year and the pantry serves 65 families if there is any families in need of help contact the Bread of Life.

LIBRARY REPORT

Councilman Hrycik reported that on Saturday, August 15th the Annual Book & Hot Dog Sale Fundraiser took place and was sold out.

SOLID WASTE AND NEST REPORT

Councilman Hrycik reported that the Towns Hazardous Waste Event along with the Town of Holland will take place on Saturday, September 19th from 8:00am – 12:00pm at the Center Street and Partridge Road Fire Station. There will be a 100lb. maximum load with an additional .50 per lb. after that. A postcard will be sent out to the residents about the Hazardous Waste Event. Tires will be collected as well and there will be a fee of \$1.00 and tractor tires will be \$10.00. The highway department will supply a dump truck to put the tires in and transport to the recycling center.

YOUTH & ADULT RECREATION REPORT

Asst. Recreation Director Jaime Ruhland reported that the recreation department will have a tent set up for the Colden festival. There will be staff on hand to pass out crafts to children and they are in need of a tent for the event.

Piloxing will continue this Sunday. Classes will start at 7:30pm. Cost will be \$60 for 7 weeks. Piloxing is a non-stop, cardio fusion of standing pilates, boxing and dance.

Jaime Thanked the Town Board for all of their support of the recreation program they had 60 children signed up and a great staff working along with the children.

STREET LIGHTING REPORT

Councilman Zurbrück stated that there was one street light reported out at the corner of Irish Road and Hayes Hollow Road.

PERSONNEL REPORT

Councilman Zurbrück reported that the volunteer boards need to take the annual training contact will be made with the board chairmen's to setup a date and time.

DOG CONTROL REPORT

Councilman Arcara reported that he will be contacting Dog Control officer Christa Pouthier on the results of the dog census that was conducted this year.

CODE ENFORCEMENT OFFICER REPORT

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

- 9 Building Permits Issued
- 1 First Notice of Violation
- 1 Order to Remedy
- 1 Court Appearance
- 4 Phone
- 2 Stop Work Orders

Bach Property – 8680 State Road

CEO John Kotlarsz stated that none of the violations were corrected so a court appearance ticket was issued for October 5, 2015 at 7:00pm. There are 18 violations on the property and a Do Not Occupy sign that was on the front door was removed. The violations will go to the new owner if it is sold at the upcoming auction with Auctions International on September 27, 2015.

A Stop Work Order was placed on a Solar Panel project on Irish Road the placement of the panels were moved from where they were shown on the original building permit. The company has since filed for a variance with the Zoning Board of Appeals.

WATER COMMITTEE REPORT

Councilman Pietraszek reported that that a meeting was held with a PESH consultant and a PESH policy has been written up on entries and exits of the vaults.

- New computer has been installed and networked-
- Greg and Ron have been working on power washing and painting of the fire hydrants
- Fire hydrants have been greased and worked
- A letter has been sent to a resident on Boston Colden Road to gain entry into the house to shut off the water the house is vacant and is in foreclosure.
- End of July metal samplings were taken at five different locations and all test results passed.
- Chlorine residuals are averaging about .7

OLD BUSINESS

Solly Brothers – SUP

Supervisor DePasquale asked CEO John Kotlarsz if Solly Brothers Special Use Permit was in compliance. John stated that nothing was done to clean up the area the campers are still in the front yard and the buses and the campers have been in the front yard for the last 10 years and they were never cited for them being there in the past. The SUP expires September 30, 2015 Supervisor DePasquale will have Tammy send a certified letter stating that they have until September 30th to move the buses and campers or the SUP will be revoked. CEO John Kotlarsz will inspect the property on September 30th.

Speed Studies - Heath Road and Holland Glenwood Road

Supervisor DePasquale stated that a letter was submitted last month from a concerned resident about Heath Road and the speed and safety on that road. Town Clerk Kerlin sent in the paperwork for a speed study to be conducted on Heath Road and Holland Glenwood Road. A letter was received back stating that at the conclusion of the investigation that the Town will be advised on the findings.

NEW BUSINESS

Colden Arts Festival

Supervisor DePasquale stated that the Colden Art Festival is scheduled for October 3rd and 4th. This festival has been a reoccurring event with the Towns support for many years and without

significant changes this would be redundant to file a new Special Use Permit application each year.

The Colden Arts Festival Committee is asking for:

- Two portable toilets and handwashing station
- Waste Management was contacted for garbage totes that will be provided along with bags
- Constables for the day and for Security on Saturday and Sunday 11 am – 6pm
And Saturday 8pm – 7am Sunday (rate of pay out of the celebrations line)
- Use of the Senior Center, Town Hall, Veterans Park, Kummer Park and the Town Parking Lots

MOTION made by Councilman Pietraszek and seconded by Councilman Arcara and unanimously approved 2 portable toilets and handwashing station, garbage totes and bags, constables for the day and for Security on Saturday and Sunday 11 am – 6pm and Saturday 8pm – 7am Sunday (rate of pay out of the celebrations line), use of the Senior Center, Town Hall, Veterans Park, Kummer Park and the Town Parking Lots for the Colden Arts Festival on October 3rd and 4th. Councilman Zurbrick disclosed that she is connected with the committee and she has no personal gain from the festival.

Veteran's Memorial Park Event

Supervisor DePasquale explained that Mike Willibey from the Livingstone Masonic Lodge and the Masons would like to host a fund raising event in the Veteran's Memorial Park next to the Town Hall. The event is to camp at the Memorial site with 4 to 5 members of the Masonic Lodge to raise awareness and money for the Disabled and Homeless Veterans. The event would take place on Friday, November 6th at 4:00pm and run through to Sunday, November 8th when the Veteran's parade commences at the Veterans Memorial Park. They will have tents for shelter and a fire ring for warmth and would like to have the use of the Town Hall bathrooms. Mike has been working with Jody Feidt from the Colden Fire Company on the event. The Livingstone Masonic Lodge will reach out to the media and area VFW's, American Legion Post's and Masonic Lodges for their contributions and support in raising awareness for the Disabled and Homeless Veterans. Supervisor DePasquale will contact the Town's Insurance Company on the policy coverage for the event.

MOTION made by Supervisor DePasquale and seconded by Councilman Zurbrick and unanimously approved the Homeless Veterans Event on November 6th, 7th and 8th at the Memorial Park organized through the Livingstone Lodge and the use of the Town Hall restrooms and pending approval from the Town Insurance company.

RESOLUTIONS:

The following resolution was read by Supervisor DePasquale.

INTERMUNICIPAL AGREEMENT REGARDING PROVIDING MUTUAL AID CODE ENFORCEMENT AND BUILDING INSPECTOR SERVICES.

THIS AGREEMENT, made and entered into this September 10, 2015, by and between the Village of Springville (“the Village”), a municipal subdivision of the State of New York situate in Erie County, New York and the Town of Colden (“the Town”), a municipal subdivision of the State of New York situate in Erie County, New York.

WITNESSETH:

WHEREAS, the Village and the Town currently provide code enforcement and building inspection service within their respective municipalities and

WHEREAS, from time to time the Code Enforcement Officer of each municipality is not available to immediately attend to the responsibilities of said position, and

WHEREAS, the Village and the Town are desirous of contracting with each other for the purpose of sharing such responsibility in a situation when their Code Enforcement Officer is not available.

NOW, THEREFORE, IT IS HEREBY AGREED, by the Village and the Town as follows:

1. The Village and the Town authorize their respective Code Enforcement Officers to lend assistance to the other municipality under such circumstances that their Code Enforcement Officer is not immediately available to respond to his duties (“the service”) subject to following conditions.
2. The exchange of services should not in any way hamper or delay the responsibilities of the Code Enforcement Officer within the provider municipality.
3. The municipality providing the service shall:
 - a. Be responsible for injury to any its employees if it is a workers’ compensation injury pursuant to Workers Compensation Law §2(7).
 - b. Be liable for negligence of its employees occurring in the performance of their duties in the same manner and to the same extent as if the negligence occurred in the performance of their duties for the provider municipality.

- c. Provide materials and compensate fuel that is needed during the course of use of such duties.
 - d. Keep records of the day and hours that the service was provided and provide a copy to the municipality receiving the service on or before the first business day in January after the expiration of the calendar year which service was provided.
 4. The municipality wanting to receive the service shall have its Code Enforcement Officer contact the Code Enforcement Officer of the providing municipality to arrange for service.
 5. The Village and the Town agree to the following compensation for the service that its Code Enforcement can provide in one calendar year is 80 hours.
 6. The Village and the Town agree to the following compensation for service:
 - a. The Village and the Town will pay \$25.16 per hour for the service.
 - b. The compensation owed for the service will be the difference between the amount of hours provided to the other per year multiplied by the aforementioned per hour rate.
 - i. Example - The Village provided 50 hours per calendar year of service and the Town provided 30 hours per calendar year of service. The difference between the services is 20 hours. The Town of Colden would owe the Village of Springville 20×25.316 or 503.20 for that calendar year for service.
 - c. The municipality owing compensation will make payment to the other municipality no later than January 15 of the year immediately following the calendar year in which service was provided.
 7. The term of this agreement shall be from year to year and shall be automatically extended each year unless either party notifies the other on or before September 1 prior to that year that said municipality wishes to withdraw from this agreement in the ensuing calendar year.

8. The Village and the Town do hereby agree to obtain and thereafter continue to keep in full force and affect their general liability insurance, public liability insurance, and automotive insurance relative to the various services to be performed herein with limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate.
9. The Village agrees to indemnify and save the Town, its officer, agents and employees harmless from any liability imposed upon the Town, its officers, agents and or employees arising from the negligence active or passive, of the Village.
10. The Town agrees to indemnify and save the Village, its officer, agents and employees harmless from any liability imposed upon the Village, its officer, agents and/or employees arising from negligence, active or passive, of the Town.
11. In accordance with the provision of section 109 of the General Municipal Law. Each municipality is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this agreement, or its right, title or interest in this agreement, or its power to execute this agreement, to any other person or corporation without the previous written consent of the other municipality.
12. The Mayor and the Supervisor of each municipality have executed this agreement pursuant to a resolution adopted by the Village Board and the Town Board at a meeting thereof duly held.
13. This agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.
14. No waiver of any breach of any condition of this agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this agreement or constitute a cause of excuse for repetition of such or any other breach unless the waiver shall include the same.
15. This agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.
16. This agreement is governed by the law of the State of New York.

IN WITNESS WHEREOF, the Village of Springville has caused its corporate seal to be affixed hereto and these presents to be signed by William Krebs, Mayor duly authorized to do so and to be attested to by, Timothy Horner, Village Clerk and the Town of Colden has caused its corporate seal to be affixed hereto and these presents to be signed by James DePasquale, Supervisor, duly authorized to do so, and to attested to by Christina Kerlin, Town Clerk, the day and year first above written.

Village of Springville

Town of Colden

By: _____

By: _____

William Krebs, Mayor

James DePasquale, Supervisor

Attest by:

Attest by:

Holly Murtiff, Administrator/Clerk

Christina Kerlin, Town Clerk

Supervisor Depasquale stated that the resolution for Retirement Certification for hours worked has not been done since 2011. The elected officials in Town will provide a three month time period which will be submitted to the Supervisor and a resolution will be done at a later date.

BUDGET TRANSFER

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

From: DA5110.4 General Repairs	\$6,735.13
Into: DA5130.4 Machinery Contractual	\$6,735.13

TOWN CLERK REPORT

Town Clerk Kerlin reported that flu shots will be given on Tuesday, October 27th from 10am – 2pm.

Budget Workshop

MOTION made by Councilman Zurbrick and seconded by Councilman Hrycik and unanimously approved the budget workshop for October 1, 2015 at 6:30pm at the Colden Town Hall.

SUPERVISOR'S REPORT

Supervisor DePasquale read the following notice:

Public Notice

30-DAY PERIOD FOR INCLUSION OF PREDOMINANTLY
VIABLE AGRICULTURAL LANDS
INTO EXISTING AGRICULTURAL DISTRICTS

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agriculture land into an existing certified agricultural district.

Copies of the application form have been provided by to Municipal Clerks, Assessors, and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at www.erie.gov/environment.

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion request and the recommendations of the Erie County Agricultural and Farmland Protection Board.

CONTACT:

Elias Reden, Planner
Erie County Environment & Planning
95 Franklin Street, 10th floor
Buffalo, NY 14202
Phone: 716 858-1911
Fax: 716 858-7248
Email: agriculture@erie.gov

PAY THE BILLS:

MOTION made by Councilman Pietraszek and seconded by Councilman Zurbrick to approve the payment of the September bills.

General Fund Warrant Voucher #2015-308 to #2015-346	\$21,730.80
Highway Fund Abstract Voucher #2015-147 to #2015-165	\$156,528.33
Lighting District Voucher #2015-13 to #2015-15	\$ 3,173.69
Refuse District Voucher #2015-33	\$17,227.08
Water District Voucher #2015-49 to #2015-60	\$ 8,669.18

PRIVILEGE OF THE FLOOR

Andrew Weincek stated that the AARP course needs to have a minimum of 12 people per class and no more than 30 people. Thanked the Eagle Scout project that was done at the cemeteries around town Michael Palmateer has done a great job.

Gloria Marinaccio addressed the Town Board on her concerns that she has heard of two sex offenders that are being housed at the group home on Center Street and she was never notified and was wondering if the town was notified.

Supervisor DePasquale stated that he would contact the Sheriff's department and get back to her.

ADJOURN

MOTION made by Councilman Zurbrick and seconded by Councilman Pietraszek and unanimously adjourned the meeting at 8:58pm.

Respectfully Submitted,

Christina M. Kerlin,
Town Clerk

