

TB Mtg Nov 5, 2015
TOWN BOARD MEETING
COLDEN TOWN HALL – November 5, 2015

MEETING CALLED TO ORDER AT 7:02PM.

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE IN MEMORY OF DONALD HARE AND ALICE MADIGAN FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

ALSO PRESENT: Town Accountant Mark Adamchick
Highway Superintendent Paul Clarkson
Bldg. Insp/Code Enf Officer John Kotlarsz
Town Clerk Christina Kerlin
Approximately 18 residents

MINUTES

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved to accept the minutes of the October 1, 2015, 2016 Budget Workshop and the October 8, 2015 Town Board Workshop and the October 8, 2015 CDBG and Town Board Meeting minutes as presented with a correction to the October 1, 2015 minutes.

PUBLIC HEARING FOR TAX LEVY OVERRIDE

Supervisor DePasquale opened the Public Hearing AT 7:03PM

Supervisor DePasquale stated that after review of the 2016 Town Budget and looking over all the numbers and the requirements for the Tax Cap. A correction was made to the Highway budget and the Town will not need to override the Tax Cap.

No Comments

Public Hearing Closed at 7:04pm

PUBLIC HEARING
FOR
2016 PRELIMINARY BUDGET

Supervisor DePasquale opened the Public Hearing at 7:05 pm

OPEN PUBLIC HEARING

COMMENTS FROM THE TOWN BOARD AND AUDIENCE

Supervisor DePasquale stated that the Town Board received their addendums to the 2016 Budget. On the Highway Budget DA1090 Tax Penalties and Interest was added and never carried over on the program to the computation page which brought the estimated revenues to \$99,411. With the correction and the recalculation of the tax cap formula it is not necessary to override the Tax Cap and the Highway tax rate dropped to \$4.09.

A letter was received from Marty McMahon asking if the Town would contribute to the Bread of Life to help with their operations for the year so line A6070.4 Services for Recipients was added to the general fund in the amount of \$1,000.

Marilyn Calhoun-Allen had a question on the Refuse District on the general fund appropriation of \$10,000 for the year 2016 when there is a refuse fund balance from last year of \$25,662. Why not use the money from the refuse fund balance instead of from the general fund balance.

Discussion on why the town should have a fund balance so high for the refuse account.

Decision was to use \$10,000 from the refuse fund balance and appropriate it for the 2016 budget

CHANGE HIGHWAY REVENUES

MOTION made by Councilman Zurbrick and seconded by Councilman Hrycik to adopt the corrections to the highway fund revenues.

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

ADD LINE A6070.4

MOTION made by Councilman Zurbrick and seconded by Councilman Pietraszek to adopt line A6070.4 Services for Recipients in the amount of \$1,000.00 for the Bread of Life for their operations.

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

2016 PRELIMINARY BUDGET

MOTION was made by Councilman Pietraszek and seconded by Councilman Zurbrick to adopt the 2016 Preliminary Budget

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

Public Hearing closed at: 7:30pm

BUILDING AND INSURANCE COMMITTEE REPORT

Request for the use of the Senior Center

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek to approve the use of the Senior Center by the Girl Scouts of Holland/Springville Service unit on Saturday, December 5, 2015 from 1:00pm – 5:00pm.

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

Town Hall Roof

Councilman Hrycik was up on the roof and noticed damage to the roof from the ice and snow buildup from the past winter.

Supervisor DePasquale will have his secretary Tammy Nuttle contact some roofing companies for quotes on repair and replacement of the Town Hall roof.

Enerpath Grants for LED Lighting for Town Buildings

Decision was to readdress next year.

HIGHWAY AND PARKS REPORT

Highway Superintendent Paul Clarkson reported William Krolczyk the new highway worker has started and was drug tested and will start out on a six month probation period at a rate of \$20.00 at six months will go to \$22.00 and after a year he will go to full MEO rate.

MOTION made by Councilman Zurbrick and seconded by Councilman Hrycik to approve the hiring of William Krolczyk at a rate of \$20.00 at six months will go to \$22.00 and after a year he will go to full MEO rate.

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

Councilman Zurbrick stated that he will need to have the two trainings and also asked if he informed the other applicants that the job was filled and thanking them for applying for the highway position.

Murray Hill Road Closing

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik to approve the closing of Murray Hill Road from November 15, 2015 to April 1, 2016.

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

Tractor & Snowblower

Supervisor DePasquale stated that he had Highway Superintendent Clarkson looking into a tractor that would be a better fit for the parks department to clear the sidewalks in the winter and the tractor would also work well for sweeping the road ways for the highway department.

The John Deere tractor with a cab and heater has a snow blower and sweeper broom attachment and an extra blower head attachment the cost would be \$27,454.04 and would come out of the Parks and Highway departments.

Town Board discussed a dedicated driver for the snow removal of the sidewalks along with an appropriate size tractor to clear the sidewalks. The Zetor tractor would go up for sale.

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik to approve the State Bid purchase of the above John Deere tractor and attachments at a cost of \$9,454.04 out of parks contractual A7110.4 and \$18,000 out of highway equipment line DA5130.2.

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

PLANNING COMMITTEE REPORT

Councilman Hrycik reported that at the last meeting the Planning Board gave a recommendation on dog kennels. Discussed Solar Panel codes from various towns and our Town Attorney Ronald Bennett is checking on how the town should issue building permits for Solar Panels according to New York State. A recommendation was received for the amendment of Frank Hrycik,s Special Use Permit for a Junkyard to increase the number of cars the recommendation will be added to the file.

ENVIRONMENTAL COMMITTEE REPORT

Councilman Pietraszek reported that the SEQR for Frank Hrycik,s amended Special Use Permit was reviewed at the last meeting and a few corrections were done on the SEQR form.

Sycamore Tree Removal

Councilman Pietraszek reported that the following three bids were received for the removal of the Sycamore tree at the back of the Town Hall parking lot along the creek bank. The root ball would stay until the creek restoration is completed next year. Town Board discussed keeping the base of the tree for a sculpture or having a table or benches made out of the Sycamore Tree.

Woodpecker Tree Service	\$4,000
Bradley Tree & Landscape	\$5,500
Above and Beyond Tree Company	\$4,800

MOTION made by Councilman Pitraszek and seconded by Supervisor DePasquale to approve Woodpecker Tree Service to remove the Sycamore tree at the back of the Town Hall along the creek bank.

On the Vote: Councilman David Arcara - absent
Councilman Jesse Hrycik – abstained(works for Above & Beyond)
Councilman Patricia Zurbrick – yes (under protest)

Councilman Gerald Pietraszek – yes
Supervisor James DePasquale – yes

COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported that the Campout for the Homeless Veterans will take place on November 6th starting at 4pm thru the 7th and 8th the Living Stone Masonic Lodge is sponsoring the event with the donations going to the Homeless Veterans of WNY. A parade will be held Sunday at 10:00am starting at the Masonic Lodge and ending at the Veterans Memorial Park with refreshments at the Masonic Lodge.

Masons Livingstone Lodge will hold a pancake breakfast on Sunday, November 15th, from 9am – 1pm at the Bread of Life tickets are \$5.00 kids under 5 are free.

Bread of Life will be holding a Ecumenical Thanksgiving Service on Tuesday November 24th at 7:00pm. Non-perishable donations will be appreciated

Seniors will be having their Thanksgiving luncheon on Tuesday November 10th and one meeting in December and will not meet during the months of January and February.

LIBRARY REPORT

Councilman Hrycik reported that on:

Tuesday November 17th from 6:30pm – 8pm Loss and Grief – Coping with the holidays with anyone who has suffered a loss through death, divorce, separation, job loss or the loss of a pet

Every Thursday from 10:30am – 11:30am Pre-school Story Hour for children ages 3-5

Wednesday December 2nd from 6:30pm – 9pm Greeting Card Making with Linda Harber the cost is \$10 and Pre-register by November 27th

Monday December 7th from 7pm-9pm Wreath Decorating with Joanie Long the cost is \$15 per wreath and Pre-register by November 30th

Saturday December 12th Annual Cookie Decorating Party from 1pm-3pm No charge

SOLID WASTE AND NEST REPORT

No report

YOUTH & ADULT RECREATION REPORT

Councilman Zurbrick reported that registration for floor hockey is going on and the games will be held on Fridays from 6:30pm – 7:30pm at the Colden Elementary School starting January 8, 2016 at a cost of \$3.00.

Colden recreation will have their Annual Christmas Ornament & Tree Lighting on December 11th, at the Colden Senior Center there is No Charge, Mrs. Claus will read a story.

STREET LIGHTING REPORT

No report

PERSONNEL COMMITTEE REPORT

Councilman Zurbrick reported that Deputy Town Clerk Carolyn Maybach has resigned as of November 6, 2015.

Appoint Deputy Town Clerk

MOTION made by Supervisor DePasquale and seconded by Councilman Zurbrick to approve the appointment of Deborah Jusiak as Deputy Town Clerk at a rate of \$15.00 an hour starting on November 9, 2015.

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

Mandatory Training

Councilman Zurbrick stated that 19 people have yet to be trained and letters will be sent out stating that the training will take place on November 30th at 7:00pm at the Senior Center.

DOG CONTROL REPORT

Supervisor DePasquale reported that he received a call from the DCO in Concord stating that she went to a call for Colden at 11:00pm one night because the Colden DCO could not be reached. The call was from a resident on Heath Road. A person has contacted the Supervisor on possibly filling in as DCO for the Town of Colden.

Marilyn Calhoun-Allen suggested for the record that an inventory of the DCO,s supplies and equipment should be done before any changes are made.

CODE ENFORCEMENT OFFICER REPORT

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

8 Building Permits Issued
2 Orders to Remedy
1 Court Appearance

A letter was sent to Solly Brothers Junkyard that their Special Use Permit has been rescinded. The Town DA Debbie Barone and CEO John Kotlarsz went and inspected Paul Bach's property at 8680 State Road his next court appearance is November 16th. The blue house at 9209 State Road has been demolished there was a controlled burn at the house with the Colden Fire Company with mutual aid from neighboring towns. A complaint was received from a resident on South Hill Road CEO John Kotlarsz will look into the complaint,

WATER COMMITTEE REPORT

Councilman Pietraszek reported that there were 3 meter reading issues the radio had to be exchanged again.

- Hydrant poles need to be taped with HI reflective red tape for better visibility
- A residence on Boston Colden Road had a water leak in the house contacting the owner has been difficult so Councilman Pietraszek instructed Water Worker Greg Adams to shut the water off the house is not occupied at this time.
- A broken water meter has been replaced on Fairview Terrace
- Two new hook ups were done on State Road and Lower East Hill Road
- Chlorine residuals have been good
- 26 delinquent water accounts will be releived on to the 2016 Town & County Tax Bill.

RELEVY UNPAID WATER BILLS

WHEREAS, The Town of Colden has 26 delinquent Water accounts in the amount of \$3,735.92, remaining unpaid, including late charges;

NOW THEREFORE, BE IT RESOLVED: That no further payments will be accepted after October 30, 2015, and any and all unpaid water accounts as of this date, be releived onto the 2016 Town of Colden Property Taxes.

Duly adopted this 5th day of November, 2015 by the following vote.

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

OLD BUSINESS

None

NEW BUSINESS

Supervisor DePasquale stated that the December Regular Town Board meeting will need to be moved to a new date because a couple of Town Board members will not be able to make the scheduled meeting.

December Town Board Workshop and Regular Town Board Meetings

MOTION made by Councilman Zurbrick and seconded by Councilman Pietraszek to approve the Town Board Workshop on December 3, 2015 at 6:00pm and the regular Town Board meeting at 7:00pm on December 3, 2015.

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

Set Public Hearing for Amendment of Frank Hrycik’s Junkyard Special Use Permit

MOTION made by Councilman Zurbrick and seconded by Councilman Pietraszek to set the Public Hearing for December 3, 2015 at 7:00pm for the amendment of Frank Hrycik’s Junkyard Special Use Permit to increase the number of cars allowed.

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

RESOLUTIONS:

Supervisor DePasquale read the following resolution:

HOUSEHOLD HAZARDOUS WASTE STATE ASSISTANCE PROGRAM

A Resolution Authorizing the Filing of an Application for a State Assistance from the Household Hazardous Waste (HHW) State Assistance Program and Signing of the Associated State Contract, Under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS TOWN OF COLDEN

Herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, HEREIN called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE,
BE IT RESOLVED BY TOWN BOARD

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That TOWN OF COLDEN, SUPERVISOR JAMES P. DePASQUALE,

Or his designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;

3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will reimbursed by the State for the State share of such costs.
4. That two (2) Certified Copies of this resolution be prepared and sent to the New York State Department of Environmental Conservation together with a complete application.
5. That this resolution shall take effect immediately.

Duly adopted this 5th day of November, 2015 by the following vote.

Vote: Councilman David Arcara - absent
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 Hrycik, to approve the following Highway Budget Transfer

From: DA5110.4General Repairs	\$1,394.07
Into: DA5130.4Machinery Contractual	\$1,394.07

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

TOWN CLERK REPORT

No report

SUPERVISOR’S REPORT

Supervisor DePasquale reported that at the December Town Board meeting Springville GI Interim Superintendent Sylvia Root and Business Administrator Ted Welch will present information on the School Districts Capital Project referendum.

-Supervisor DePasquale will be attending an upcoming Disaster Land Training

-The bookmobile is looking to make a stop back in the Town of Colden more information to follow once available to the residents possibly on Tuesdays from 2pm – 6pm.

PAY THE BILLS:

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

General Fund Warrant Voucher #2015-396 to #2015-424	\$18,561.96
Highway Fund Abstract Voucher #2015-178 to #2015-194	\$12,782.39
Lighting District Voucher #2015-18	\$ 322.08
Refuse District Voucher #2015-70	\$17,030.76
Water District Voucher #2015-67 to #2015-73	\$ 5,517.95

PRIVILEGE OF THE FLOOR

Marilyn Calhoun-Allen had a question about a complaint that was brought up at a past board meeting about a car that is parked on Darien Road for sale over the last few years.

CEO John Kotlarsz said that a Notice of Violation postcard was sent to the owner stating the Junk Vehicle Ordinance Town Code. A follow up will be done on the matter.

Joan Montgomery asked about the stop sign being placed up on Crump Road at Center Street.

Supervisor DePasquale stated he has talked with New York State Highway Department and they do not have anything to do with that road. Next contact will be made with Erie County Highway Department to place a stop sign at that intersection.

ADJOURN

MOTION made by Supervisor DePasquale and seconded by Councilman Pietraszek and unanimously adjourned the meeting at 9:20 pm.

Respectfully Submitted,

Christina M. Kerlin,
Town Clerk