

TB Mtg Sept 13 2012
TOWN BOARD MEETING
COLDEN TOWN HALL – September 13, 2012

MEETING CALLED TO ORDER AT 7:03 PM

SUPERVISOR HOFFMAN OPENED THE MEETING WITH A MOMENT OF SILENCE IN MEMORY OF GREG RUNG AND FOLLOWED BY THE PLEDGE OF ALLEGIANCE

PRESENT: Councilman David Arcara
Councilman Gerald Pietraszek
Councilman Patricia Zurbrick
Councilman Patrick Murphy
Supervisor Annie Hoffman

ALSO PRESENT:

Town Justice William Montgomery
Highway Superintendent Paul Clarkson
Bldg. Insp/Code Enf. Officer John Kotlarsz
Asst. Bldg. Insp/Code Enf. Officer Greg Adams
Town Clerk Christina M. Kerlin
Approximately 50 residents

MINUTES

MOTION made by Supervisor Hoffman, seconded by Councilman Pietraszek and unanimously approved to accept the minutes of the August 9, 2012, Town Board Meeting and the minutes of the August 18, 2012, Special Town Board Meeting, as presented.

AMEND the agenda to include Mr. John Peters and website I-Evolve all the Town Board members approved.

BUILDING COMMITTEE REPORT

Councilman Arcara reported that all 3 bids are in for the replacement of the Highway doors and Highway Superintendent Paul Clarkson said the lowest bid was from Hamburg Overhead doors.

MOTION made by Councilman Arcara and seconded by Supervisor Hoffman and unanimously approved the purchase of 2 (two) doors in the amount of \$3,978.00 and 2 (two) door openers in the amount of \$2,020.00 from Hamburg Overhead Door, Inc.

INSURANCE REPORT

No Report

CABLE REPORT

Councilman Arcara presented The Time Warner Cable Franchise Agreement Renewal to provide Cable Television Services for Approval.

MOTION made by Councilman Arcara and seconded by Supervisor Hoffman and unanimously approved the Time Warner Cable Franchise Agreement.

On the question:

Councilman Pietraszek had a few questions on the Franchise Agreement

page 5 - The Franchise term being for 10 years.

page 11 - Section 9A The Town receiving 5% Franchise fee

page 12 – Section 9G If grantee charges a combined or “bundled” rate for package of services which includes Cable Services subject to the franchise fee and other services.

page 13 - Updated copy of the Liability Insurance.

Supervisor Hoffman said she talked with the Town Attorney some towns go with five year term it is a 50/50 chance good or bad one way or the other. The Town will still receive the 5% Franchise fee. Combined or bundled packages we only receive the franchise fee on cable service.

HIGHWAY & PARKS REPORT

Highway Superintendent, Paul Clarkson reported that the highway achieved the goal of oil and chipping the roads before the start of the school year. The men have been working on checking culverts and cleaning ditches before the start of winter.

YOUTH & ADULT RECREATION

Councilman Zurbrick gave the following report –

Approve the hiring of Katie Zielen-Ersing and Jessica Wojtkowiak, at a rate of \$7.25/hour each, to work the Lacrosse program.

The fall/winter newsletter announcing programs was completed and turned in for print and mailing.

Next years budget information was completed and turned in to the Town Supervisor.

Community arts and education grant information was received and unfortunately the purchase of any kind of equipment is not eligible. The grant was going to be used to purchase a stationary bike and a treadmill.

Councilman Aracra asked what the rules are for donated equipment.

Supervisor Hoffman explained that they can take in donated equipment and there are certain liabilities and waivers that need to be signed.

MOTION made by Councilman Zurbrick and seconded by Councilman Murphy to hire Katie Zielen-Ersing and Jessica Wojtkowiak at a rate of \$7.25 per hour to work the Lacrosse Program.

ENVIRONMENTAL COMMITTEE REPORT

Environmental Board Chairman Michelle Roberts submitted a new proposal from HAZMAN Hazardous Waste Collection Service in the amount of \$999.00, other companies that were contacted are Safety Kleen and they would not commit to a price, wanted to know the quantity to be collected.

Waste Management will not come out to a smaller town and host a collection, 30,000 residents is the minimum and they hold collections annual at there facility.

Michelle asked the Town Board for approval of HAZMAN Waste Collection Service at a cost to the Town of \$999.00.- HAZMAN boxes are \$30.00 and hold up to 65lbs and a list of acceptable materials is on the box. Items not listed on the box will have an additional fee collected such as propane tanks, fluorescent lights herbicides and pesticides, mercury, fire extinguishers. Trained Hazman staff will be on site to assist. Michelle stated if the event is approved tonight she will make sure it is advertised on the towns' website and flyers will be sent out to residents.

Jody Feidt said the Colden Fire Company will assist in the collection by going around to residents homes that are unable to make the event and collect their hazardous waste materials and dropping them off at the Recycling Day event. The collection benefits the Colden Fire company and the first responders along with residents by eliminating possible household hazardous waste materials from homes in the event of an emergency call.

Councilman Pietraszek said that at the Colden Fire District meeting last night they discussed assisting the Town next year with the cost of the household hazardous waste collection.

Councilman Zurbrick responded for the record on an article that was placed in the Springville Journal relating to why she voted no at the August 30, 2012 Special Town Board meeting on the Hazman Hazourdous waste collection.

Her response is on file in the Town Clerks Office.

Discussion continued on putting the hazardous collection off till spring and advertising.

MOTION made by Councilman Murphy and seconded by Supervisor Hoffman and unanimously approved the HAZMAN Hazardous Waste Collection on October 20 in the amount of \$999.00 and the funds will be transferred from Capital Outlay.

Supervisor Hoffman said there maybe additional printing cost for a flyer or a postcard to be sent out.

Michelle mentioned printing costs are pretty reasonable and the Environmental Board is willing to drive around and deliver the flyers.

PLANNING COMMITTEE REPORT

No report

COMMUNITY DEVELOPMENT REPORT

Councilman Murphy reported that the Colden Fire Company had a nice car show on Sunday September 9.

Councilman Arcara reported that there was a good response from the vendors at the Colden Art Festival and he wanted to thank Emerling Chevrolet, Wendels Chicken Bar B Que, Town Constables, Sheriffs Office, Disaster Coordinator Jody Feidt, Chairman Greg Culver and all the Volunteers.

Next year if you would like to get involved they are always looking for help, check out the Colden Art Festival Website.

PERSONNEL REPORT

No Report

SOLID WASTE REPORT

Councilman Murphy stated a NEST meeting is coming up September 20, 2012.

LIBRARY REPORT

No report

STREET LIGHTING

Councilman Zurbrick reported 1 streetlight out on State Road and 4 on Hayes Hollow Road.

DOG CONTROL REPORT

Report for the month of August, 2012 - Councilman Arcara reported that the dog census is on going and there has been a problem with 2 dogs barking on Hayes Hollow Road that is being investigated.

CODE ENFORCEMENT OFFICER REPORT

Report for the month of August, 2012 – Bldg. Insp/Code Enf. Officer, John Kotlarsz gave the following report.

- 8 Building Permits Issued
- 2 Certificates of Compliance
- 1 Court Appearance Ticket
- 1 Day of School
- 2 Phone Complaints (1 the DEC took care of on some vacant property)

Revisit Special Use Permit for Carl's Trucking and Repair found to be not much better than the inspection that took place back in June he is over the limit on cars allowed for the junkyard.

CEO John Kotlarsz will issue an Order to Remedy for Carl's Trucking and Repair.

WATER COMMITTEE REPORT

Councilman Pietraszek reported that – The water billing went out in August and \$16,211.68 was collected and outstanding water charges are \$5,608.44.

- Late notices will be sent out next week with a reminder about the relevy list being delivered to the next Town Board meeting.
 - 8 radio units that were defective were returned Ti-Sales and replaced with new radios for our inventory.
 - Leak update Ray, Gerry and Kim went out to isolate valves to attempt to locate the leak in an area, nothing pinpointed so far.
 - Copper and lead testing was done the last week of August at 5 locations waiting on the test results.
 - The copier/scanner on the Dell Printer in the water office is not working properly; the unit is not a replaceable part so we will be looking for a new printer/scanner.
- A resident on Falls Road is requesting to be an out of district water customer in the Town of Aurora. The Aurora Board approved their request on August 27, 2012. Resident needs approval from both Aurora and Colden in order for Erie County Water Authority to tap into the water main.

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy and unanimously approved for Mr. and Mrs. Gene Long at 8561 Falls Road to be an out-of-district customer to the Town of Aurora Water District No. 18.

CENSUS COMMITTEE REPORT

No Report

DIRECTOR OF VETERAN AFFAIRS

Ken Heiler reported that at the Colden Art Festival he collected \$29.00 for the Veterans Memorial Wall and 5 people interested in purchasing a Memorial Brick.

OLD BUSINESS

Local Law Intro No. 2-2012

Supervisor Hoffman explained that the Moratorium on Horizontal Drilling and Hydraulic Fracturing will expire October 10, 2012 and the option now is to approve Local Law Intro No. 2-2012 and to try to get some legislation in place to protect the water, roads, and environment in the Town or proceed without a Moratorium.

Councilman Pietraszek asked if we keep the present moratorium and extend it for 6 months to a year can we modify the moratorium based on whatever we come up with.

Councilman Murphy stated that a moratorium can be changed, amended, extended, and abbreviated nothing in a moratorium is written in stone anything put in can be changed that is a reason for a moratorium.

Supervisor Hoffman stated during a conversation about forming a committee with one or two members from the Environmental, Planning, Zoning and Colden Well Being Boards to try to help with legislation and thinks it best to approve the moratorium that chance going without we do not know what the state will do.

Discussion took place on - the existing moratorium

- proposed moratorium
- David Slottje moratorium
- Storage wells and drilling sites
- Lawsuits
- Establishing legislation
- Consultation with an experienced environmental lawyer
- Controlling land use in the Town

Brad Gill, Petroleum Geologist stated that there are 162 wells in the town of Colden and over a third have been fracked very safely; they are vertical Medina Wells and are not aware of any problems in the town. He stated the best interest of the Town Board to consider a logical approach and if you form a committee and contact a cross section of people, people who oppose and also a representative from the industry and share their side of the story and you could be betraying the rights of individuals that may have a well on their property. He stated Colden is not the first place they are going to come to drill and must do not want to drill in NY State and urges the Town Board to be the voice of reason and understand there is no hurry nothing is going to happen quickly.

John Peters from Arcade NY spoke about problems that have acquired at his property due to a gas well that was fracked next door to him. John is in litigation with his neighbor do to all the contamination on his property.

Supervisor Hoffman stated that the Town Board will not take a vote on the Local Law Intro No. 2 Moratorium on horizontal drilling and Hydraulic fracturing and let the moratorium that is in place now run out. A committee will be formed in work on a new moratorium and zoning changes.

Colden Lakes Resort – Site Plan Amendment Request

Supervisor Hoffman stated that Judy Brown is requesting to amend the site plan from 2008 to put platforms at the campsites facing the pool. One problem the Town Board has is with site number 9, the site is not to be used and the site is continuously used.

Councilman Pietraszek stated the site should be shut down and the electric and water disconnected to the site. The platforms requested are 2x4's framed with a 4x8 sheet of plywood.

Judy stated the platforms would be for sites 1-10.

Councilman Pietraszek asked Judy if she ever considered a concrete pad or stone block pavers.

Judy stated she leaves it up to the campers to put down what they prefer they come and go.

John Kotlarsz, CEO said 90% of the campers in front have pallets they put down with a piece of carpet over the pallet, one with patio blocks and personally I would rather see a platform than a pallet for safety purposes. Site number nine which is considered an illegal site I would like to see site number 9 be used as a dump station because that would be handy right there coming around the corner.

Councilman Pietraszek said he personally does not have a problem with the platforms on the poolside sites as far as the other sites.

John Kotlarsz said what happens when they put down a pallet that will not solve the problem.

Councilman Pietraszek said you want to get away from pallets and go with a sheet of plywood platform.

Judy Brown said there are 9 sites across the front and number 10 at the end of the horseshoe and number 10 site I would like them to have a platform because that is at the lowest point and the water drains that way.

Councilman Pietraszek said #10 is not a permanent site.

Judy Brown said number 10 is seasonal.

Councilman Pietraszek said that is what we do not want any seasonal sites in the middle section at all.

Judy Brown said several sites are seasonal and some pull out at the end of the season not number 10.

Councilman Pietraszek said that is what we object to number 10 and that site should not be there for a seasonal site and no storage in the center area at all.

Judy Brown said that is why she is here tonight and that hasn't been determined yet and she would like to have storage on all the sites up front. I have people that would like to store their campers for the winter.

Attorney Jay Ricketts from East Aurora introduced himself and stated that Judy Brown is not asking for anything new, all of her other sites approximately 155 sites have winter storage and she has spent considerable amount of money to put up a stockade fence and landscaped to hide the view of the campers from the surrounding neighbors and to limit that particular area from the rest of the park which has not been limited since the operation of the park in the last 18 years does not make any sense.

Councilman Murphy stated that a Supreme Court Judge ruled the trailers be removed from that part of the park in the winter time and those trailers have never been removed from there and if a Judge tells me to do something I would do it.

Judy Brown said that she was told that the situation can be revisited to the Town of Colden and there is nothing to prevent her from reapplying a new site plan amendment. In the State of New York and after talking with the Erie County Health Department she was told she can be open for the winter months and she could choose to keep the front park open with the electric and water left on and bathroom facilities opened for the winter months and she could have winter camping.

Attorney Jay Ricketts said there is nothing stopping the Town Board from agreeing to allow a site change amendment, a court order does not stop it from happening it stopped up to that point and if the Town Board decides that it is not onerous to in fact have winter storage on the sites up front rather than having permanent sites then the Town Board can make that decision. The Town was quick to assess the 25 additional sites and if assessed on the basis that the 25 sites are equal to the other 115 sites then the 25 are over assessed if they do not have the same usage allowed as the other 115 sites.

Judy Brown said the Town has assessed the 25 additional sites at \$57,500. for the improvement to the Park.

Councilman Pietraszek said you income has also gone up with having the additional sites. Judy Brown said not that much.

Councilman Pietraszek asked which map they were working off of for the site plan change.

Discussion continued on what maps the Town Board and Judy Brown should be legally working off for the site plan change.

Attorney Jay Ricketts said that Judy Brown did not submit the right map which is identical to the one in front of the Town Board accept for a couple of changes that are already on the map. What Judy Brown is looking for is winter storage on all 25 sites that have been approved. The board said one of the sites in question should be used for a dump site and would consent to that if it should be part of the condition of getting approval for the items asked for and if they required the site to have the electric and plumbing removed so as the site is unusable except for the purpose of a dump site.

Councilman Pietraszek proposed that for this year you could use sites 1 through 9 for storage and revisit the storage issue next year and personally I do not see why you don't use the back parking lot and you would not be infringing on the ball diamond.

MOTION made by Councilman Arcara to approve site 1 through 9 and 10 through 25 for permanent storage

No second on the motion

Attorney Jay Ricketts said the Environmental Board and Planning Board had no problem with the site plan change.

Councilman Pietraszek said they are advisory Boards and our concern is the citizens in the area that have to see this all the time.

MOTION made by Councilman Pietreszek and seconded by Councilman Arcara to approve sites 1 through 9 (pool sites) for platforms that consist of 2x4's for the frame with a 4x8 foot sheet of plywood on the top and sites 1 through 9 for winter storage for this year and revisit the storage for next year.

On the vote: Councilman Arcara – yes
Councilman Pietreszek - yes
Councilman Zurbrick – yes
Councilman Murphy – no
Supervisor Hoffman – no

On the question Councilman Zurbrick stated that if they approve sites 1 through 9 and find out there are additional ones will the Code Enforcement Officer go up and write up a summons.

CEO John Kotlarsz stated that we have right along and all we can do is an Order to Remedy and Court Appearance and it goes to the Judge.

Councilman Pietraszek stated to Judy that he would like the motion provided to Judy and for her to sign and the Town keep the signed motion on file and have her sign the map before the Town Board.

Judy Brown came forward and signed the map.

NEW BUSINESS

Supervisor Hoffman set the Public Hearing for the Community Development Block Grant for October 4, 2012 at 7:00pm with the Regular Town Board meeting and Budget Workshop to be held at the Senior Center.

Waste Management Contract Renewal

Supervisor Hoffman and Councilman Murphy meet with Waste Management and looking at the contract for this years Budget the Town is going with a 2.5% increase from last year and negotiating is still on going.

RESOLUTIONS

None

BUDGET TRANSFERS

Supervisor Hoffman reported that throughout the year unexpected expenses and revenues can occur. I have had my assistant add a few new fund lines to the budget that were not anticipated when completing the budget last year. I would like to amend the budget to reflect the dollar amounts applied to the new fund lines created as follows:

Add Revenue lines:

A1289	Other Gov't Revenue	\$ 312.29 – Exempt property tax
A1930.4	Judgment & Claims	\$ 6944.13 – Tank Spill
A2530	Games of Chance	\$ 20.00 – As per TC
A2651	Sales of Refuse for Recycling	\$ 141.00 – Tire Drop Off
A2665	Sale of Equipment	\$ 41.00 – Chairs
A2770	Unclassified	\$ 194.23 – Sr supplies - Payment & Unemployment Refund

From:

A2401	Earnings and Interest	\$ 7653.54
-------	-----------------------	------------

Add Expense lines:

A8010.1	Zoning PS	\$ 84.38 – Secretary
A8760.4	Disaster Assistance – Cont.	\$ 229.77 – Mileage

From:

A1620.2	Capital Outlay	\$ 314.15
---------	----------------	-----------

The following is money for the Grant for Senior Center

Add Revenue:

A3089	Gen Gov't – CDBG	\$99645.00
-------	------------------	------------

From:		
A 960	Appropriations	\$99645.00
Add Expense:		
A1620.21	CDBG – Grant	\$99645.00
From:		
A510	Estimated Revenue	\$99645.00

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy and unanimously approved the following Budget Transfers to cover the unforeseen increase in the NYS Municipal Worker’s Compensation Alliance.

Budget Transfers

To:	A9040.8 Employee Benefits – Work Comp	\$447.00
From:	A9050.8 Employee Benefits – Unemployment	\$447.00
To:	DA9040.8 Employee Benefits – Work Comp	\$754.00
From:	DA9060.4 Employee Benefits – Medical	\$754.00
To:	SW9040.8 Employee Benefits – Work Comp	\$1372.00
From:	SW8350.4 Contractor Services	\$1372.00

MOTION made by Supervisor Hoffman and seconded by Councilman Zurbrick and unanimously approved the following Budget Transfer to cover the completion of Road Projects.

To:	DA5110.4 General Repairs	\$9483.66
From:	DA5112.4 CHIPS	\$9483.66

TOWN CLERK REPORT

No Report

SUPERVISOR’S REPORT

Supervisor Hoffman suggested that with the website down using I-Evolve as a web host for \$249.00 annual and includes the domain name and maybe for now go with her Internet Technician to manage the site at a rate of \$50.00 a month until the Town Board finds one locally so Town information can be placed on the Towns website.

MOTION made by Supervisor Hoffman and seconded by Councilman Arcara and unanimously approved I-Evolve as the Web-Site Host at a cost of \$249.00 annual

AARP Driving Courses – Andrew Wiencek was in attendance at tonight’s meeting. He presented information to the Town Board regarding AARP Driving courses to those 16 years of age or older

October 24 & 25 from 6pm – 9pm
October 27 from 9am – 3:30pm
November 5 & 6 from 6pm – 9pm
November 10 from 9am – 3:30pm

November courses are free to Veterans, Veteran’s wives, widows, widowers and Veteran’s Dependent children.
Cost AARP members \$17.00
Non - members \$19.00
Pre-Registration only, Maximum 30 per class.

PAY BILLS

MOTION made by Supervisor Hoffman, seconded by Councilman Pietraszek and unanimously approved to pay the following bills.

General Fund Warrant Voucher #2012-338 to #2012-378	\$ 22,991.05
Highway Fund Abstract Voucher #2012-91 to #2012-102	\$129,921.76
Water District Voucher #2012-36 to #2012-42	\$ 7,578.21
Lighting District Voucher #2012-14 to #2012-15	\$ 1,800.29
Refuse District Voucher #2012-31	\$ 15,971.40
Trust & Agency #2012-11	\$ 1,259.80

PRIVILEGE OF THE FLOOR

Supervisor’s secretary Peggy O’Brien brought up the fact that we do not have a web master for the web-site that maybe for now we hire George Roberts to maintain the web temporarily until the town finds a permanent replacement.

Supervisor Hoffman stated that she has talked with George Roberts he agreed to maintain the Website temporarily at the same price of \$50.00 a month.

MOTION made by Supervisor Hoffman and seconded by Councilman Zurbrick and unanimously hired George Roberts as temporary webmaster of the Colden Town website at a rate of \$50.00 a month.

Mark Seifried from Heath Road said he was very disappointed with the Town Boards decision to let Judy Brown have winter storage at Colden Lakes Campground.

Michelle Roberts the Environmental Chairman speaking as a resident asked Councilman Zurbrick for an apology for being accused of sending an E-mail that was sent over some concerns brought forth having to do with the Hazman Hazardous Waste Collection. Councilman Zurbrick stated that she hopes Michelle did not send the e-mail and she apologizes and if she does find out that Michelle did not indeed send the e-mail, Councilman Zurbrick wishes an apology.

Jeanette Geckler said she had delivered a memo on the basis that the Town Board was going to pass a moratorium as written and the most important thing right now is to precede with forming a new committee to work on a moratorium and zoning changes.

Marilynn Calhoun-Allen read a statement to the Board for the record:

Dear Colden Town Board,

According to the NY State Committee on Open Government and Freedom of Information Law the Supervisor's inability to be present at the examination of requested records does not constitute legal grounds for refusal or postponement of my request. The Supervisor's presence during such an examination is unnecessary since the records can be obtained from the Town Clerk as the designated records access officer of the Town of Colden.

Upon receipt of my request it is incumbent upon the Town Clerk to "take one of the following actions: make records available for inspection or deny access to the records in whole or in part and explain in writing the reasons therefore." Furthermore, a failure to comply with the time limitations shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee "acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part". The law further states that "If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access. "The Supervisor stated at the last town board meeting that "I can see the books at any time" after my 1st foil I am constantly being **stonewalled** first making me re "FOIL" and then given dates that only the Supervisor can make and all of this is illegal according to the law and I know **my civil rights are being violated**. My 2nd FOIL did include everything from the 2011 & 2012 General Ledger, Revenue and Appropriations Books also all financial ledgers, accounts receivable, accounts payable, transfers of funds, monthly

reconciliations (bank statements), and any other records employed to maintain the integrity of the financial records of the Town of Colden. So I am interpreting the

Supervisor's most recent response as a denial of my request for access to the financial records outlined in my latest formal FOIL request, seeing that I have Dr.'s appointments and other commitments on the dates I have been given and seeing that the Town Clerk is here every day from 9am to 5pm. I can start with 2011 information which are closed and the AUD report filed.

The Public Officers Law, Article 6 states:

4. (a) Except as provided in subdivision five of this section, any person denied access to a record may within thirty days appeal in writing such denial to the head, chief executive or governing body of the entity, or the person therefore designated by such head, chief executive, or governing body, who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought. In addition, each agency shall immediately forward to the committee on open government a copy of such appeal when received by the agency and the ensuing determination thereon. Failure by an agency to conform to the provisions of subdivision three of this section shall constitute a denial.

I am also requesting, as allowed by New York State Freedom of Information Law that the information I have requested be provided to me digitally in addition to my personal examination of these records. I will provide a new, unopened flash drive to which the records I have requested be transferred. The law states:

“5. (a) An agency shall provide records on the medium requested by a person..... Records provided in a computer format shall not be encrypted.” I would like them in an excel file and I would ask that Councilman Zurbrick help with this transfer so I get what I request.

According to the process outlined by the Committee on Open Government I am hereby submitting a formal appeal of the Supervisor's denial of access to the records I have requested. The regulations further require that: “The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

- (1) the date and location of requests for records.
- (2) a description, to the extent possible, of the records that were denied; and
- (3) the name and return address of the person denied access

(f) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

(g) The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Governments;
Dept. of State, One Commerce Plaza,
99 Washington St.
Albany, NY 12231

(h) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.” (Quotes from “Model Rules - Public Agencies” NY State COOG.

I am hereby requesting a formal response to this written appeal of your denial of access to the requested records. I am also requesting that you comply with the requirements of New York State law by sending to both me and to the Committee on Open Government a written response, as outlined above, either granting me free access to the records I have requested or fully explaining the reasons for further denial.

Yours truly,

Marilynn Calhoun-Allen
9771 Partridge Rd.
Colden, NY 14033

Supervisor Hoffman stated she will not argue with Marilyn in public and Mr. Freeman is the one that said I should have you be clear on your FOIL request and I will show you the E-mail. The records that are kept in my office are permanent records that are kept by my bookkeeper and I can have a representative their while you look the records over for review.

ADJOURN

Supervisor Hoffman adjourned the meeting at 9:45 pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk

