

TB Mtg Aug 9, 2012
TOWN BOARD MEETING
COLDEN TOWN HALL – August 9, 2012

MEETING CALLED TO ORDER AT 7:04 pm

SUPERVISOR HOFFMAN OPENED THE MEETING WITH A MOMENT OF SILENCE 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
Asst. Bldg. Insp/Code Enf. Officer Greg Adams
Town Clerk Christina Kerlin
Approximately 45 Residents

MINUTES

MOTION made by Supervisor Hoffman, seconded by Councilman Arcara and unanimously approved to accept the minutes of the July 12, 2012 and the Special Town Board meeting on July 27, 2012.

PUBLIC HEARING:

Public Hearing
Local Law Intro. No. 02-2012

The Posted and Public Hearing notice was read by the Town Clerk.

OPEN PUBLIC HEARING:

Supervisor Hoffman opened the Public Hearing at 7:07pm and asked that everyone try to keep their comments to 4 minutes and respect the person talking, if you feel the need to talk to the person next to you please take it out in the hallway.

Public comments, 11 residents commented with their concerns with the Local Law Intro. No. 2 extending the Moratorium on Hydrofracking and Horizontal Drilling

Public Hearing closed at 7:46pm

Supervisor Hoffman closed the Public Hearing and thanked everyone for their comments and stated that the Town Board was going to take more time to go over the moratorium to see what legislation can be put in place. Town Board will set up a workshop with the Attorney and it will be a public meeting so everyone can listen in at that time and the Attorney and Town Board can address residents concerns.

Welcomed Mitchell Martin – Representative for Senator Patrick Gallivan

Supervisor Hoffman welcomed Mitchell Martin and stated he was in attendance to observe tonight's meeting and he would be happy to address any questions after the meeting.

BUILDING COMMITTEE REPORT -

Councilman Arcara reported that Highway Superintendent Clarkson has received some quotes on the replacement doors for the Highway garage and the Town Board would take a look at the quotes at the next workshop.

INSURANCE COMMITTEE REPORT -

Councilman Arcara reported that the Town Board is looking at new insurance plans; possible switching from Independent Health to Blue Cross and Blue Shield Councilman Arcara questioned how the switch would save money for the Town.

Health Insurance Broker Anne Cooper explained that in 2010 when the rates went up on Blue Cross Blue Shield the Town was offered an Independent Health Plan HMO and a High Deductable Plan most employees took the HMO which was a savings of \$28,000.00.

In 2011 there was a rate increase most employees shifted to the High Deductable Plan and in order to make up the price increase the employees gave up the dental insurance to cover the increase.

Again this year there is a price increase so she looked into a new or better plan that could save the Town money. Current plan of Independent Health comparable to BC/BS and Univera, with the BC/BS plan which is relatively similar in the fact that there is a deductible and afterward a percentage that's paid and there is a maximum amount out of pocket. With the BC/BS plan you could include a rider for domestic partners and a rider for extended child coverage to age 29.

Discussion continued about which Health Insurance Coverage best would save money for the Town and accommodate the best Health Insurance for the Towns employees.

Anne Cooper stated that she would have to go over the figures again to see what the costs would be to not include the domestic partner rider and extended child coverage rider and report back to the Town Board.

A resident asked how many eligible employees receive Health Insurance without giving any names and how many have requested domestic partner coverage.

Anne Cooper stated currently 8 employees receive Health Insurance and that has been consistent since 2009 no one has requested domestic partner coverage but 34% are eligible for the domestic partner coverage.

Supervisor Hoffman stated that Anne Cooper has meet with the Town Board and went over all of the plans and right now the Town Board is not ready to make a decision tonight but that the Town Board has to make a decision by the 15th and Supervisor Hoffman stated she is not comfortable waiting another month and paying an extra \$750.00 to keep the plan the town has now for an additional month.

CABLE COMMITTEE REPORT

Councilman Arcara presented a Time Warner Cable agreement which he handed out to the Town Board and the Town Clerk has copies on file for anyone interested. The Time Warner Cable has to be approved this month by the 17th.

HIGHWAY REPORT & PARKS

Supervisor Hoffman introduced the Interim Highway Superintendent Paul Clarkson. Highway Superintendent, Paul Clarkson reported that the transition has been smooth things are going well, right now looking to finish the projects that have been started and on the 2013 Highway Budget.

ADULT RECREATION & PARKS

Councilman Zurbrick reported that all summer recreation programs will be finished by August 17th.

Thanked Peggy O'Brien for the donation of Hawaiian party supplies for the Tennis Party. Request to send out a newsletter with the information for the fall and winter activities Supervisor Hoffman stated that the newsletter will be going out around the second week in September.

CPR course was given by Councilman Murphy and Disaster Coordinator Jody Feidt on July 17, 2012 with 9 recreation employees and 4 adults took part.

CPR signs have been laminated and placed at the Park and Senior Center.

Contacted 911 service with an address for Kummer Park which will help identify the location in case of any emergency the address is 8602 Park Street.

PLANNING BOARD REPORT

No Report

ENVIRONMENTAL BOARD

Councilman Pietraszek reported that a discussion took place on a Hazardous Waste drop-off the Environmental Board has not determined how many times a year the drop-off would take place.

Currently in contact with a recycling program HAZMAN which offers a “Drop n’ go Box to be purchased by residents prior to the Recycling Day. Information is available at the Town Hall and a display will be set up at the Colden Art Festival.

COMMUNITY DEVELOPMENT REPORT

Councilman Murphy reported that the Senior Center third draw for payment to Mazur Construction has been completed.

Colden Mill Restaurant the sale still pending

Supervisor Hoffman asked for the release of the 4th draw on the Senior Center Improvement Project contingent on CEO John Kotlarsz final inspection.

Councilman Arcara asked if a report would be submitted after the inspection and before the release of the final payment to the contractor.

Supervisor Hoffman stated this is the third punch list and they have had just minor repairs, and CEO John Kotlarsz would notify the Town Board when the final inspections complete.

MOTION made by Supervisor Hoffman and seconded by Councilman Zurbrick and unanimously approved the release of the final check to the contractor after CEO – John Kotlarsz has submitted the final inspection report on the Senior Center Improvement Project.

PERSONNEL REPORT

Councilman Zurbrick reported that the checklist for the substitute cleaner was complete, the Town Board agreed to the final checklist.

SOLID WASTE COMMITTEE REPORT

Councilman Murphy reported that the refuse contract with Waste Management is up at the end of the year, he has attended 2 Disposal Plant open houses and checking on what options are offered.

NEST

No Report

LIBRARY REPORT

Councilman Arcara reported that –

-Volunteers are needed anyone interested can stop by the Library.

-The Annual Hot Dog with John Mills sale will be Saturday, August 25th from 11am till 2pm

STREET LIGHTING REPORT

Councilman Zurbrick reported 1 street light out on State Road down toward the West Falls/Colden line.

DOG CONTROL OFFICER REPORT

Councilman Arcara reported 50 slips turned in for the dog census this month.

CODE ENFORCEMENT OFFICER REPORT

Report for the month of July – Asst.Bldg. Insp/Code Enf. Officer, Greg Adams reported that there were:

- 6 Building permits issued
- 8 Certificate of Compliance
- 1 Order to Remedy Violation (Stop Work)
- 1 Court Appearance
- 2 Phone Complaints

WATER COMMITTEE REPORT

Councilman Pietraszek reported that

- 205 water account customers, added 2 new customers last quarter
- Bills went out August 1, 2012, the bills included a message Unpaid bills @ October 11 will be levied to 2013 Tax bill, message was included in the last newsletter
- October 11, 2012 the water clerk will file a list of accounts to be relieved, recommended the information to be placed on the website.
- Maintenance has been done on hydrants (greasing, pressure testing and weed removal
- Installed the UME at the Colden Elementary School
- 8 radio units were defective, Ti-Sales replacing units for inventory
- Dan Tousley from NYRWA was out exercising valves
- Water worker Ray Wozniak will be out Sunday night around 2am to check the Town meter making sure that the meter is functioning properly.
- Checked the Williamson Law Book Customer files
- Seven day snapshot reading to compare consumption to master readings
- Checked 21 properties that are not customers but reside in the water district 6 have paid a meter deposit, and have not hooked up after checking 1 requested to be hook-up none of the 22 properties had water turned on.

Leak Allowance Policy

Town of Colden Water District No. 1 Leak Allowance Policy

This policy was adopted by the Colden Town Board on August 9, 2012 to provide for the following

1. The leak allowance is based upon the evidence that the excessive billing was the result of leaking pipes or fixtures which have been repaired.

2. The policy applies to no more than two (2) billing periods.
3. The maximum allowance is 50% of the claim in excess of normal consumption
4. It will only be granted once in a thirty-six (36) month period.
5. It will be subject to a \$10.00 administration fee.

Once the water customer has established that the increased consumption was due to a leak and verifies that the leak has been corrected by proper documentation and the amount in the period of billing of not more than two (2) months exceeds the normal billing, then a credit will be given to the water customer in the subsequent six (6) months of billing. The maximum allowance is 50% of the claim in excess of normal consumption.

The key to the policy is that the owner can establish that there was a leak and the leak has been repaired. For example, if the leak occurred due to a malfunctioning toilet, then proof would have to be provided that there was a leak and that the problem has been repaired.

Written documentation must be filed with the Colden Water Department for consideration of relief under the provisions of this policy.

MOTION made by Councilman Pietraszek and seconded by Supervisor Hoffman and unanimously approved the Water Leak Allowance Policy. Councilman Pietraszek stated that the policy will be placed on the website, any questions or to obtain a copy contact the Water Department office Tuesday or Thursday from 9:30am till 3:30pm.

CENSUS REPORT

Councilman Murphy reported the Census Bureau will be sending out a questioner on hunting and fishing.

DIRECTOR OF VETERANS AFFAIRS

No Report

OLD BUSINESS

Emergency Manager Jody Feidt reported that she has handed in some closing remarks on the Heath Road Drilling Site with recommendations the report has been posted on the web-site.

-Read a statement thanking National Fuel Gas, Colden Town Supervisor, Colden Town Board, Colden Fire District and Erie County Hazardous Materials Organization and Erie County Emergency Management, special thanks to Erie County Hazmat for their cooperation for working together implementing all the safeguards in place during the Heath Road Drilling.

- Letter received from National Fuel stating there will be a service rig at the Heath Road Drilling Site beginning August 13, 2012 to prepare the well for gas service. Work will be done during daylight hours only.
- Working on generator quotes next week.
- Working on meeting with the 2 promoters for The Colden Art Festival and The Fall Bike Race to set up a Parking and Emergency Management Plan for the upcoming events.
- West Nile Virus information is on the town's web-site, in the lobby of the town hall or you can contact Emergency manager Jody Feidt with any questions or concerns.

US-Army Corps of Engineers

Supervisor Hoffman reported that information is being obtained on the restoration of the creek bank. Forms have been filled out on what it would cost to replace the Town Hall parking lot, sheriffs cars, the Town Hall. And will be submitted to the Army Corps Engineers at the end of next week.

Received information from the Fire Department and Sheriffs office on routes that would be used in case of a disaster.

NEW BUSINESS

Judith Brown – Colden Lakes Site Plan Amendment

Judith Brown stated that she would like to amend her Site Plan at Colden Lakes Campground to include winter storage on the camp sites up front and allow platforms that would be 4ft. x 8ft. in size and be made with 2x4's for the frame with a 4x8 foot sheet of plywood on the top. The platforms would be for the pool front sites #1 through #10. Judy stated that in the winter she would have the campers slide the platforms under their trailers and she stated again only on 10 of the 25 sites.

Supervisor Hoffman read the recommendation from the Planning Board:

The Planning Board has in consideration of the proposed site plan amendment, reviewed the existing site plan, the June 18, 2012 Letter of Intent from Judy Brown, as clarified for proper lot numbers on July 23, 2012, and discussed the matter with her at the July 17, 2012 Planning Board meeting as reflected in the minutes of that meeting.

The amendment sought is in keeping with the permitted use of the facility and does not impact internal or external traffic patterns or neighboring uses.

The Planning Board Recommends Approval of the amendments requested for winter storage use and 'platforms' as described in said Letter of Intent.

Judith Brown stated she submitted the Letter of Intent to the Environmental Board and which after review decided that it had no bearing on any environmental issues. Discussion took place with the Town Board on which map had the correct numbering of the lots in question.

Councilman Pietraszek stated that the original map should be referenced for any changes to be made at the campground.

Asst. CEO Greg Adams asked if he could get a copy of the map submitted and go up to Colden Lakes Campground and verify the numbers on the lots in question.

Councilman Zurbrick questioned if the Planning Board made a recommendation for approval upon Judy bring back a map with the lots renumbered to match the original map which she did why is there a problem.

Judy Brown stated the one map she drew up had the numbers going backwards and at the request of the Planning Board she drew up a new map with the numbers in the right order as shown on her original site map.

Councilman Arcara recommended the Town Board approves the amended site plan contingent on the inspection of the Code Enforcement Officer.

Councilman Zurbrick stated for the record she agrees with Councilman Arcara why have committees if we are not going to support there recommendation.

Supervisor Hoffman stated that she thought there might be concern on the issue of storage in the front.

Judith Brown said the rest of the park has storage and you can not see the trailers from the road up front, a fence and trees have been put in place or would you rather I put up a 10 foot fence.

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy to table the decision till next month.

Vote: Councilman Arcara – no
Councilman Pietraszek – yes
Councilman Zurbrick – no
Councilman Murphy – yes
Supervisor Hoffman - yes

RESOLUTIONS

None

BUDGET TRANSFERS

None

TOWN CLERK REPORT

Town Clerk Kerlin reported

- A request from Greg Culver for the use of the Senior Center September 8th & 9th , for the Colden Arts Festival.
- A request from Shirley Shelley for the use of Kummer Park August 28, for the Senior Picnic.

- September Town Board meeting will be held at the Senior Center Thursday September 13, 2012 do to a conflict with the Town Hall being used the same day for the Primary Election.

SUPERVISOR’S REPORT

Supervisor Hoffman reported

- A speed study was conducted on Center Street the reduced speed was declined the speed will stay the same.
- Contacted NYS DOT and they will be out to look at a drainage problem in front of the Town Hall.

Supervisor Computer-

Supervisor Hoffman requested to purchase a computer not to exceed \$600.00.

MOTION made by Councilman Pietraszek and seconded by Councilman Murphy for Supervisor Hoffman to purchase a computer not to exceed \$600.00.

- Vote: Councilman Arcara – no
Councilman Zurbrick – yes
Councilman Pietraszek – yes
Councilman Murphy – yes
Supervisor Hoffman - yes

PAY BILLS

MOTION made by Supervisor Hoffman and seconded by Councilman Pitreszek to pay the following bills.

On the question Councilman Zurbrick asked that the name on the Simplex-Grinnell bill be changed to the current Supervisor. Supervisor Hoffman stated she will update that information.

General Fund Warrant Voucher #2012-293 to #2012-337	\$18,588.55
Highway Fund Abstract Voucher #2012-78 to #2012-90	\$42,322.51
Lighting District Voucher #2012-12 to #2012-13	\$ 1,689.43
Refuse District Voucher #2012-33	\$15,971.40
Trust & Agency Voucher #2012-08	\$ 1,141.08
Water District Voucher #2012-31 to #2012-35	\$211,766.56

- VOTE: Councilman Arcara – no
Councilman Pietraszek – yes
Councilman Zurbrick – yes
Councilman Murphy – yes
Supervisor Hoffman – yes

Amendment to the July Abstract

Supervisor Hoffman stated that the Koycera voucher had 3 invoices attached one invoice was for WNY Imaging the attached invoice will be placed on a separate voucher the amount on the warrant will remain the same.

PRIVELEDGE OF THE FLOOR

Marilyn Calhoun – Allen stated for the record and preceded to read a statement she had prepared.

“For the record

First – I would like to apologize to the Councilman for what took place after the Work Session last week.

When Supervisor Hoffman angrily refused my request to be added to this month’s agenda and then directed me to get a (expletive) life, I lost my temper and responded in kind to her. I am sorry that I stooped that low and responded negatively. I am not used an elected official talking to a constituent in such a hostile, profane manner.

People may question why I speak out at the meetings – as a retired Supervisor of the Town I know what is legal and what should be available to the councilman and to the public. **I am speaking out because what I have observed lately is that people’s civil rights are being ignored and possibly violated. The Councilman and the public have a right to access town records and especially to see the books.**

30 years ago my first husband was killed in a motorcycle accident leaving me with our two small children. I continued running our store and attending town board meetings. I learned Town Law by asking questions and researching areas that seemed less than up and up to me. I was successful in my bid to become supervisor with a platform of honest, open government not the business as usual or the good ol boys club. 20 years later I left office and retired. I still kept an eye on town business but never had the urgency to question practices that remind me of the shady business of 30 years ago until Ms. Hoffman took over.

I have contacted the NYS Comptroller’s office and the Department for open government with my concerns. My contacts at both agencies agree that opinions from their offices are advisory and that if a town wants to ignore them the only person that can compel them to do something that they don’t want to is a judge. They also note that opinions containing quoted text is a direct quote of the law which also is the basis of that opinion. Ms. Hoffman has stated it is only an opinion and it doesn’t matter . One would think that if the town officials receive an opinion from an agency that is responsible for interpreting the State Law that the town would follow it.

Following is an excerpt from Town Law which directly relates to my concerns:

§ 29. Powers and duties of supervisor. Except where powers or duties specified herein are devolved upon the town comptroller pursuant to section thirty-four of this chapter, the supervisor of each town.

4. Shall keep an accurate and complete account of the receipt and disbursement of all moneys which shall come into his hands by virtue of his office, in books of account in the form prescribed by the state department of audit and control for all expenditures under the highway law and in books of account provided by the town for all other expenditures. Such books of account shall be public records, open and available for inspection at all reasonable hours of the day, and, upon the expiration of his term, shall be filed in the office of the town clerk such books of account shall be public records,

If questions and concerns remain unanswered or ignored or even worse lead to open hostility the current practices will continue and any semblance of open government will continue to deteriorate.

I would like to share my resources, emails and opinions received to any interested Board member or resident.

Thank you “

After reading the letter she had a FOIL request for the 2011 and 2012 books of the Town Supervisors office.

Supervisor Hoffman asked Marilyn if she wanted copies of the books.

Marilyn stated no she would come in and look at them.

Supervisor Hoffman stated that Marilyn you can come in any time and look at the books.

Barry Vizena had a comment to the Highway Superintendent on the roads in the Town of Glenwood.

Peggy O'Brien stated that information is available regarding the purchase of Commemorative Bricks for the Town of Colden Veterans Park.

Paula Calleri showed an aerial picture of the Heath Road Drilling sight and was wondering why there was a red well head.

Councilman Pietraszek stated that they are probably going into set a pressure valve they sometimes call it a Christmas tree effect and really did not know why it was red.

Kim Reichert had a comment on the financial records of the Town and that they are Public Records and under NY State retention they are permanent records and you can not let in individual look at the originals without someone in attendance because the Supervisor is ultimately responsible for the original books.

ADJOURN

MOTION made by Supervisor Hoffman and seconded by Councilman Arcara and unanimously adjourned the meeting at 9:30pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk