

TB Mtg Nov 8, 2012
TOWN BOARD MEETING
COLDEN TOWN HALL – November 8, 2012

MEETING CALLED TO ORDER AT 7:00PM.

SUPERVISOR HOFFMAN OPENED THE MEETING WITH THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE IN MEMORY OF LEONARD WOHLHEUTER, DANIEL STEVENS AND SHEILA SCHEIBER.

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

ALSO PRESENT: Town Accountant Mark Adamchick
Town Justice William Montgomery
Highway Superintendent Paul Clarkson
Bldg. Insp/Code Enf Officer John Kotlarsz
Town Clerk Christina Kerlin
Approximately 29 residents

MINUTES

MOTION made by Supervisor Hoffman, seconded by Councilman Zurbrick and unanimously approved to accept the minutes of the September 13, 2012 Town Board Meeting and the October 4, 2012, CDBG and Town Board Meeting and the 2013 Budget Workshop minutes as presented on the question Supervisor Hoffman stated a correction to the 2013 Budget Workshop minutes line item A5010.1 Highway Super – Personnel Services should have stated \$56,650 not \$56,940.

PUBLIC HEARING FOR TIME WARNER CABLE FRANCHISE AGREEMENT

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

OPEN PUBLIC HEARING

Supervisor Hoffman opened the meeting at 7:04pm.

COMMENTS FROM THE TOWN BOARD AND AUDIENCE.

Ron Hensel from 9208 Center Street said there are approximately 50 homes in a 3 mile range with no cable and internet service and was wondering if anything is being done to bring cable up on the hill and any chance the Town could send a letter to Verizon for

DSL upgrade to boxes that are at the corner of Route 240 and Holland - Glenwood Road. Ron Hensel provided a map showing the area that is without the cable service. The map is on file in the Town Clerk's office..

Supervisor Hoffman said that the Town is working with Sharon Hanson on a grant that is available and slowly making progress into funding for cable services.

Councilman Arcara said Time Warner Cable is up to the Federal Standards which is 25 homes per mile. Time Warner Cable offers a Customer Contribution Plan and all that is needed is a list of names and addresses of people interested in cable service and Councilman Arcara will put a letter together requesting another survey. Time Warner Cable will require the homeowner to come up with the cost up front.

Councilman Murphy said that Time Warner Cable has been very difficult to deal with providing cable installation to residents in the Town.

PUBLIC HEARING CLOSED AT 7:09 PM.

MOTION was made by Supervisor Hoffman, seconded by Councilman Arcara and unanimously approved to close the Public Hearing on the Time Warner Cable Franchise Agreement.

Legislator Joseph Lorigo

Supervisor Hoffman took this time to introduce Legislator Joseph Lorigo.

Legislator Joseph Lorigo addressed the Town Board and audience on the Proposed 2013 Erie County Budget which included a 3.4% tax increase and provided budget surveys for residents to fill out and he had newsletters available on what has been going on in the district. He handed out cards for anyone with any questions or concerns to feel free to call him.

Time Warner Cable Agreement

Supervisor Hoffman read the resolution:

TOWN OF COLDEN
COLDEN N. Y. 14033

RESOLUTION #2012 – 12
APPROVING THE FRANCHISE AGREEMENT
WITH TIME WARNER NY CABLE LLC
d/b/a Time Warner Cable

THIS FRANCHISE AGREEMENT (this "Agreement") is made and entered as of November 8, 2012 between the Town of Colden (the "Grantor") and Time

Warner NY Cable LLC d/b/a Time Warner Cable, a limited liability company organized and existing in good standing under the laws of Delaware (“Grantee”).

WHEREAS, the Grantee has applied under the provisions of Federal law to Grantor for a renewal of its franchise granting it the right to construct and operate a cable television system and provide cable service; and

WHEREAS, the company is providing such service pursuant to a franchise dated 04/15/02 and has substantially complied with the material terms of the franchise and applicable law; and

WHEREAS, the technical ability, financial condition and character of the Grantee and Grantee’s plans for constructing and operating the cable system were considered and found adequate and feasible and approved by Grantor at a full public proceeding affording due process; and

WHEREAS, this proposed Franchise Agreement complies with the standards of the New York State public Service Commission (“NYPSC”); and

WHEREAS, the franchise granted herein is non-exclusive,

NOW, THEREFORE, in consideration of the mutual conditions and covenants contained herein:

Duly adopted this 8th day of November, 2012 by the following vote:

Vote: Councilman Arcara – yes
Councilman Pietraszek – yes
Councilman Zurbrick _ yes
Councilman Murphy _ yes
Supervisor Hoffman - yes

PUBLIC HEARING
FOR
2013 PRELIMINARY BUDGET

Supervisor Hoffman opened the Public Hearing at 7:15 pm
The Posted and Public Hearing notice was read by the Town Clerk.

OPEN PUBLIC HEARING

COMMENTS FROM THE TOWN BOARD AND AUDIENCE.

Pay Raises – PJ Fraser from Center Street said she was very curious about the budget because the Town could not afford \$1,000. dollars for a HAZMAN collection. Why a 3% raise versus what other Towns are giving out and where is the money coming from and Social Security is giving a 1.7% increase that will not be able to cover Medicare.

Marilynn Calhoun- Allen said that she noticed the Attorney fees were increased from \$11,800 to \$25,000 what is the a reason.

Supervisor Hoffman said due to lawsuits from the following years and on going litigation that line was increased

Town Accountant Mark Adamchick reported the new rates for the NYS retirement system - General Account A9010.8 Employee Benefits Retirement - \$34,455.

Highway Account DA9010.8 Employee Benefits Retirement - \$57,720.

Water Account SW9010.8 Employee Benefits Retirement - \$3,420.

PUBLIC HEARING CLOSED AT 7:35 PM.

MOTION was made by Councilman Murphy, and seconded by Councilman Arcara to adopt the 2013 Preliminary Budget on the vote:

On the Question:

Supervisor Hoffman made one comment that she worked really hard on the Tentative Budget and that there was one change to increase the pay up to 3% for town employees and that in a lot of towns they did 0% for elected officials and most towns were 1.5% to 2% for an increase and the town employees in Colden do a great job, but keeping in mind that a 3% increases the retirement and other services.

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

BUILDING COMMITTEE REPORT

Councilman Arcara reported that the Highway Garage doors have been installed.

INSURANCE COMMITTEE REPORT

Councilman Arcara reported a concern has come up on shared Highway Equipment with other Towns riders should be attached for each Town stating responsibility in case of an accident.

Highway Superintendent Paul Clarkson said that the Town of Colden and Town of Concord have riders that state each Town is responsible in case of.

Supervisor Hoffman said she will look at the insurance policies and see if any riders are attached.

Councilman Arcara requested a copy of the Towns Health Insurance Policy or the Policy number.

Supervisor Hoffman reported that the highway men cleared the tree from the back of the town Hall Parking lot near the creek and repairs have been done on sidewalks in town. NYS DOT built up the roadway in front of the Town Hall where water has been pooling around the drain.

CABLE COMMITTEE REPORT

Councilman Arcara reported again if there are a certain number of houses that are willing to pay and do not meet the standards set forth Time Warner Cable will work with the home owners in that area. We just need to compile a list of people that are interested in the cable service.

Supervisor Hoffman said that she has been working with Sharon Hanson and was able to supply a resident on Burr Road with cable at no charge and is working in the area of Irish Road to supply names and addresses of people interested in cable service.

HIGHWAY AND PARKS REPORT

Highway Superintendent, Paul Clarkson reported that –

-2012-2013 Seasonal Road Closing for Murray Hill Road

Approved to advertise the annual seasonal closing of Murray Hill Road from house number 8743, the Raymond Krolczyk residence to house number 8462, the Nelligan residence, will be closed from November 15, 2012 to April 1, 2013.

-Requested to repair the drainage to the east side of the Town Highway Garage.

MOTION made by Supervisor Hoffman, seconded by Councilman Zurbrick and unanimously approved to repair the drainage to the east side of the Town Highway Garage at a cost of materials not to exceed \$3,500.

-250 delineators have been made and placed on the sides of roads.

-NYS DOT flagged Mill Road Bridge needs to be marked as a 1 lane bridge and if the railroad will not put up a sign since they no longer use the rail we will have to come up with a sign Councilman Zurbrick will request one along with the Park sign.

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Councilman Murphy is going to contact the Railroad about the bridge on Boston-Colden Road it is not safe for pedestrian traffic he is looking into either having the bridge taken down or repaired.

YOUTH & ADULT RECREATION REPORT

No Report

Councilman Zurbrick reported visiting 18 surrounding Towns checking out signs for there Town parks. Contacted the NYS DOT and they require a letter be submitted requesting a sign for the park and perhaps the town would receive a sign.

PLANNING COMMITTEE REPORT

Councilman Pietraszek reported that the Hydrofracking committee has been formed Ron Fraser is the Chairman next meeting will be November 14, 2012 at 7pm at the Town Hall on the agenda is the Master Plan for the Town of Colden. Schedule is posted on the bulletin board and on the Towns website.

Planning Board is working on Town forms to be placed online and the next meeting is the third Tuesday of the month.

ENVIRONMENTAL COMMITTEE REPORT

Councilman Pietraszek reported that the Hazardous Waste collection went very well -A tire and computer component collection was conducted by the Environmental Board on Saturday, October 20, 2012.

COMMUNITY DEVELOPMENT REPORT

Councilman Murphy reported the Community Development Grants have been submitted. Received a note from the Bread of Life Outreach Center for the support from the Town Board for the support of the Farmers Market that was held this year and they will return in the Spring.

PERSONNEL COMMITTEE REPORT

Councilman Zurbrick reported that she is working on the Towns Personnel Policy to be handed out at the beginning of the next Year to all employees.

SOLID WASTE REPORT

Councilman Murphy reported that Waste Management was at the last workshop and went over the Rewards Program that will be offered to residents a letter will be mailed out from Waste Management to explain the Rewards program and the benefits to residents.

Jody Feidt - Emergency Manager reported that the Hazman Hazardous Waste Collected:

29 gallons of anti-freeze

50 fluorescent bulbs

130 lbs. of solid waste

145 gallons of hazardous paint
170 lbs. of batteries
8 gallons of pesticides
1 pound of mercury
350 lbs of misc. solid waste
It least 5 propane tanks

Jody also reported 2 briefings during Hurricane Sandy – Thanked Supervisor Hoffman, Peggy O'Brien, Pat Murphy, Highway Superintendent Paul Clarkson and the Colden Fire Company for their preparation of the storm.

NEST REPORT

No Report

LIBRARY REPORT

Councilman Arcara reported the Library Fall Newsletter is out on the table in the lobby. A quick rundown of some of the activities:

Pre-School Story Hour – Thursday 10:30 - 11:30
Greeting Card Making Mondays Oct. 15, Nov. 19 and Dec. 10 from 1pm to 3pm
Local Historian Bill Petrie Sat. Nov.10, Will speak on West Falls and Griffin Mills History and the Civil War and the War of 1812.
Wreath Decorating Class – Wednesday Nov. 28 from 7 – 9pm \$15.00 per wreath
Cookie Decorating Party – Saturday Dec. 8 at 11am

Supervisor Hoffman said that at the annual Book Sale and Hot Dog Sale sponsored by County Legislator John mills raised \$1,380.00 and received a generous donation of installing carpeting in the meeting room downstairs of the Library.

STREET LIGHTING REPORT

Councilman Zurbrick reported 4 street lights out and a Thank you from a resident for the Veterans Wall lights back working.

DOG CONTROL REPORT

Councilman Arcara reported dogs chasing chickens and a total of 125 dog census slips handed into date.

CODE ENFORCEMENT OFFICER REPORT

Building Inspector/Code Enforcement Officer, John Kotlarsz gave the following report for the month of October, 201.

2 Building Permits Issued
5 Certificate of Compliance Issued
1 First Notice of Violation
1 Order to Remedy Violation

- 1 Court Appearance
- 2 Phone Complaints

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Carl's Trucking & Repair – Code Enforcement Officer John Kotlarsz revisited Carl's Trucking & Repair and found him to be in compliance of his Special Use Permit. Town Clerk will send out letter for collection of Junkyard fee of \$25.00.

MOTION made by Supervisor Hoffman and seconded by Councilman Pietraszek and unanimously approved the Special Use Permit for Carl's Trucking and Repair effective to September 30, 2013

WATER COMMITTEE REPORT

Councilman Pietraszek reported that leak detection is ongoing Dan Tousley was out October 9, with leak detection equipment and on October 12 and 24, Erie County Water Authority was out with running the Correlator and nothing has been detected there is a very elusive leak somewhere or a series of smaller leaks. Remaining options to locate the leak are being discussed with NYRWA and ECWA.

-November billing was mailed out on the 1st total billed was \$19,094.97.

-Water relevy for the 2013 Town Tax in the amount of \$3,478.35 and comprised of 7 customers was submitted to the Supervisor.

-Lead and Copper testing at 5 test sites came back and were good.

CENSUS COMMITTEE REPORT

Councilman Murphy received a request for the quarterly survey property tax collection and the Town Clerk filled out and mailed back the survey.

VETERAN'S COMMITTEE REPORT

Supervisor Hoffman reported that 12 bricks have been sold for the Veterans Memorial Walkway the deadline is November 15 and the cost of a brick is \$25.00.

OLD BUSINESS

None

NEW BUSINESS

None

RESOLUTIONS

Scenic Byway Sign

Councilman Zurbrick for the record read a letter to be submitted to Western New York Southtowns Scenic Byway.

November 8, 2012

Western New York Southtowns Scenic Byway, (WNYSSB)
P. O. Box 209
Orchard Park, NY 14127

Attn: Robert Lennartz, President

Dear Mr. Lennartz:

We wish to congratulate the WNYSSB, as legally authorized byway in New York State, for its role in promoting the culture, history, and scenery of the area surrounding its 70 mile route. In particular, we are pleased that you have taken the initiative to sponsor an interpretive sign program, under the administration of the New York State Department of Transportation.

We understand that the Town of Colden is entitled to one interpretive sign, based on its location within the limits of the Byway.

The Town of Colden agrees to accept the interpretive sign, to own it, and to reasonably maintain it for its lifetime, under the following conditions:

That the WNYSSB, as part of a grant for its interpretive sign program, has agreed to pay for the design, fabrication, and installation of the sign.

That the Town of Colden together with the WNYSSB, has agreed to its content;

That the Town of Colden has agreed to a horizontal sign & to its location, to be located in front of the memorial wall south on town property.

That the Town of Colden agrees to not remove the sign at any time in the future.

That if the sign should become damaged, the town agrees to repair the sign, if it is reasonable with its own forces, or, if the damage is such that it cannot be reasonably repaired, to consult with the WNYSSB regarding a means to repair the sign. The payment of such repair would be as agreed to by the town and the WNYSSB at that time.

We wish you luck as you proceed with the continued development of this program, and look forward to the day when the interpretive sign becomes a part of the rich tradition of the Town of Colden.

Sincerely,

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MOTION made by Councilman Zurbrick and seconded by Supervisor Hoffman and unanimously approved to except the conditions that are set forth in this letter sent to Robert Lennartz , President of the WNYSSB.

BUDGET TRANSFER

MOTION made by Supervisor Hoffman, seconded by Councilman Zurbrick and unanimously approved to transfer the following funds.

2012 Highway Fund Budget Transfer

FROM	DA5130.4	Machinery Equipment	\$99.00
INTO	DA5110.4	General Repairs	\$99.00

TOWN CLERK REPORT

No report

SUPERVISOR'S REPORT

Supervisor Hoffman reported the Town Board workshop for December 6 is cancelled and is rescheduled for November 29 at 6pm, National Fuel will be present to answer any questions the Town Board may have on storage fields.

Letter sent out to the Army Corps of Engineers regarding Creek bed Stabilization and they are progressing and we should hear more at the next Town Board meeting.

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

On the question Councilman Pietraszek stated that in September the Board agreed to pay \$50.00 a month for webmaster and a voucher has been turned for 2 months at \$100.00 a month.

Supervisor Hoffman said that George has done catch-up on the website and added new windows and boxes on the site and updating e-mail addresses and set up from I-evolve and back up.

Councilman Pietraszek asked if the fee was going to revert back to \$50.00 a month going forward.

Supervisor Hoffman said yes.

Councilman Zurbrick asked where the back up for the website is stored online or off site. Supervisor Hoffman said it is in storage not here but where she can retrieve it anywhere and it is encrypted she will supply Councilman Zurbrick with the information.

General Fund Warrant Voucher #2012-408 to #2012-456	\$ 24,075.30
Highway Fund Abstract Voucher #2012-115 to #2012-124	6,062.88
Water District Voucher #2012-46 to #2012-49	4,810.14
Refuse District Voucher #2012-36	15,941.60
Lighting District Voucher #2012-17 to #2012-19	3,640.91

PRIVILEGE OF THE FLOOR

No Comments

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ADJOURN

Supervisor Hoffman adjourned the meeting at 8:47 pm.

Respectfully Submitted,

Christina M. Kerlin,
Town Clerk