

TB Mtg August 8, 2013  
TOWN BOARD MEETING  
COLDEN TOWN HALL – August 8, 2013

MEETING CALLED TO ORDER AT 7:02 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 Attorney Ronald Bennett  
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 20 residents

MINUTES

MOTION made by Supervisor Hoffman, seconded by Councilman Arcara and unanimously approved to accept the minutes of the July 11, 2013, Town Board Meeting and the minutes of the August 1, 2013, Town Board Workshop Meeting on the question Councilman Pietraszek had a correction on page 4 under Water Committee report a Pilot Valve replacement took place not a Pressure Release Valve.

Amend July General Abstract

Supervisor Hoffman stated a correction to the July 2013 General Abstract from \$11,632.25 to \$11,560.16.

BUILDING COMMITTEE REPORT

Councilman Murphy reported that it is time to renew the Town employees Health Insurance and the Town Buildings Insurance.

INSURANCE REPORT

No Report

CABLE REPORT

No report

#### HIGHWAY & PARKS REPORT

Highway Superintendent, Paul Clarkson reported that the oil & chipping on the Town Roads are complete. Reviewing the budget to see what funds are left for a drainage project on Maltby Road, oil & chipping were to be done this year but after winter the road should have some drainage work done before putting down oil & stone.

In Kummer Park there is a problem with people walking their dogs and not picking up after the dogs. The Town Board agreed to possibly have a sign posted or looking into a receptacle with bags for people to clean up after their dogs.

#### YOUTH & ADULT RECREATION

Recreation Director Kip Palmateer reported Colden Field Days was held on July 31<sup>st</sup> was fun for all. Players who were not available to pick up their trophy can contact the recreation department to arrange a pickup.

Summer recreation program will finish this week, with the exception of swimming which has one more week.

Kip thanked all of the recreation staff for doing such a great job with the kids this summer. Zumba will try to meet again this coming September.

#### PLANNING COMMITTEE REPORT

Councilman Pietraszek reported appointing a new secretary. Discussion took place on the annual Special Use Permit inspections to reduce the number of visits by the SUP Committee and have the Code Enforcement keep a check on the Special Use Permits in Town. The Planning Board is still reviewing the subject of Hydrofracking with in the Town of Colden.

#### ENVIRONMENT COMMITTEE REPORT

Councilman Arcara reported that the Meeting for August was cancelled. The Environmental Board did submit a recommendation to the Town Board on the Hydrofracking report.

#### COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick read a Thank you that was received from the Scenic By-Ways committee for the efforts the Town helped putting into making the Scenic By-Ways Sign a reality.

#### PERSONNEL REPORT

Councilman Zurbrick reported that the Town Board is reviewing the Personal Policy and Supervisor Hoffman will forward to Town Attorney Ronald Bennett.

#### SOLID WASTE REPORT

Councilman Murphy reported that there was no NEST meeting for the month of August next meeting will take place on Thursday, September 12, 2013 from 9am to 12 noon in Orchard Park.

#### LIBRARY REPORT

Councilman Murphy reported the West Falls Library will hold their Annual Book Sale and Hot Dog Roast on Saturday, August 24<sup>th</sup> from 11am to 2pm.

#### STREET LIGHTING

Councilman Zurbrick reported a Street Light out at 8200 Hayes Hollow Road and 2 on the curve near 8947 State Road in front of the Highway Garage. The following Historical Lights are on during the daytime are Poles 3, 5, 15 and 24 on State Road and pole 8 on Heath Road. CEO John Kotlarsz stated the fixtures are the problem the sensors have a manufacturing defect when they were made and they have been replaced and we will change the sensors again.

#### DOG CONTROL REPORT

Report for the month of August, 2013 – Councilman Arcara gave the following report. Dog census has started back up again.

Received a call from a resident in Akron to see how the laws were enforced so he could decide where he wanted to relocate for some peace and quiet.

Anonymous caller reporting his neighbor's dog using his lawn for a bathroom.

#### CODE ENFORCEMENT OFFICER REPORT

Report for the month of August, 2013 – Bldg. Insp/Code Enf. Officer, John Kotlarsz gave the following report.

- 4 Building Permits Issued
- 1 Certificate of Occupancy
- 8 Certificates of Compliance
- 1 First Notice of Violation
- 1 Phone Complaints

#### WATER COMMITTEE REPORT

Councilman Pietraszek reported that Water Worker Greg Adams is monitoring the lines and the residuals are bouncing around, Greg is in contact with Erie County Water and he has been flushing the lines to keep the residuals up at terminus points in the lines. The pressure relief valve is leaking in the chamber behind the Town Hall a 3 inch relief valve will be placed in the existing chamber. CRA engineering firm has been contacted to make sure this can be done. CRA has approved this verbally and the Town is waiting for a letter from Mike Marino stating that this can be done. Syracuse Construction will be doing the work to place the 3 inch relief valve.

#### HYDROFRACKING COMMITTEE REPORT

Chairman Ron Fraser asked the Town Board if the Planning Board has reviewed the Hydro-Fracking report that was given to them on May 13, 2013 and if the Planning Board submitted a recommendation on Hydro-Fracking in the Town of Colden. Supervisor Hoffman stated that the Planning Board was looking into Special Use Permits pertaining to Hydro-Fracking and she would contact Chairman Roy Bergman of the Planning Board on a deadline for submitting a recommendation on what they agree to and object to. Ron Fraser said he has contacted the NYS Attorney General Office to report a filing of Article 195 official misconduct charge against the Planning Board. Councilman Arcara said the Town Board did not actually give the Planning

Board a deadline so from May through August there was a 3 month turn around maybe we need to communicate a little better and let them know that we have a moratorium in place let's not let it run out without a recommendation from the Planning Board.

#### DIRECTOR OF VETERAN AFFAIRS

Ken Heiler reported that cards have been printed to mail to Town Veterans for recruitment for new members to the VFW post.

#### DIASASTER COORDINATOR REPORT

No Report

#### OLD BUSINESS

None

#### NEW BUSINESS

##### Tax Assessor

Supervisor Hoffman said the Town Board interviewed for a new tax assessor the current Tax Assessor Ruby Bruce will be retiring September 30, 2013 after 35 years of service.

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy and unanimously approved the appointment of Dawn Marie Martin as the Tax Assessor for the Town of Colden starting October 1, 2013 for a 6 (six) year appointment and the term ending September 30, 2019 at a salary pay of \$18,000.00 a year with no benefits and will also make herself available outside of the 9 to 5 hours.

##### Health Insurance Renewal

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy and unanimously approved the Health Insurance Policy for Town Employees.

#### RESOLUTIONS

Supervisor Hoffman read the following resolution:

RESOLUTION # 09-2013  
APPROVAL TO SUPPORT  
RESOLVING ISSUES OF CONTRACT BETWEEN ERIE COUNTY DEPARTMENT OF  
PUBLIC WORKS AND 25 TOWNS IN ERIE COUNTY FOR SNOWPLOWING DE-ICING  
SERVICES

WHEREAS, the Town of Colden recognizes that plowing and de-icing the town, as well as county roads, is in the best interest and safety of its residents, and

WHEREAS, Erie County and the 25 towns within the county have negotiated contracts which assure that the majority of the county roads within the towns would be maintained according to the same snow and ice control methods used on all town roads, and

WHEREAS, such methods have been approved by the Erie County Department of Public Works, and

WHEREAS, in the past, all costs of manpower, equipment, and materials have been calculated to the satisfaction of all parties, and

WHEREAS, any issues that have arisen during snow and ice control in previous years have been resolved by all parties involved, and

WHEREAS, a new contract between the Towns and Erie County is currently being negotiated, and

WHEREAS, on March 20, 2013, there was a tentative agreement between the towns and Erie County which included a 3-year term with an annual increase of 5.0% as was past practice, and

WHEREAS, this agreement was considered fair and within the budgeting confines of Erie County, and

WHEREAS, ON April 16, 2013, Erie County made a counter proposal to increase the contract from 3 years to 5 years and to reduce the monetary increase to 0.5% and

WHEREAS, the county proposed rate is one the towns cannot afford, and

WHEREAS, the budgetary planning for 2014 is going to be starting in many municipalities, and

WHEREAS, the deadline for towns to order road salt de-icer is now past,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Colden calls on the Erie County Executive and the Erie County Legislature to help resolve the issue between the Erie County Department of Public Works and the 25 towns within the County of Erie with regards to snow removal and de-icing of county roads within the towns that is fair and equitable to all parties, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Colden is to transmit copies of this resolution to Erie County Executive Mark Poloncarz, Erie County Legislator Joseph Lorigo, Erie County Legislature Chairwoman Betty Jean Grant, and Erie County Department of Public Works Commissioner John Loffredo, and the other towns within Erie County.

Duly adopted this 8<sup>th</sup> day of August, 2013 by the following vote.

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

#### BUDGET TRANSFERS

MOTION made by Councilman Pietraszek and seconded by Councilman Zurbrick and unanimously approved the following Budget Transfer.

From: DA5142.11 Snow Removal Part Time	\$5,681.00
To: DA5110.11 General Repair Personal Services	
Part Time Seasonal	\$5,681.00

#### TOWN CLERK REPORT

Town Clerk Kerlin stated hunting licenses go on sale Monday August 12, 2013 no fee changes.

#### SUPERVISOR'S REPORT

##### AARP Defensive Driving Course

Supervisor Hoffman stated a Defensive driving course will be scheduled for Saturday, November 2 and Saturday, November 9 from 9am to 3:30pm and a 2 day class will be on Wednesday November 6 and Thursday November 7 from 6pm to 9pm both nights.

##### Rural Transit

Rural Transit service applications are posted on the Towns website and on the town Bulletin Board in the hallway.

##### Scenic By-Ways

Supervisor Hoffman asked Councilman Zurbrick to be on the Scenic By-Way Committee since she had been working with them already. Councilman Zurbrick excepted and said she enjoyed working with the committee.

**PAY BILLS**

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

General Fund Warrant Voucher #2013 - 293 to #2013 - 331	\$ 9,854.11
Highway Fund Abstract Voucher #2013 - 83 to #2013 - 92	\$138,833.14
Water District Voucher #2013 - 42 to #2013 - 51	\$103,246.37
Lighting District Voucher #2013 - 13 to #2013 - 14	\$ 1,680.02
Refuse District Voucher #2013 - 36	\$ 16,328.64

**PRIVILEGE OF THE FLOOR**

Bernie Horschel asked the Town Board if a referendum could take place at the next election on the Hydrofracking and the people could make a decision instead of the Town Board.

Attorney Ronald Bennett addressed the procedure of how a referendum is conducted. It has to be according to statute there has to be a requirement for bonding and certain changes that are required and when you do it by Local Law has to be under sixty days in place prior to the time of election whether special election or general election but an advisory referendum is prohibited by law a municipality cannot spend money on an advisory opinion if it is not required by law then you are unable to do it.

Marilyn Calhoun Allen asked if the Town Board took a vote on tonight's resolution. The Town Board made a collective agreement.

Jeanette Geckler stated that in the magazine Business Insider it was reported that when Hydrofracking has been mentioned to be done in a Town there has been a 24% drop in property values.

Highway Superintendent Paul Clarkson stated that he was going to start on sidewalk repairs and wanted to know how the Town Board wanted to handle the repairs.

Supervisor Hoffman asked him to hold off for now she has just received new information and would like the Town Attorney to take a look out it.

**ADJOURN**

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy and unanimously adjourned the meeting at 7:52 pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk

