

TB Mtg FEBRUARY 14, 2013  
TOWN BOARD MEETING  
COLDEN TOWN HALL – FEBRUARY 14, 2013

MEETING CALLED TO ORDER AT 7:03 PM.

SUPERVISOR HOFFMAN OPENED THE MEETING WITH A MOMENT OF SILENCE IN HONOR OF JOSEPH GARCIA, ALBA PALMER, GEORGE RICHARD HAYHURST AND EDITH BOROWSKI FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

ROLL CALL

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

ALSO PRESENT: Town Justice William Montgomery  
Highway Superintendent Paul Clarkson  
Asst. Bldg. Insp/Code Enf. Officer Gregory Adams  
Town Clerk Christina Kerlin  
Approximately 11 residents

MINUTES:

MOTION made by Supervisor Hoffman, seconded by Councilman Pietraszek and unanimously approved to accept the minutes of the January 3, 2013, Town Board Meeting and 2013 Organizational meeting minutes and February 7, 2013 Town Board Workshop as presented.

On the question Councilman Zurbrick referred to page 13 under Emergency Manager report should have stated ICS 100 training not ICC training. Councilman Zurbrick handed in her ICS 100 training certificate. The officials' certificates will be on file in the Town Clerk office, Supervisor office and with the Emergency Manager.

Councilman Arcara referred to the 2013 Organizational meeting and that there was no reference to appointing an Ethics Committee.

Supervisor Hoffman said that there are currently three people on the Ethics Committee and will be looking into changing members.

AMEND DECEMBER ABSTRACT

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy and unanimously approved to amend the December abstract to void voucher #498 made out to Vertex in the amount of \$2,175.00.

COMMITTEE REPORTS

EMERGENCY MANAGER REPORT

Jodi Feidt reported if officials are having a problem with the ICS 100 training she would assist with the training course.

Jodi requested if she could obtain quotes for a computer server for the various town department computers to be linked together in case of an emergency this way Town employees could access their information from anyone of the computers in the building. Emergency Manager Jodi Feidt and Town Board members discussed differences between networking and a server, decision was to hold off.

BUILDING COMMITTEE REPORT

Councilman Murphy reported work is being done on the Emergency Manager office downstairs in the Town Hall.

Councilman Arcara will forward information he has gathered on the Senior Center roof repair to Councilman Murphy.

INSURANCE COMMITTEE REPORT

No Report

CABLE COMMITTEE REPORT

Councilman Arcara reported no response from Time Warner Cable on the installation of cable at the highway garage will contact Sharon Hanson.

A resident on Irish Road has received cable to her house at a cost to the homeowner.

HIGHWAY AND PARKS REPORT

Highway Superintendent, Paul Clarkson reported the Osh Kosh Truck that went to auction has been sold for \$3,700.00 and was picked up on Wednesday February 13, 2013.

Highway Garage Furnace Replacement

Paul received three quotes on the replacement of the furnace:

- 1) Irr Supply               \$1,791.00 Furnace only
- 2) Vicenek                 \$2,550.00 Furnace replaced & labor
- 3) Northstar Supply   \$765.00 Furnace (switch to high efficiency)

Highway Department will install

MOTION made by Councilman Pietreszek and seconded by Councilman Arcara and unanimously approved the purchase of a furnace from Northstar Supply in the amount of \$765.00 for the Highway building from Northstar Supply in the amount of \$765.00 and will be installed by the Highway Department.

BID FOR FORD F-450 AND NEW DUMP BODY, PLOW AND SANDER

Emerling Ford Inc. - \$31,559.36 Ford F-450  
150 S. Cascade Drive

Valley Fab & Equipment, Inc. - \$33,120.00 Dump Body, Plow and Sander  
9776 Trevett Road, Boston, NY 14025

MOTION made by Supervisor Hoffman and seconded by Councilman Zurbrick and unanimously approved the bids received from Emerling Ford Inc. for \$31,559.36 Ford F-450 and Valley Fab & Equipment, Inc. for \$33,120.00 Dump Body, Plow and Sander.

NYS RETIREMENT

Highway Superintendent Clarkson for the record submitted his 3 consecutive month log of work that he has completed for the NYS Retirement System the log was submitted to the Supervisor and Town Clerk.

HIGHWAY SUPERINTENDENTS

Highway Superintendent Clarkson requested approval to attend upcoming workshops in Albany.

Powers and Duties of a Local Highway Official - \$50.00

Roadway and Roadside Drainage - \$50.00

Pavement Maintenance - \$50.00

MOTION made by Supervisor Hoffman and seconded by Councilman Arcara and unanimously approved for Highway Superintendent Clarkson to attend the three workshops at a cost of \$150.00.

YOUTH & ADULT RECREATION REPORT

Councilman Zurbrick reported that soccer registration has begun. The formal day to register is Saturday March 2, 2013 from 9:00am to 11:00am at the Town Hall. Would like advertisement to be placed in the paper and on the website for concession stand workers and soccer referees with a deadline to apply by March 21, 2013.

Supervisor Hoffman reported the Town should have been collecting sales tax on the items sold at the concession stand.

Councilman Zurbrick will contact other towns to see how they collect sales tax on the items sold at their concession stands and the NYS Comptroller's Office.

#### PLANNING COMMITTEE REPORT

No Report

#### ENVIRONMENTAL COMMITTEE REPORT

No Report

#### COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick stated that she attended the Post Office meeting and unfortunately only 14 residents attended. The results of the survey were 2007 sent out and 307 returned.

Erie County will not be taking any more organizations for the hosting of a website.

#### PERSONNEL COMMITTEE REPORT

Councilman Zurbrick reported that she contacted New York State and they have no Jurisdiction over Municipal employees per section 190 and the US Department of Labor reported private sector is different than Municipal employees. The Personnel Policy is on hold until the Town Board meets at the next workshop and the Town Attorney can look over terminology for flex time and compressed time.

#### SOLID WASTE REPORT

Councilman Murphy reported Waste Management is starting a coupon program for residents that use the businesses in the area. Waste Management will contact area businesses for their participation in the program. Information to follow in the mail.

#### NEST REPORT

No Report

#### LIBRARY REPORT

No Report

#### STREET LIGHTING REPORT

Councilman Zurbrick reported 4 street lights out and the Historical Light that was hit in front of 8825 State Road was received and John Kotlarsz will replace next week. NYSEG was out and changed the lamps on the 2 Historical lights that were out by the Colden Country Store unfortunately they are out again John Kotlarsz will contact NYSEG.

#### DOG CONTROL REPORT

Councilman Arcara reported a stray dog on Darien Road, and the Dog Control Officer Inspection Report completed on January 16, 2013 from the NYS Department of Agriculture & Markets came back with a rating of Satisfactory.

#### CODE ENFORCEMENT OFFICER REPORT

Building Inspector/Code Enforcement Officer John Kotlarsz gave the following report for the month of January, 2013.

- 1 Building permit issued
- 2 Court Appearances
- Fire Inspections have started
- 24 Hours of school

#### WATER COMMITTEE REPORT

Councilman Pietraszek reported the hiring of Greg Adams as Assistant Water Worker at a rate of \$11.25 an hour.

Steffan Consulting was out working on the leak detection in the Town on January 8' 2013. Steffan will be back out again in the next few weeks on Sunday between the hours of 2am to 4am.

Water bills went out on February 1, 2013

Leak at a residence on Boston-Colden Road.

Supervisor Hoffman stated that Water secretary Kim Reichert has been in touch with Earl Jan and Tom Wicks from Erie County Water Authority to help out the Town with the leak detection.

#### HYDRO - FRACKING COMMITTEE REPORT

Ron Fraser handed in a progress report which is on file in the Town Clerks office and on the Towns website.

A meeting took place with Ed D’Amico and Ray Harris from National Fuel on upcoming drilling plans for the next 5 years

On February 26<sup>th</sup> at 7pm at the Colden Town Hall A presentation slide show will take place on High-Volume- Horizontal Drilling.

VETERAN’S COMMITTEE REPORT

Ken Heiler reported that he is pursuing coupons from businesses in town for the “Thank-A-Vet” program.

OLD BUSINESS

None

NEW BUSINESS

None

RESOLUTIONS

Supervisor Hoffman read the following resolution:

**TOWN OF COLDEN  
COLDEN N.Y. 14033  
RESOLUTION #2013 - 01  
RESOLUTION TO AMEND THE NY SAFE ACT**

**WHEREAS, The Town of Colden Town Board** who represents the voice of the people that residents in Colden, County of Erie, in the State of New York with a population of approximately 3,400 people, and

**WHEREAS, On Monday January 14<sup>th</sup>, 2013** the rights under the second Amendment of our Constitution was infringed on without due process, and

**WHEREAS, The Gun Control Bill (S.2230) known as NY SAFE Act** was rushed through the Senate & Assembly without a single Public hearing or input from the various Law enforcement agencies located around our State, and

**WHEREAS, Even the State lawmakers did not have time to review the bill as presented** leaving questions about implementation and regulation of this new law, and

**WHEREAS**, This law should focus on increasing penalties for criminals who use firearms to harm and threaten law abiding citizens and address the issues of mental illness related to violence, and

**WHEREAS**, The Town of Colden realizes that NY SAFE Act, gun control law must be repealed and replace the restrictive parts of the enacted law, and

**NOW THEREFORE BE IT RESOLVED**, that the Town of Colden urgently asks Governor Andrew M. Cuomo & the Legislative leaders to suspend this law as soon as possible and to look at all of the aspects of gun control using the proper legal procedure to bring about a law that will address gun control in a more logical manner, focusing on the real issues related to gun control – a law that will strengthen the effect on public safety and not infringe upon our constitutional rights.

On the question:

Councilman Arcara questioned that the Town Board is representing the voice of the people and were the people given enough time to respond back on this resolution.

Supervisor Hoffman said it was the rights of the people that were infringed upon, a law was passed without due process.

CEO John Kotlarsz said he would like to see the Town Board vote on this tonight.

Councilman Murphy said something should be done and he has spoken to people and they do not like the way the law was pushed at them.

Councilman Pietraszek said his big concern was that he was not sure if the general public had a chance to see the resolution and maybe they could have made reference of it on the website.

Councilman Zurbrick said she thought people would have contacted the Town Board with e-mails or calls on this issue and she has a lot of things wrong with this law and would like to see the board vote on it tonight

**MOTION** made by Supervisor Hoffman and seconded by Councilman Murphy and unanimously approved the Resolution to Amend the NY Safe Act.

Supervisor Hoffman read the following resolution which addresses abandoned and vacant property that people may have stopped maintaining.

**TOWN OF COLDEN  
COLDEN N.Y. 14033**

**RESOLUTION #2013 – 02**

**SUPPORT FOR NYS-CONTACT INFORMATION FOR VACANT STRUCTURES**

Resolved to support New York State regarding the proposed laws concerning contact information for vacant structures.

**WHEREAS**, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

**WHEREAS**, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

**WHEREAS**, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

**WHEREAS**, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

**WHEREAS**, the Town of Colden Town Board supports the passage of said Bills.

**NOW THEREFORE, BE IT RESOLVED** that the Town of Colden hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Town of Colden support the passage of said Bills.

Copies of this resolution to be forwarded to Senator Gallivan, Assemblyman DiPietro



MOTION made by Supervisor Hoffman and seconded by Councilman Pietreszek and unanimously approved the Resolution - Support for NYS-Contact Information For Vacant Structures.

#### BUDGET TRANSFERS

None

#### TOWN CLERK REPORT

Town Clerk Kerlin reported 2013 Town & County Tax Bills were mailed out on February 13, 2013 and there is a link on the Towns website for Town & County Tax bills  
Erie County Conservation Tree & Shrub seedling forms are in deadline is March 15, 2013.

#### SUPERVISOR'S REPORT

Supervisor Hoffman reported that child protection background checks should be done on volunteers along with employees.

South Towns Scenic Byways sign should be ready to be put place in the upcoming months.

West Falls Fire Company sent a letter requesting a donation from the Town for recruitment, Councilman Pietraszek and Councilman Murphy will look into whether the Town can make such a donation.

Councilman Zurbrick will check on sidewalk liability and who would be responsible the Town or homeowner. The Town Code book states that the Town maintains the sidewalks.

#### PAY BILLS

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

On the question:

Councilman Zurbrick questioned employee reimbursement requests are submitted within 90 days of said expenditures to be eligible for payment asked for a note to be placed in their paychecks or written at the bottom of the vouchers.

General Fund Warrant Voucher #2012-528 to #2012-546	\$ 8,270.92
Highway Fund Abstract Voucher #2012-154 to #2012-160	\$ 10,441.76
Lighting District Voucher #2012-23 to #2012-24	\$ 2,270.56
Water District Voucher #2012-58 to #2012-59	\$ 87.00

General Fund Warrant Voucher #2013-13 to #2013-67	\$45,056.14
Highway Fund Abstract Voucher #2013-03 to #2013-15	\$26,610.76
Refuse District Voucher #2013-01	\$16,048.32
Lighting District Voucher #2013-01 to #2013-02	\$ 2,037.60
Water District Voucher #2013-01 to #2013-04	\$ 5,154.52

PRIVILEGE OF THE FLOOR

No comments

ADJOURN

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy and unanimously adjourned the meeting at 8:23 pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk

