

TB Mtg and 2013 Org Mtg
REGULAR TOWN BOARD MEETING AND
2013 ORGANIZATIONAL MEETING
COLDEN TOWN HALL – January 3, 2013

MEETING CALLED TO ORDER AT 7:00 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
Bldg. Insp/Code Enf. Officer John Kotlarsz
Town Clerk Christina Kerlin
Approximately 8 Residents

MINUTES

MOTION made by Supervisor Hoffman, seconded by Councilman Zurbrick and
unanimously approved to accept the minutes of the December 13, 2012 Town Board
Meeting as presented.

On the question Councilman Zurbrick asked for clarification on donated fitness
equipment for the Senior Center workout room.
Supervisor Hoffman said exercise equipment that is donated must meet the requirements
for today's safety standards.

2013 ORGANIZATIONAL MEETING
Page 1 Read by Supervisor Hoffman

RESOLVED THAT **First Niagara Risk Management, Inc.** be the insurance agent for
the Town of Colden for the year of 2013.

RESOLVED THAT this Board approve as to form and amount the Employee's
Blanket Bond - which includes the offices of Supervisor & her secretary,
Highway Superintendent, Town Justices, Court Clerk, Town Clerk-Tax Collector, and
her Deputy, Peace Officer, Councilmen, Youth Supervisors, Code Enforcement
Officers and Dog Control Officer. (The above package guarantees faithful performance)

RESOLVED THAT the regular monthly meeting of the Colden Town Board shall be
held on the second Thursday of each month at **7:00** p.m. for the regular time and date of

the Town Board meeting unless other wise resolved to change and that the Oct. Board Meeting be held on the 3rd day of Oct. and Nov Board Meetings be held the first Thursday after the election. (Meetings 2013 – October 3rd and November 7th)

RESOLVED THAT any business to be brought to the attention of the Colden Town Board by any elected or appointed official or by the public be submitted for the agenda 72 hours prior to a meeting.

RESOLVED THAT The Springville Journal be the official newspaper of the Town of Colden for the year 2013.

RESOLVED THAT ALL BOARDS receive a copy of the unapproved Board Minutes for public review within ten business days from the date of such meetings. (Open Meetings Law 106) All Boards to receive a copy of the agenda 48 hours prior to the meeting.

RESOLVED THAT the Town Board will hold a work session the first Thursday of each month at 6:00 pm at the Town Hall. If a work session is not necessary and the Town Board does not meet it will be posted on the front door of the Town Hall.

RESOLVED THAT **Michael Schneider & Paul Sobkowiak** be appointed Constables to the Justices for the year 2013. **Robert Chilson** to be appointed as assistant Constable when regular constables are not available. All Constables to serve with compensation of \$16.91 an hour to be paid bi-weekly. (Duties-Court time, Special Events)

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Supervisor Hoffman asked to have an addition to list the Emergency Manager under the employee's Blanket Bond contingent on the approval of the Insurance Agent.
MOTION made by Supervisor Hoffman and seconded by Councilman Pietraszek and unanimously approved Page 1 of the 2013 Organizational Meeting.

Page 2 Read by Councilman Pietrasek

RESOLVED THAT **Ronald Bennett** be appointed contractually as Attorney for the Town in accordance with Section 20 (2) (b) to serve as needed at a fee of \$150.00 per hour for general municipal legal services and \$195.00 per hour for court municipal litigation. 2 year term ending December 31, 2013.

RESOLVED THAT **Michael & Deborah Barone** be appointed as Town Prosecutors at a rate of \$100 per hour.

RESOLVED THAT **Mark Adamchick** be the Certified Public Accountant for the Town of Colden for the year 2013 at \$4,800.00 per year.

RESOLVED THAT **Christina Kerlin** be appointed as Highway Account Clerk Typist at a salary of \$2,491.00 yearly to be paid bi-weekly.

RESOLVED THAT Supervisor Hoffman appoints **Peggy O'Brien** as Secretary to the Supervisor at a salary of \$23,830.00.

RESOLVED THAT Town Clerk appoints **Carolyn Maybach** as Deputy Town Clerk at a salary of \$21,089.00.

RESOLVED THAT **Christina Kerlin** be appointed as the Record Access Officer to accept and receive all FOIL requests

RESOLVED THAT **Christa Pouthier** be appointed as Dog Control/Dog Census Officer with a salary of \$4,441.00 yearly to be paid bi-weekly. The D.C.O. shall assume responsibility for preparing a report of appraisal for damage due to Domestic Animals. According to town code for Kennel & other fees and shall be compensated for mileage at \$.55.5 per mile.

RESOLVED THAT **Matthew Pouthier** be appointed as assistant to the DCO with a salary of \$1545.00 per year. Position to oversee and submit dog census information to the Town Clerk.

RESOLVED THAT the **DCO** be authorized to accept and obtain all information and certificates pertaining to the licensing of a canine in order to release a seized canine to the owner outside of regular business hours. All information and certificates collected will be turned over to the Town Clerk on the next regular business day for processing.

RESOLVED THAT **John Kotlarsz** be appointed as Code Enforcement Officer in charge of Zoning & Enforcement with a salary of \$11,330.00 yearly to be paid bi-weekly.

RESOLVED THAT **Gregory Adams** be appointed as Assistant Code Enforcement Officer regarding Zoning and Enforcement with a salary of \$3,605.00 yearly to be paid bi-weekly.

RESOLVED THAT **John Mary** be appointed as Assistant Code Enforcement/Fire Inspection Officer under the Supervision of the Code Enforcement Officer with a salary of \$2,060.00 yearly to be paid bi-weekly.

MOTION made by Supervisor Hoffman and seconded by Councilman Zurbrick and unanimously approved Page 2 of the 2013 Organizational Meeting.
On the question Councilman Arcara asked for more reports from the DCO on better tracking of dogs that are not up to date with their license.

Page 3 Read by Councilman Arcara

RESOLVED THAT **Raymond Wozniak** be appointed as Water Worker at a rate of \$23.11 per hour to be paid bi-weekly.

RESOLVED THAT **David Kummer** be appointed Town Maintenance Worker to be paid a set hourly rate of \$23.11 per hour as needed with no benefits. Employee to be paid at first payroll following service rendered.

RESOLVED THAT **Gerry Pietraszek** be appointed Water Administrator at an annual rate of \$144.00 to be paid bi-weekly.

RESOLVED THAT **Kimberly Reichert** be appointed as Water District Clerk at an hourly rate of \$11.59 per hour to be paid bi-weekly

RESOLVED THAT **Richard Sheldon** be appointed to the Planning Board, with said term to expire on December 31, 2018.

RESOLVED THAT **Roy Bergman** be appointed as Planning Board Chairman, **James Reichert** be appointed as Zoning Board of Appeals Chairman, **Michelle Roberts** be appointed as Environmental Board Chairman.

RESOLVED THAT **Ronald Fraser** be appointed as the Chairman of the Hydro-Fracking Committee.

RESOLVED THAT attendance at board sessions is an essential responsibility of board members. Failure to attend 70% of sessions is grounds for revocation of appointment. Similarly, failure to meet minimum standards for annual training as established by State Law is considered cause for removal.

RESOLVED THAT **Sarah Heimburg** be appointed as secretary of the Board of Assessment Review, Planning and Environmental boards with a wage of \$11.59 per hour. Minimum payment one hour to be paid bi-weekly.

RESOLVED THAT **Sarah Heimburg** be appointed as secretary of the Zoning Board of Appeals with a wage of \$11.59 per hour. Minimum payment one hour when the Board meets to be paid bi-weekly.

RESOLVED THAT the Town of Colden Tax Assessor be authorized to re-levy any unpaid water bills to be submitted prior to November 20th of each year.

RESOLVED THAT **Frances Smith** be appointed as substitute secretary to the Planning Board, Environmental Board and Water Committee with a wage of \$12.72 per hour. Minimum payment one hour to be paid bi-weekly.

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MOTION made by Supervisor Hoffman and seconded by Councilman Arcara and unanimously approved Page 3 of the 2013 Organizational Meeting

Page 4 Read by Councilman Murphy

This next appointment was to be made in September of 2012, but will be made at this time because this board meets in June. The Town Clerk shall notify the County of this appointment.

RESOLVED THAT **Jill Masset** be appointed on the Board of Assessment Review with said term to expire on September 30, 2017.

RESOLVED THAT **Cheryl Post** be appointed as court clerk with a wage of \$11.25 per hour. Minimum payment one hour to be paid bi-weekly. Plus mileage.

RESOLVED THAT **Rene Bystryk** be appointed as court Clerk with a wage of \$ 12.35 per hour. Minimum payment one hour to be paid bi-weekly.

RESOLVED THAT **Paula Bielat** be appointed as Court Stenographer with a wage of \$100.00 for three hours worked to be paid contractually.

RESOLVED THAT **Kip Palmateer** be appointed as Recreation Supervisor at a yearly salary of \$10,228. to be paid bi-weekly with no benefits.

RESOLVED THAT **Tina Mary** be appointed as Recreation Assistant Supervisor at a yearly salary of \$5,114.00 be paid bi-weekly with no benefits.

RESOLVED THAT **Jamie Ruhland** be appointed as Recreation Assistant Supervisor at a yearly salary of \$4,635.00 to be paid bi-weekly with no benefits.

RESOLVED THAT **Tere Feidt** be hired as Parks Department employee at a rate of \$16.28 per hour and **David Kummer** be appointed as part time Parks Department employee at a rate of \$11.25 per hour for snow removal from sidewalks.

RESOLVED THAT **Lynda Easton** be hired as part time cleaner for the Senior Center and the Town Hall at a rate of \$ 11.59 per hour.

RESOLVED THAT **Laura Shrems** be hired as part time substitute cleaner at a rate of \$11.25 per hour for the Senior Center and Town Hall.

RESOLVED that **Kenneth Heiler** be appointed to the Northeast South Towns Solid Waste Management Board and Director of Veteran Affairs.

RESOLVED that **Jodi Feidt** be appointed as Disaster Coordinator, and **Paul Clarkson** be appointed as Assistant Disaster Coordinator.

RESOLVED THAT **Christina Kerlin** be appointed as Registrar of Vital Statistics at a salary of \$491.00 yearly to be paid bi-weekly. (This term runs concurrent with the Town Clerk term which expires in 12/31/15.)

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MOTION made by Councilman Pietraszek and seconded by Councilman Zurbrick and unanimously approved Page 4 of the 2013 Organizational Meeting

Page 5 Read by Councilman Zurbrick

WAGES & SALARIES

RESOLVED THAT HOURLY Employees be paid the following salaries, commencing January 1, 2013 to be paid bi-weekly unless otherwise noted:

Motor Equipment Operators	\$22.66 per hour
Skilled Laborers	\$10.50 – 14.20 per hour new employees at Bottom of scale
Recreation Workers	up to \$8.74 per hour
Tennis Instructor	up to \$10.50 per hour
Umpires & Referees	\$15-\$18 for Soccer and \$12 for Baseball \$15 Floor Hockey
Court Steno	\$100.00 per 3 hrs./min.3 hr.
Board of Assessment Review	\$8.00 per hr. or \$50.00 a day for school/ review (which ever is greater)

Page 6 Read by Supervisor Hoffman

RESOLVED THAT the Supervisor be authorized to invest any surplus monies and tax monies as prescribed by law, wherever most advantageous rates are available.

RESOLVED THAT pursuant to Section 118 of NY Town Law the Town Board authorizes payment of claims presented to the Town Board and such voucher shall be accompanied by a statement by the officer who originates the claim that he approves the claim and the services were actually rendered or supplied and the equipment actually delivered in lieu of the verification of the creditor.

RESOLVED THAT pursuant to Section 118 of NY Town Law the Town Board may permit the Supervisor to pay claims for public utilities, insurance, debt service, postage, freight and express charges, before they are audited or reviewed by the Town Board.

RESOLVED THAT the Highway Superintendent be requested to present with all vouchers, signed invoices showing who received what material and on what date.

RESOLVED THAT all officers be permitted to attend meetings of a legal nature and be reimbursed for the costs. Conferences should be told to the town board prior to attendance. Dues for national, state and county associations shall be paid by the Town of Colden from General Funds.

RESOLVED THAT all employee reimbursement requests are submitted within 60 days of said expenditures to be eligible for payment within the budgetary year.

RESOLVED THAT any official using his automobile on Town Business shall be reimbursed on the basis of \$.55.5 per mile, upon submission of a duly executed voucher, stating the date, reasons for travel and the number of miles. That food allowance for employees who attend business meetings or seminars for the town of Colden be allowed to \$70.00 per day. Food Allowance for NY City will be \$125.00 a day. Receipts will be required for reimbursement.

RESOLVED THAT Meals on Wheels volunteers for the Town of Colden be reimbursed on the basis of \$.55.5 per mile, upon submission of a duly executed voucher, stating the date(s) and number of miles.

RESOLVED THAT the Tax Collector & Town Clerk retain a petty cash fund of \$100 each during 2013, Supervisor retain a petty cash fund of \$200 during 2013, Water District Clerk retains a petty cash fund of \$150.00

RESOLVED THAT the Town Clerk retain a petty cash fund of \$100 during 2013 for collection of Water District Payments.

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MOTION made by Supervisor Hoffman and seconded by Councilman Zurbrick and unanimously approved Page 6 of the 2013 Organizational Meeting
On the question Councilman Arcara asked that as far as the mileage goes Town employees who use their vehicles try to use them more wisely to cut down on the amount of trips needed for Town business.

Page 7 Read by Councilman Pietaszek

RESOLVED THAT the Supervisor be authorized to pay the bills for all funds including payroll and the Town Board shall audit the bills every month prior to the Town Board meeting.

RESOLVED THAT the Supervisor shall submit to the Town Clerk within 60 days after the close of the fiscal year a copy of the report sent to the State Comptroller as required by Section 30 of the General Municipal Law; and thereafter a summary of such report to be published pursuant to law. Upon written request from the chief fiscal officer, the comptroller may extend the period for filing such report for an additional sixty days.

Various other appointments that do not need board approval.

Historical Society Inc.

David Freeman

Frank Hrycik

Richard Sheldon

David Schrader

Dale Blair

I appoint **David Freeman** as Town Historian

I appoint **Kenneth Hieler** Director of Veteran Affairs

I appoint **David Arcara** as Affirmative Action Office

Town Law Section 6 authorizes the Supervisor to appoint solely in his or her discretion, committees consisting of the members of the Town Board. Since the Supervisor has the discretion in regards to the creation of these committees as well as appointment of a Town Board member, the Supervisor also has the discretion of which matters are referred to the committees.

The following committees for the year 2013 appointed by the Supervisor:

Buildings & Insurance	Councilman Murphy
Cable	Councilman Arcara
Highway & Park	Superintendent Clarkson
Planning	Councilman Pietraszek
Environment	Councilman Arcara
Community Development	Councilman Zurbrick
Libraries	Councilman Murphy
Solid Waste	Councilman Murphy
Youth/Adult Recreation	Councilman Zurbrick
Street Lighting	Councilman Zurbrick
Personnel Policy	Councilman Zurbrick
Dogs	Councilman Arcara
Water District	Councilman Pietraszek
Emergency Manager	Jody Feidt

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MOTION made by Councilman Pietraszek and seconded by Supervisor Hoffman and unanimously approved Page 7 of the 2013 Organizational Meeting.

Page 8 Read by Councilman Arcara

Planning Board (7 - 7 Year Appointments)

Meets the 3rd Tuesday of each month at 7:00 pm

John Antkowiak	December 31, 2017
Walter Kammer	December 31, 2018
Richard Sheldon	December 31, 2019
Linda Kotlarz	December 31, 2013
Frank Hrycik	December 31, 2014
Roy Bergman	December 31, 2015
George Reinhardt	December 31, 2016

Zoning Board of Appeals (5 - 5 Year Appointments)

Meets the 3rd Thursday of each month at 7:00 as necessary

Barry Vienza	December 31, 2015
James Reichert	December 31, 2016
Peter Frank	December 31, 2017
Sarah DesJardins	December 31, 2014
Susan Douds	December 31, 2014

Environmental Board (2 year appointments)
Meets the 1st Tuesday of each month at 7:00 pm

Ronald Fraser	December 31, 2014
Jennifer Okal	December 31, 2014
Michelle Roberts	December 31, 2014
Craig Bouquin	December 31, 2013
Deborah Pasco	December 31, 2013

Assessment Board of Review (5 yr.)

John Pasco	Sept. 30, 2015
Craig Bouquin	Sept. 30, 2016
Jill Masset	Sept. 30, 2017
Shirleymarie Sheldon	Sept. 30, 2013
Gregory Adams	Sept. 30, 2014

Hydro-Fracking Committee

Committee meets each 2nd Wednesday and 4th Tuesday of each month.

Ronald Fraser
James Reichert
Jeanette Geckler
Linda Thomas
John Antkowiak

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MOTION made by Councilman Arcara and seconded by Supervisor Hoffman and unanimously approved Page 8 of the 2013 Organizational Meeting.

REGULAR TOWN BOARD MEETING COMMITTEE REPORTS

BUILDING & INSURANCE COMMITTEE REPORT

Councilman Arcara reported finding a 30 year warranty on the shingles for the Senior Center Roof and will follow up with Jamesson Roofing on a workmanship warranty.

Supervisor Hoffman said that we need to find a workmanship warranty to see if it states a 3 to 5 year warranty on the Senior Center Roof.

CABLE REPORT

Councilman Arcara reported Time Warner Cable Representative Sharon Hanson will report to him about the individuals who requested cable on Irish Road along with setting up cable service to the Highway Garage when she returns from vacation next week..

HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported a tree down on Holland Glenwood Road.

ADULT RECREATION & PARKS

No report

PLANNING BOARD

No Report

ENVIRONMENTAL BOARD

No Report

COMMUNITY DEVELOPMENT REPORT

No Report

PERSONNEL REPORT

Councilman Zurbrick reported changes had been made to the personnel policy and once updated the policy will be presented at the February Town Board meeting.

SOLID WASTE COMMITTEE REPORT

No Report

NEST

No Report

LIBRARY REPORT

No report

STREET LIGHTING REPORT

No report

DOG CONTROL OFFICER REPORT

No Report

CODE ENFORCEMENT OFFICER REPORT

Report for the month of December – Bldg. Insp/Code Enf. Officer, John Kotlarsz reported that there were:

- 2 Building permits issued
- 1 Certificate of Occupancy
- 3 Certificate of Compliance

Building Report for the year 2012:

- 51 Building permits
- 2 New Homes
- 4 Certificates of Occupancy
- 59 Certificate of Compliance
- 7 Order to Remedy
- 11 court days

Total for the year 2012 the amount was \$958,374.worth of work

WATER COMMITTEE REPORT

Councilman Pietraszek reported Stephan Consulting was unable to come out for the leak detection due to weather conditions rescheduled hopefully for next week .

HYDRO-FRACKING REPORT

No Report

DIRECTOR OF VETERANS AFFAIRS

No report

Councilman Murphy will be picking up the finished engraved bricks for the Memorial Walkway in the Veterans Park.

EMERGENCY MANAGER REPORT

No report

Councilman Zurbrick completed the ICS 100 training she will submit her certificate to Emergency Manager Jody Feidt.

OLD BUSINESS

Request to be on the Agenda Form

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy to approve the Request to be on the Agenda Form on the question Councilman Zurbrick said this form conflicts with what was stated at the organizational meeting where the board resolved 72 hours notice to be put on the agenda this form states the Friday before the next town board meeting which is more than 72 hours notice and we are going to set a time limit.

Supervisor Hoffman said we can change from the end of the Friday workday to Monday morning we need to set some kind of decorum for the meetings other towns have limits. Councilman Murphy said this will give some control at the Town Board meetings.

Councilman Arcara asked if the Supervisor would decide if a person could be placed on the agenda and he thought the form was not necessary.

Councilman Pietraszek said that would be somewhat subjective if you are deciding who could be on the agenda or not.

Supervisor Hoffman said it depends on what people would like to talk about and she prepares the agenda if it is related to town business you cannot deny someone. The form can be submitted in person or over the phone to the Town Clerk and turned over to the Supervisor for approval.

Discussion continued on the Request to be on the Agenda Form.

On the Vote: Councilman Arcara – no
 Councilman Pietreszak – yes
 Councilman Zurbrick – no
 Councilman Murphy – yes
 Supervisor Hoffman - yes

NEW BUSINESS

None

RESOLUTIONS

None

BUDGET TRANSFERS

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

2012 Highway Budget Transfer Request

\$13,137.00 from account DA5142.4 Transfer \$ 3,004.00 into account DA5130.4
Transfer \$10,133.00 into account DA5110.4

TOWN CLERK REPORT

None

SUPERVISOR'S REPORT

Supervisor Hoffman recognized Colden Veteran Leonard Krajewski he was in the Buffalo Newspaper for receiving his High School Diploma.

The new representative from Sheriff Howard's office is Mr. Dan Centinello, Special Assistant to the Sheriff, if there are any requests, commendations, or concerns pertaining to Law enforcement services provided to the Town of Colden he is the one to contact.

Supervisor and Town Clerk are still researching E-Code to be placed on the Towns Website. A representative from General Code will be at the February workshop presenting a demonstration on the benefit for providing the Town Code online.

Modern Disposal Voucher

Supervisor Hoffman asked the board how they would like to handle the outstanding voucher for the port-a-potty's that were rented for the Sunkist Hills Festival not sure how or why the Town was billed but Modern Disposal needs to be paid.

Councilman Murphy said he was going to vote no but that Councilman Pietraszek brought up a good point that the Town has an obligation to pay the bills and if we pay the bill now and have the Festival Committee reimburse the Town when they have there next Festival. We need to pay the bill and find out from the State in writing if the Town can contribute to celebrations.

Councilman Zurbrick said she agrees the bill needs to be paid.

The Town Board agreed to pay \$175.71 to Modern Disposal for the port-a-potty's Billed to the Town of Colden.

PAY BILLS

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

General Fund Warrant Voucher #2012-509 to #2012-527	\$ 4,695.23
Highway Fund Abstract Voucher #2012-139 to #2012-153	\$20,973.78
Lighting District Voucher #2012-22	\$ 515.37
Refuse District Voucher #2012-38	\$16,083.36
Water District Voucher #2012-56 to 2012-57	\$ 4,573.27
General Fund Warrant Voucher #2013-01 to #2013-12	\$ 6,374.99
Highway Fund Abstract Voucher #2013-01 to #2013-02	\$ 1,612.28

Vote: Councilman Arcara – yes
Councilman Pietraszek – yes
Councilman Zubrick – yes
Councilman Murphy – yes
Supervisor Hoffman – yes

PRIVILEGE OF THE FLOOR

Bernie Horschel commented on the Request to be on the Agenda Form versus 72 hour's notice to be put on the Agenda.

Inquired why no one was interviewed for the various boards as had been done in the past.

Supervisor Hoffman said she talked with the chairman's of the various boards and that all board members sent in letters requesting to keep the positions they held on the various boards.

Ken Heiler had a comment on monetary contributions to organizations and festivals and mileage reimbursement for Meals on Wheels drivers.

Supervisor Hoffman said the Town Board Books for the Supervisor/Bookkeeper, Town Clerk/Tax Collector and Town Justices are on the table for review.

ADJOURN

Supervisor Hoffman adjourned the meeting at 8:00 pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk

