

TB Mtg July 11 2013  
TOWN BOARD MEETING  
COLDEN TOWN HALL – July 11, 2013

MEETING CALLED TO ORDER AT 7:00pm

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  
Highway Superintendent Paul Clarkson  
Bldg. Insp/Code Enf. John Kotlarsz  
Asst. Bldg. Insp/Code Enf. Officer Gregory Adams  
Town Clerk Christina Kerlin  
Approximately 30 residents

MINUTES

MOTION made by Supervisor Hoffman and seconded by Councilman Arcara and unanimously approved to accept the minutes of the June 13, 2013 Town Board Meeting, and June 27, 2013 Special Town Board Meeting. On the question Councilman Arcara asked for a correction to the spelling of Brenden Arcara's name.

Amend June Abstract

MOTION made by Councilman Pietraszek and seconded by Councilman Murphy and unanimously approved to amend the June Highway Abstract from \$41,965.08 to \$41,776.74 a difference of \$188.34.

EMERGENCY MANAGER REPORT

Jody Feidt reported the first training course on Workplace Violence, Blood Borne Pathogens and Harassment Policy was held for recreation employees the next course will take place sometime in September.

The policy for the HAZCOM will be submitted to the Supervisor for review.

Notebooks with Material Safety Data Sheets will be placed at the Highway Garage, Senior Center and Town Hall.

Health Department has updated information on the increase of Bats having rabies if you come in contact with a bat call the Erie County Health Department at 961-6800 during business hours or 961-7898 after hours.

Colden Well Being Presentation Paula Calleri gave a powerpoint presentation on Hydrofracking the report is on file in the Town Clerk's office. The following is an outline of what was covered in the presentation.

- A. Introduction
- B. Regulatory Impact at the State Government Level
  - a. Home Rule
  - b. Dryden & Middlefield
  - c. Restriction on regulating drilling process
- C. Role of the Town's Master Plans
  - a. Historical precedent
  - b. Absence of heavy Industrial zoning
- D. Input from Town Residents
  - a. Mailer response
  - b. What residents want
- E. Hydrofracking Committee Report Conclusions
- F. Data About Fracking
  - a. Basic difference between conventional and HVHF
  - b. Colden Qualities and Overview of Potential Fracking Consequences
- G. Implications for Colden
  - a. Responsibility
  - b. Litigation
  - c. Conclusion

#### BUILDING COMMITTEE REPORT

Councilman Murphy reported the utility sink at the Town Hall has been repaired. Sahlems Roofing will be out to do repairs to the Senior Center roof.

#### INSURANCE COMMITTEE REPORT

Councilman Arcara asked if there are any updates or changes to the employees' health insurance coverage. Councilman Murphy said not that he is aware of.

#### CABLE COMMITTEE REPORT

Supervisor Hoffman said that she is trying to expand cable service in the Town and Senator Patrick Gallivan has come across some grant money through Connect NY for the expansion of cable service on Heath Road and Darien Road.

#### HIGHWAY & PARKS REPORT

Highway Superintendent Paul Clarkson reported that they are spot patching roads and tentatively scheduled for Monday July 22<sup>nd</sup> to start oil and chipping the roads weather permitting. Mowing along the road sides are almost complete.

Erie County Snow Removal Contract talks have been delayed updates to follow.

#### YOUTH & ADULT RECREATION

Councilman Zurbrick submitted the names of the employees who attended the mandatory training on June 18th. Youth recreation field trips are scheduled for Lasertron July 19<sup>th</sup> and Evangola Beach July 26<sup>th</sup>.

#### PLANNING BOARD REPORT

Councilman Pietreszek reported that the Planning Board held a workshop on Hydrofracking and how they will address the issue.

#### ENVIRONMENTAL BOARD REPORT

Councilman Arcara reported that the Environmental Board submitted their recommendation on High Volume Hydraulic Fracturing within the Township of Colden. Town Board will discuss the report at their next workshop.

#### COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported the Scenic Byway Sign was installed today by the flagpole. The Colden Senior Committee made a motion at their last meeting not to except the donation of exercise equipment.

Councilman Zurbrick will attend the upcoming East Aurora Chambers meeting on Wednesday July 17<sup>th</sup>.

#### PERSONNEL REPORT

Councilman Zurbrick reported that the Personnel Policy will be e-mailed to Town Attorney Ronald Bennett for review.

#### SOLID WASTE & NEST

Councilman Murphy reported the meeting that was scheduled for today was cancelled.

#### LIBRARY REPORT

Councilman Arcara reported that West Falls Library is on Summer Hours.

#### STREET LIGHTING

Councilman Zurbrick reported a meeting with a NYSEG representative who submitted a list of the 243 street lights in the Town of Colden not including the Historical Lights in Town.

Toured the Historic Light District and scheduled the replacement of the bulbs over the next few years.

Visit the NYSEG website for information on residential and commercial rebates on heating elements and appliances.

#### DOG CONTROL REPORT

Councilman Arcara reported 10 original dog license sold, 58 renewals and 1 purebreed license the Town received \$363.00 and \$97.00 surcharge to the State.

No information on the dog Census for this year.

#### CODE ENFORCEMENT OFFICER REPORT

Report for the month of June, 2013 – Bldg./Code Enf. Officer John Kotlarsz reported that there were:

- 7– Building Permits Issued
- 1 – Certificate of Occupancy
- 3 - Complaints

#### WATER COMMITTEE REPORT

Councilman Pietreszek reported Water Clerk Kim Reichert submitted an updated Colden Water Department Budget report for 2013.

Water Worker Greg Adams completed schooling and will be taking a final exam and then he will receive his designation.

Pilot valve was replaced behind the Town Hall the pressure test was done on the front of the valve and a leak was found. Highway Department will work with the Water Department on repairing the leak.

Supervisor Hoffman submitted a letter to NY Rural Water Association thanking Dan Tousley and the NYRWA Board the letter appeared in the AquaFacts Magazine.

#### HYDROFRACKING COMMITTEE REPORT

Chairman Ron Fraser said the Environmental Board passed a recommendation to support the ban on High Volume Hydrofracking. The Planning Board in his opinion is struggling with the Hydrofracking report and Ron has submitted to the Town Board a report of what the Planning Board has been discussing at their meetings.

#### VETERAN'S AFFAIRS

Ken Heiler will be sending out a letter to the Veterans in the Town to gain some support for the VFW organization.

Supervisor Hoffman suggested placing a box in the foyer for the collection of cell phones to be donated to the East Aurora VFW the cell phone are donated to US Troops.

OLD BUSINESS

Special Use Permit Inspection Follow-ups

A follow up letter has been received from FDH Engineering on the inspection of the SBA Tower located at Buffalo Ski Club essential stating the existing load configuration should meet or exceed all applicable standards and should therefore be considered safe.

A final report was submitted to the Town regarding the bridge at Buffalo Ski Club the bridge is deemed safe for heavier traffic on the bridge a full report is on file in the Town Clerk's office.

MOTION made by Supervisor Hoffman and seconded by Councilman Pietreszek and unanimously approved the Special Use Permit for the Bridge within Buffalo Ski Club.

MOTION made by Supervisor Hoffman and seconded by Councilman Zurbrick and unanimously approved the Special Use Permit for the SBA Communications Tower at Buffalo Ski Club.

NEW BUSINESS

Prescription Drug Drop Off Box

Supervisor Hoffman said a Prescription Drug Drop Off Box and a Temper Proof Box for Syringes will be placed in the Town Hall. The Erie County Sheriff's Department will be responsible for emptying out the boxes once a month.

RESOLUTIONS

None

BUDGET TRANSFERS

Highway Budget Transfer

Transfer \$387.81 from – DA5130.4 Machinery Contractual  
Into – A3310.4 Traffic Control Contractual

MOTION made by Supervisor Hoffman and seconded by Councilman Zurbrick and unanimously approved the budget transfer of \$387.81 from DA5130.4 to A3310.4.

TOWN CLERK REPORT

None

SUPERVISOR'S REPORT

Supervisor Hoffman reported that at last month's Town Board meeting it was stated that the Historic Light electric charge will be added to the EC Comptroller for monthly payment that will start effective July 1, 2013.

A call was received from Cindy Gow looking to use the Town Hall Court Room to tutor a student over the summer months. Councilman Arcara was going to look into the Town Facilities being used for such matters.

PAY BILLS

Motion made by Supervisor Hoffman and seconded by Councilman Pietreszek and unanimously approved to pay the following bills. On the question Councilman Arcara asked to hold off on General Fund voucher 2013 - #277 until the proper documentation has been attached to the voucher.

General Fund Warrant Voucher #2013-250 to #2013-292	\$11,632.25
Water District Warrant Voucher #2013-37 to #2013-41	\$ 6,535.12
Refuse District Warrant Voucher #2013-33 to #2013-35	\$49,001.44
Lighting District Warrant Voucher #2013-11 to #2013-12	\$ 1,770.66
Highway Abstract Warrant Voucher #2013-71 to #2013-82	\$ 52,702.13

PRIVILEGE OF THE FLOOR

Highway Superintendent Paul Clarkson asked for clarification on the highway doing work for the water department.

Councilman Pietraszek said that the Water Department will bill the Highway Department for work done.

Many residents came forward and expressed their concerns against Hydro-Fracking in the Town of Colden and the Towns various board members not wanting to sign the Towns Financial Disclosure form indicating whether there is a conflict of interest:

Linda Thomas a member of Colden Well Being and Hydro-Fracking Committee.

P.J. Fraser a member of Colden Well Being.

Scott Roberts a Health Professor at Buffalo State College.

Craig Bouquin

Irene Barone a former resident of Love Canal.

Lawrence Callari

Ron Fraser

Jeanette Geckler

Dr. Lisa Brothwell

Marilyn Calhoun Allen asked if the Town Board considered a referendum to be held in the November election on the issue of Hydro-Fracking in the Town of Colden

Councilman Arcara asked Attorney Ron Bennett if he would explain how a referendum works.

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.

ADJOURN

MOTION made by Supervisor Hoffman and the Board unanimously approved to adjourn the meeting at 8:22 pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk