

TB Mtg June 13, 2013  
TOWN BOARD MEETING  
COLDEN TOWN HALL – June 13, 2013

MEETING CALLED TO ORDER AT 7:03 PM.

SUPERVISOR HOFFMAN OPENED THE MEETING WITH THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE IN MEMORY OF MABEL N. HUBER AND MARGIE VOUGHT.

PRESENT:

Councilman David Arcara  
Councilman Gerald Pietraszek  
Councilman Patricia Zurbrick  
Councilman Patrick Murphy  
Supervisor Annie Hoffman

ALSO

PRESENT: Highway Superintendent Paul Clarkson  
Bldg. Insp./Code Enf. Officer John Kotlarsz  
Asst. Bldg. Insp./Code Enf. Officer Gregory Adams  
Town Clerk Christina Kerlin  
Approximately 21 residents

MINUTES

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy to approve the minutes of the May 2, 2013, Workshop and May 9, 2013 Regular Town meeting and the June 6, 2013 workshop as presented by the following vote.

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

On the question Councilman Zurbrick said for the record at the May 2, 2013 workshop it was stated that phone calls were made to approve the purchase of a new flag pole. Councilman Zurbrick said she only received e-mails and that she stated she was concerned about the way the approval for the flag pole was being handled and did not receive a phone call. Supervisor Hoffman said she contacted the Town Board on the purchase of a new flag pole some by e-mails and some with phone calls.

## 2012 DEPARTMENTAL/COMMITTEE REPORTS

### BUILDINGS COMMITTEE REPORT

Councilman Murphy reported the company that was to come out and inspect the Senior Center roof has backed out the company is concerned that it is a bigger job then they planned on.

The grant that was placed last year for exercise equipment for the Senior Center workout room has been denied looking into other ways of obtaining workout equipment. Councilman Zurbrick said she would check with the seniors to see what types of exercise equipment they would be interested in.

### INSURANCE COMMITTEE REPORT

No report

### CABLE COMMITTEE REPORT

No report

Councilman Arcara said that there are more options for high speed internet available with more satellites services offering wireless service and the coverage in the zones are getting larger. Many vendors are offering trial periods and various plans are available.

### HIGHWAY & PARKS REPORT

Highway Superintendent Paul Clarkson requested to amend the budget to include the additional \$10,753.00 to the “CHIPS” line DA5112.4.

### Road Signs

The State is requiring road signs to be upgraded with a new reflective power on the signs and the Town will have to be in compliance by the year 2015. Highway department will start replacing a few signs and will have to adjust for the upcoming budget to include for the replacing of signs. Paul will put together a list of road signs and the cost of the signs to be replaced.

### Erie County Snow Removal Contract

Erie County Snow Removal Contract is overdue and if the Towns and Erie County do not come to an agreement then Erie County will be doing the snow removal on Heath Hill Road, Boies Road, Darien Road, Falls Road and Lower East Hill Road. Erie County has paid the Town by lane mile to clear those Roads. The tentative agreement 5% over the next three years has not been approved. The Highway Association sent a letter to Erie County Executive Polancarsz in response to the latest offering. Highway Superintendent read the attached letter received back from Polancarsz in regards to the Highway Associations letter. The Highway Association will have a meeting Thursday June 20 to discuss the next step forward in the negotiations with Erie County. Letters are on file in the Town Clerks office.

Part Time Seasonal Workers

Highway Superintendent Paul Clarkson stated at last month's Town Board meeting he requested part time help not knowing that the position was not stated correctly. The part time position approved only working 19 ½ hours a week so he would like to amend the request to part time seasonal help so the 2 people he has hired can work up to 40 hours a week and overtime if needed. Paul said he would probably never need them to work overtime and if the weather is bad he can call the men off. The men would receive no benefits and cannot work more than 5 months out of a year and the money is in the budget. Having the 2 extra men on is needed for the safety of the road work being done in the town and the other various jobs being done by the highway department.

Supervisor Hoffman stated that you are hiring two full time employees for the Highway and that she would have to check Erie County personnel to see if there is a position as stated. Supervisor Hoffman said you are able to close down the roads in town if needed to repair them for the day by notifying Erie County.

Highway Superintendent Paul Clarkson said he is keeping the Town Board informed of what he is doing and he can hire and fire if need be and it is in his budget and he does not understand what the problem is with clarifying the position.

Supervisor Hoffman said the Town has 3 part time labor positions created already and would have to check with Erie County Personnel to see if the Town has a part time seasonal position.

Highway Superintendent Paul Clarkson explained where the money for the positions would come out of budget lines DA5110.1 general repairs personnel services skilled labor he has 300 hrs. at a rate of \$14.00 an hour and under DA5142.11 snow removal part time there is \$5,624.00 with a total of \$9,832.00 that is already in the budget for part time help. With a rate of \$9.50 an hour a total of 1035 hours leaves a total of 517 hours for each part time hire for 13 weeks at 40 hours a week.

Supervisor Hoffman said that the hires would have to be certified to be flagman under PESH not sure what the procedure is for certification.

MOTION made by Councilman Zurbrick and seconded by Councilman Pietraszek and approved to correct the motion from last month of part time workers to hire two part time seasonal workers at a rate of \$9.50 an hour with no benefits using what was stated in the budget.

On the vote: Councilman Arcara – abstained  
Councilman Pietraszek – yes  
Councilman Zurbrick – yes  
Councilman Murphy – yes  
Supervisor Hoffman - yes

**YOUTH & ADULT RECREATION REPORT**

Councilman Zurbrick reported soccer season is coming to a close only a few makeup games left due to weather cancellations.

The summer program has collected over \$4,200.00

Camp-Ska-No-Ka San field trip is filled up.

-Approve Summer Recreation Staff – MOTION made by Supervisor Hoffman, seconded by Councilman Arcara and unanimously approved to hire the following Summer Recreation Staff.

Hunter Berry	\$7.55/hour
Haley Palmateer	\$7.66/hour
Kalee Schreiber	\$7.40/hour
Kalei Brautlacht	\$7.40/hour
Haley DePasquale	\$7.40/hour
Eric Hopkins	\$7.40/hour
Elizabeth Vincent	\$7.40/hour
Sara Byrnes	\$7.40/hour
Michael Palmateer	\$7.25/hour

Tennis Instructors

Jesse Maeder	\$7.40/hour
Rebecca Macuiba	\$8.00/hour

**PLANNING COMMITTEE REPORT**

Councilman Pietraszek reported that the Planning Board met with the Town Attorney at the Senior Center for a clarification training session to go over some questions the Planning Board had on various matters.

2013 Planning and Zoning Summer schools are scheduled for the months of July and August nearest ones are in Bath on Friday, July 26 and in Syracuse on Friday, August 2. Town Clerk will forward the information to the various boards.

REVIEW SPECIAL USE PERMIT INSPECTIONS – Councilman Pietraszek gave the following report on the 11 Special Use Permit Inspections that took place on Saturday, June 1, 2013 with Councilman Pietraszek, Councilman Zurbrick, Planning Board Chairman Roy Bergman, Code Enforcement Officer John Kotlarsz and Asst. Code Enforcement Officer Greg Adams.

GORDON BENNETT – TOWER PERMIT

George Ribarich  
8097 Center Street  
Holland, New York 14080

- Type of Special Use Permit – Radio Permit
  - General Appearance –Fair
  - Appears tower is not in use.
  - Guy wires need better markings.
  - Tower is no longer in use and appears unstable.
- Conformity to SUP – Conditions minimally met.
- Recommendations – Remove tower because upper portion appears unstable

Hold Off Special Use Permit renewal until follow up inspection September, 2013

BUFFALO SKI CLUB

7556 Lower East Hill Road

- Type of Special Use Permit – Bridge Permit
  - General Appearance – Southeast pier has shifted away from the steel girder due to water pressure acting on its base
  - Conformity to SUP –
  - Recommendations – Immediately notify Buffalo Ski Club and

Christian Hulse P.E. of the unsafe condition. Bridge may need to be posted for lower specific load limit prior to repair.

Councilman Pietraszek has been in contact with Buffalo Ski Club and the engineer who have been out to look the bridge over. The response from the engineer to Buffalo Ski Club was the bridge has been deemed ok for personal vehicle use and as of inspection the pier was functioning as it should. The pier was re-positioned to its proper location. Could not give a maximum load number the engineer will be out in the next few days to give us the max load with and without the piers. Buffalo Ski Club will keep the town posted on the findings. They are currently requesting an extension of a permit from the DEC that would allow the club to put medium fill limestone around the pier, the current permit expired in 2011. The Fire Company has been notified regarding heavy truck usage will be restricted if there is a fire it will be a long haul for hoses.

Hold Off Special Use Permit renewal until follow up inspection September, 2013

FRANK HRYCIK

8698 Lower East Hill Road, PO Box 8, Colden, New York 14033

- Type of Special Use Permit – Junkyard Permit
  - Inventory of Vehicles – 27 vehicles
  - General Appearance – Fair Appearance.

- Fencing & Shrubs – Shrubs overgrown over much stored metal Items.
- Disposition of Oil – Good
- Conformity to SUP - Permit met

KLOIBER AUTO RECYCLING

David Kloiber  
10349 Darien Road  
Holland, NY 14080

- Type of Special Use Permit – Junkyard Permit
- Inventory of Vehicles – 467 vehicles 4 buses
- General Appearance – Good
- Conformity to SUP – Good
- Disposition of Oil – Good
- Recommendations – None

SOLLY BROTHERS

c/o Robert Solly  
9810 Blanchard Road, West Falls, NY 14170

- Type of Special Use Permit – Junkyard Permit
- Inventory of Vehicles – 6 vehicles
- General Appearance – Very Good, Barn in very poor condition but secure
- Conformity to SUP – meets conditions
- Disposition of Oil – N/A
- Recommendations – Monitor structural integrity of barn.

CARL'S TRUCKING & REPAIR

Carl W. Metzler  
8033 Lewis Road  
Holland, NY 14080

- Type of Special Use Permit – Automobile Sales & Service
- Inventory of Vehicles – 95 vehicles, 35 over the limit
- General Appearance – Crowded conditions. No environmental violations noted

- Conformity to SUP- Excess amount of vehicle. Permit limit to 60 unlicensed vehicles.
- Recommendations – Reduce number of vehicles. Clear rear, lower area of excess vehicles.

Hold Off Special Use Permit renewal until follow up inspection around September 1, 2013

GENE LONG “SECOND-HAND LIONS” – Retail Automobile Dealer License

8561 Falls Road  
West Falls, NY 14170

- Type of Special Use Permit – Automobile Sales & Storage
- General Appearance – Very Good, Clean
- Conformity to SUP – Meets Conditions
- Recommendations – None

SAIA COMMUNICATIONS

Tower on Holland Glenwood Road

- Type of Special Use Permit – Tower
- General Appearance – Very Good, Grass within fenced in area is very high
- Conformity to SUP – Visually meets conditions.
- Recommendations – Tower is to be inspected annually.

DR. GREGORY YOUNG – Tower Permit

8590 Phillips Road  
Holland, NY 14080

- Type of Special Use Permit – Tower
- General Appearance – Very Good, same as previous years
- Conformity to SUP – Meets conditions
- Recommendations – None

BUFFALO SKI CLUB – SBA TOWER

7556 Lower East Hill Road

- Type of Special Use Permit – Tower
- General Appearance – Good, fenced in, secure.
- Conformity to SUP – Meets SUP conditions

-Recommendations – Has safety inspection been done by a Structural Engineer in the last two years as stated in the permit.

KAEFER GRAVEL PIT

Al Kaefer – Wohlhueter Road, Colden, NY 14033

-Type of Special Use Permit – Gravel Pit

-General Appearance – Very good appearance. 5 pieces heavy equipment on site. Excavating along west face. Good revegetated areas, no erosion problems.

-Conformity to SUP – Meets permit conditions.

-Recommendations – None

MOTION made by Supervisor Hoffman, seconded by Councilman Zurbrick and unanimously approved to renew the above Special Use Permits for September 30, 2013 to September 30, 2014 with the exceptions to Hold Off Special Use Permit renewals for Carls Trucking & Repair, Gordon Bennett – Tower Permit and Buffalo Ski Club – Bridge Permit until follow up inspection around September 1, 2013.

MOTION MADE BY Supervisor Hoffman and seconded by Councilman Murphy and unanimously approved to renew the Special Use Permits for September 30, 2013 to September 30, 2014 for dog kennels that have submitted their letter as of this meeting.

ENVIRONMENTAL COMMITTEE REPORT

Councilman Arcara reported the Environmental Board reviewed the Hydro-Fracking Committee Report and are not ready to make a decision will discuss the report at their next meeting.

COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported Household Hazardous Waste Drop Off at ECC South Campus Saturday, June 15, 2013 from 9am to 2pm.

Colden Festival will take place Saturday, September 7<sup>th</sup> & Sunday, September 8<sup>th</sup>.

PERSONNEL COMMITTEE REPORT

Councilman Zurbrick reported interviews for Town Assessor took place prior to tonight's Town Board meeting there were two candidates interviewed the current Tax Assessor is retiring September 30, 2013.



Town Board received the changes to the personal policy which included:  
Vacation terminology, sick and personal leave days to reflect hours not days, health insurance benefits to those whose term of office is terminated by non-election or resignation, bringing child or non-employee to work, incident report and unpaid personal leave of absence.  
Town Board will review and discuss at a later date for approval and forward to Town Attorney.

#### SOLID WASTE & NEST COMMITTEE REPORT

Councilman Murphy reported letters have been sent from Waste Management informing residents of the Recyclebank Program.

#### LIBRARY COMMITTEE REPORT

Councilman Murphy reported new library hours are closed Thursday and Saturday now and until Labor Day open 10am to 12 noon on Fridays. New floor has been installed.

#### STREET LIGHTING

Councilman Zurbrick reported no street lights reported out for this month and a meeting will take place Friday June 14 at 10am in the court room with NYSEG representative Carl Webeck on LED lighting, grants and brainstorming on ideas that will be good for the Town.

#### DOG CONTROL REPORT

Councilman Arcara reported 12 original dog license sold, 54 renewals and 1 purebreed license for a total of \$469.00 the Town received \$367.00 and \$102.00 to the State.  
No information on the dog Census for this year.

#### CODE ENFORCEMENT OFFICER REPORT

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

- 11 Building Permits Issued
- 8 Certificate of Compliance
- 1 Day of School
- 2 New Builds

#### WATER COMMITTEE REPORT

Councilman Pietraszek reported that the leak behind the Town Hall is still unfounded a pressure test was done on the valves across and back and on the blow out relief valve which narrowed down a four foot section of water line or a valve is leaking. Greg Adams will be scoping up the pipe on Friday to explore the situation before any excavation is performed.

#### HYDRO-FRACKING REPORT

Chairman Ronald Fraser handed out Colden's Hydrofracking Committee: Status Report: The committee has met 10 days from October 2012 to April 2013. Report is on file in the Town Clerk's office.

Councilman Murphy thanked Chairman Ron Fraser for his time and effort and patience that he has shown.

#### VETERAN'S AFFAIRS

No report

#### EMERGENCY MANAGER REPORT

Jody Feidt reported the Recreation Department required training will take place sometime in July at the Colden Fire Department. The Highway Department and other Town employees required training will take place in the Fall.

Safety data sheets will be put together in a notebook and placed at the Senior Center, Town Hall and Highway garage.

#### OLD BUSINESS

Supervisor Hoffman asked the Town Board to approve \$500.00 for the advertisement of this year's Celebrate Colden Festival and Car Show and the Festival Committee will run an article in the Springville Journal.

Councilman Zurbrick asked what else the Town will provide besides advertisement of the festival.

Supervisor Hoffman said the Town will provide the advertisement and the Town has waived the Special Use Permit fee and has contacted Waste Management for the trash cans.

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy and unanimously approved the spending of up to \$500.00 to advertise the Celebrate Colden Festival and Music Event and Colden Fire Company Car Show.

On the question Councilman Arcara and Councilman Zurbick stated that they are both on the Colden Festival Committee and have no financial interest and it is completely volunteer.

#### NEW BUSINESS

##### Long Distance Faxes

Supervisor Hoffman said that residents are coming into the Town Clerks office to send out faxes and that last month the Supervisor noticed the long distance fees for 4/24/13 to 5/15/13 totaled \$95.74.

Town Board discussed residents sending long distance faxes and the fees that are occurred with them.

Supervisor Hoffman stated that the Town will no longer provide residents the service of sending long distance faxes and would not know how to go about charging for the sending of long distance faxes.

#### RESOLUTIONS

None

#### BUDGET TRANSFERS

##### Highway Budget Transfers

MOTION made by Supervisor Hoffman, seconded by Councilman Arcara and unanimously approved to transfer funds as follows:

FROM	DA9060.8	Medical Insurance	\$762.56
INTO	DA9040.8	Workers Comp.	\$762.56

#### TOWN CLERK'S REPORT

Free Fishing Days - There will be two free Fishing Days again this year. Saturday, June 29<sup>th</sup> & Sunday, June 30<sup>th</sup> have been offered by the DEC as "free" fishing days.

Town Board Workshop scheduled for July 4, 2013 cancelled due to Holiday.

#### PAY BILLS

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

General Fund Warrant Voucher #2013-193 to #2013-249	\$25,278.15
Highway Fund Abstract Voucher #2013-60 to #2013-71	\$41,965.08
Lighting District Warrant Voucher #2013-09 to #2013-10	\$ 1,766.80
Water District Warrant Voucher #2013-24 to #2013-36	\$16,627.59
Refuse District Warrant Voucher #2013-32	\$ 144.00

#### SUPERVISORS REPORT

Supervisor Hoffman reported that she has talked with Town Attorney Ron Bennett about the Financial Disclosure Statements that were to be handed in by May 15, 2013 from the various boards a reminder letter will be sent out to those who have not returned their forms.

#### PRIVILEGE OF THE FLOOR

##### Historical Lights

Supervisor Hoffman explained how the Historical Lighting district will be added to the Erie County Comptroller's office just like the Street lights and Town Buildings. NYSEG receives the delivery charge and the usage is billed to the Erie County Comptroller's office which receives a discounted price for the usage.

Town Park Bathrooms

Highway Superintendent Paul Clarkson said there has been problems at the bathrooms at the Town Park and would like residents to be aware if they notice any children fooling around in the bathroom areas maybe just check out the situation.

Vacant Property

Greg Culver voiced his concern on the way the Town Board responded to his request to look into reimbursing Denny Neureuther for having to clean up the underground lifts at the vacant property next to the Town Hall. Supervisor Hoffman stated that the DEC has a chain of title and that is why Denny Neureuther was responsible for cleaning up of the property.

Colden Festival

Greg Culver commented that the Festival Committee proposed and gave a formal letter based on previous years festivals asking for the Towns involvement and we were told it would be illegal for the Town to contribute to the festival. Now the Town will support the festival by giving the committee \$500.00 for advertising either the Town will support the festival or not give support.

Vacant Property

Marilyn Calhoun Allen said she agreed that the Town should have never taken down the building and when she asked for the Town to have a building taken down on Rt. 240 she was told the Town should not get involved with distress properties.

Colden Cemetery

Marilyn Calhoun Allen said as one of the Cemetery Board Directors she wanted to know why the Supervisors Secretary went to the Town Clerk and asked for the unapproved minutes of their last meeting when she did not even receive them yet.

Councilman Murphy said because he wanted the minutes and he said send them to me when they are approved then he handed over the minutes to Marilyn Calhoun Allen.

Concession Stand

Jim DePasquale stated that he is aware that the Town could not open the concession stand this year because of the collection of sales tax and it cost him \$4.00 dollars to buy two ice cream cones the other night at the Park. Jim was wondering how much compensation the Town receives from letting the gentlemen with the ice cream truck come to the Colden Park and use the concession stand.

Supervisor Hoffman said she was not aware of the man using the concession stand and Kip and Tina are in charge up there when the games are going on and the Town looked into various ways to have the concession stand open and had no success in finding a booster club or PTA to help with the process of collecting sales tax.

Town Sidewalks

Janet Dillsworth submitted a page to the Town Clerk from Highway Law referencing the maintaining of sidewalks and it states the Town is responsible for repairing the sidewalks. Janet asked the Town Board when the sidewalk in front of her house will be repaired.

Councilman Murphy asked did someone make a complaint.

Supervisor Hoffman said she was not aware of a problem with the sidewalk in front of her house. Janet Dillsworth showed her all the e-mails she has sent to the Supervisor and a response that she received from Ron Stokes.

Highway Superintendent Clarkson said he was not aware of a problem but would stop by and check out the needed repair to the sidewalk.

ADJOURN

MOTION made by Supervisor Hoffman and seconded by Councilman to adjourn the meeting at 9:34 pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk