

TB Mtg May 9,2013  
TOWN BOARD MEETING  
COLDEN TOWN HALL – May 9, 2013

MEETING WAS CALLED TO ORDER AT 7:05 pm.

SUPERVISOR HOFFMAN OPENED THE MEETING WITH A MOMENT OF SILENCE  
FOLLOWED BY THE PLEDGE OF ALLEGIANCE

ROLL CALL – 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  
Asst. Bldg. Insp/Code Enf. Officer Gregory Adams  
Town Clerk Christina Kerlin  
Approximately 22 residents

MINUTES

MOTION made by Supervisor Hoffman, seconded by Councilman Zurbrick and unanimously approved to accept the minutes of the April 4, 2013 Town Board Workshop and the April 11, 2013, Town Board Meeting.

OPEN PUBLIC HEARING for Colden Celebrate Inc. Festival 7:07pm.

Supervisor Hoffman opened the public hearing for the Colden Celebrate festival with all in favor at 7:07pm.

Marilyn Calhoun Allen asked if someone could explain the Colden Festival with regards to what will be going on at the festival and if the Town will be helping out.

Greg Culver said that there will be arts and crafts and music will take place at the Colden Country Inn.

Supervisor Hoffman closed the Public Hearing for the Colden Celebrate Festival with all in favor at 7:09pm.

REPRESENTATIVE FROM PATRICK GALLIVANS OFFICE

Supervisor Hoffman introduced Sue Johnson from Senator Patrick Gallivans office who will be observing the Town Board meeting

Sue Johnson Community Representative from Patrick Gallivans office explained that part of her duties are to come out to the community's to see if anyone needs any assistance with anything on a State basis and if there were any concerns with their constituents.

COLDEN WELL BEING

Roslyn Fishbaugh a member of Colden Well Being read a letter to the Town Board and shared the results from a survey that was mailed out a few weeks ago, 370 cards from residents were returned indicating a strong support for the effort to keep the town safe from water contamination, air pollution, increased traffic and noise, loss of views and aesthetics and declining property values. The response shows that a large number of our friends and neighbors are concerned about long term effects of unrestrained drilling into the land and water supplies. The letter is on file in the Town Clerks office. If anyone did not receive a brochure with the questioner there are some available at the Town Hall.

CELEBRATE COLDEN INC. HEARING

Supervisor Hoffman returned to the Public Hearing for Celebrate Colden Inc. and the Town Board received the application and the committee met with the Planning Board and the Environmental Board and the Emergency Manager has met with Jim Howe. The Environmental Board went through the short SEQR and recommends the Colden Festival pending the issuance of the certificate of insurance naming Celebrate Colden Inc. as the insured as well as the service agreement for portable toilets.

Emergency Manager Jody Feidt has a lengthy application for property and road use for special events that she is working on with the Celebrate Colden Committee. Supervisor Hoffman said that will be something for the Town Board to address later.

Planning Board recommends approval of the Celebrate Colden Inc. contingent upon the following items are met copy of the portable toilet contract to be filed with the Town Clerk, a copy of Celebrate Colden Inc. Liability insurance certificate to be filed with the Town Clerk, compliance with Erie County Sanitation codes and submittal of a letter from the Code Enforcement Officer that he has reviewed the sanitation plans and the location of those stations should be clearly annotated and confirmed by the Code Enforcement officer. Confirmation by the Event Organizer that he and his committee will perform due diligence with respect to obtaining acceptable copies of all food vendor/truck Erie County health permits which allow operation in Erie County and the Town of Colden. The Planning Board has supplied a

courtesy copy of the Erie County Health “Event Organizer Packet” to a member of the Festival Committee who has supplied it to the Event Organizer for consideration and compliance.

Supervisor Hoffman stated that the Environmental Board and Planning Board have approved the Special Use Permit contingent that all the requirements are met.

MOTION made by Supervisor Hoffman and seconded by Councilman Pietraszek and unanimously approved the Colden Celebrate Inc. Festival contingent on all requirements listed are met.

On the question Councilman Zurbrick asked if the fee would be waived. Supervisor Hoffman said yes.

Councilman Arcara stated before he voted that he is member of the Colden Celebrate Committee and he has no financial gain in the festival.

Councilman Zurbrick said she is the secretary and volunteers on the committee and has no monetary gain from the festival.

Greg Culver stated that he realizes the Town cannot provide the port a potty for the festivals that have been done in the past but was wondering about Waste Management still donating the trash cans for use at the festival.

Supervisor Hoffman said she has contacted the port a potty company and has talked with Waste Management and they will help the Town with the garbage cans. Highway Superintendent Clarkson will help with the flags to be hung up and anything the Town can do they will certainly help the Festival out. Mounted police have been contacted as well.

#### DR. PAUL CONNELLY, SUPERINTENDENT OF SPRINGVILLE-GI SCHOOLS-BUDGET

Dr. Paul Connelly presented the Town Board with an overview of the Springville GI School Budget. The voting will take place on May 21, 2013. Dr. Paul Connelly said there are 1,895 students in the district with a 4% decrease each year and has no plans of closing Colden Elementary. Budget has a 1.01% tax levy increase and looking to implement a Family Support Center.

#### BUILDINGS COMMITTEE REPORT

Councilman Murphy reported that a company will be out to check on the Senior Center roof.

#### INSURANCE COMMITTEE REPORT

No Report

#### CABLE COMMITTEE REPORT

No report

HIGHWAY & PARKS REPORT

Award Gravel Bid – Highway Superintendent Clarkson said that he has received one gravel bid from Waterman Gravel and he will also use Gernatts and Buffalo Crush Stone for gravel products

MOTION made by Supervisor Hoffman, and seconded by Councilman Arcara and unanimously approved to award the gravel bid to Waterman Gravel Products.

PARK

Councilman Arcara said the Town Board received a letter from a resident complimenting the Highway Department on the job that was done to the drainage ditches at the Park.

YOUTH & ADULT RECREATION

Recreation Director Kip Palmateer reported soccer games have begun this week and will continue for the next 6 weeks.

Notification of funding from Erie County Youth Services Division for the Tennis program and the Babysitting course.

Requesting approval rates for the summer programs to be held this year, there was discussion on the various summer programs and resident and non-resident rates.

MOTION made by Councilman Zurbrick and Seconded by Councilman Murphy and unanimously approved the following summer recreation rates for resident and non-resident:

Colden Summer program	ages 4 to 12	\$25 resident/ \$40 non resident Resident family max \$70.00
Baseball/T-ball	ages 4-10	\$15, Family max \$40
Tennis		\$30 resident/\$45 non resident
Swimming		\$30 resident / \$40 non resident
Lasertron		\$20 resident/\$25 non resident
Camp Skanokason		\$10 resident/\$15 non resident
Evangola Beach		\$5 resident/\$10 non resident
Babysitting Course	ages 11-15	\$35 resident/\$45 non resident

PLANNING COMMITTEE REPORT

Councilman Pietraszek reported that at the last Planning Board Meeting they discussed the Colden Country Inn, Colden Celebrate Festival, and Town sidewalks.

Special Use Permit Inspections for 2012 – Councilman Pietraszek advised that Special Use Permit Inspections are scheduled for Saturday, June 1, 2012, starting at 9:00 am.

ENVIRONMENTAL COMMITTEE REPORT

Councilman Arcara reported that the Environmental Board discussed the Colden Festival and Creekbed Restoration.

Councilman Arcara thanked the Hydro Fracking Committee for their time and effort on the detailed report that was submitted.

#### COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported the Household Hazardous Waste Drop Off on May 18 at ECC North Campus from 9am till 2pm.

Colden Festival will be September 7<sup>th</sup> and 8<sup>th</sup> from 10am to 6pm.

#### PERSONNEL REPORT

Councilman Zurbrick has sent a PDF file to the Town Board members with changes to the personnel policy.

Supervisor Hoffman said that at the workshop the letters received from the various clerks on pay rates will be taken into consideration at budget time.

#### SOLID WASTE & NEST REPORT

No Report

#### LIBRARY REPORT

Councilman Murphy reported a new floor will be installed in the basement of the library and a plant exchange will take place this Saturday May 11 from 10am till 1pm. A schedule of upcoming events for June, July and August are posted on the board in the foyer.

#### STREET LIGHTING REPORT

No report

#### DOG CONTROL REPORT

Councilman Arcara reported the DCO has signed a Shelter Lease Agreement and is on file with the NYS Ag & Markets.

Free Rabies clinic will take place on May 29 at ECC South Campus from 4pm to 7pm. and on May 22 there is one taking place in Buffalo from 4pm to 7pm both sponsored by the Erie County Department of Health.

#### CODE ENFORCEMENT OFFICER REPORT

Bldg. Insp/Code Enf. Officer John Kotlarsz gave the following report –

- 9 Building Permits Issued
- 2 Certificate of Occupancy
- 1 Certificate of Compliance
- 1 Order to Remedy
- 2 Complaints
- 1 Day of School (Subject was Hoarding)
- Fire inspections are ongoing

Erie County Health Department has been at the Trailer Park twice there is a septic problem and letters have been sent to lot owners to stay away from the area where the septic is backing up. The trailer park is in the process of being sold.

#### WATER COMMITTEE REPORT

Councilman Pietraszek gave the following report water bills were sent out on the first of the month.

Leak detection took place May 3 from 2am to 6:30am a leak was found behind the Town Hall. Water was being lost at a rate of 10 gallons a minute. Excavation will start Friday May 10 in the morning at about 7am the water service will be out approximately six hours south and north of the Town Hall. Notification has been placed on the Town's website and in the future looking to try to setup a robo-call system to notify water customers.

#### HYDRO-FRACKING REPORT

Ron Fraser said the Hydro-Fracking report has been submitted to the Town Board and placed on the Town Website and on file in the Town Clerk's office.

Supervisor Hoffman said she will turn the report over to the Planning Board for their review of zoning and possible putting a Local Law in place on High Volume Hydro-Fracking.

#### VETERAN'S AFFAIRS

No Report

#### EMERGENCY MANAGER REPORT

No Report

#### OLD BUSINESS

Supervisor Hoffman received a follow up letter from SASI about their intent of establishing a group home on Holland Glenwood Road and is continuing working with the Town and the Emergency Manager and Fire Company's to insure safe ways of getting out of the house.

#### NEW BUSINESS

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy and unanimously approved the purchase of the refreshments and flowers for the Memorial Day Service.

Councilman Arcara attended a seminar on Housing Opportunities Made Equal the information he received was a booklet on A Guide to Landlord' Rights and pamphlets on Housing Discrimination and Choosing Good Tenants all material is available in the Town Hall foyer.

#### RESOLUTIONS

Supervisor Hoffman read the following resolution:

Town of Colden Resolution to Support the Erie County Assessor's  
Association  
regarding the proposed amendment to RPTL Section 102 (i)

**WHERE AS**, Fiber optic located on private property has been part of the Outside Plant roll section 6 assessments under Section 102 (i) of Real Property Tax since the 1980's. Which is consistent with the valuation of fiber cable located within the public right of way defined as Special Franchise property and,

**WHERE AS**, Amendments to Section 102 (i) of Real Property Tax in 1985 and 1987 were never intended to exclude fiber optic cable or other emerging technology from Outside Plant roll section 6 and,

**WHERE AS**, Until a recent decision by the Appellate Division , First Department removing fiber cable from Outside Plant roll section 6, fiber cable had been part of the Outside Plant assessment for over 25 years, and

**WHERE AS**, Across New York State hundreds of millions of dollars in tax base are in jeopardy of being lost creating a significant impact on the Town, County and School tax,

**NOWTHEREFORE, BE IT RESOLVED** That the Town of Colden hereby supports the Erie County Assessor's Association and respectfully request the New York State Legislature to amend Section 102 (i) of Real Property Tax Law to defining, include and memorialize fiber optic cable as part of Outside Plant for tax assessment purposes consistent with the intent of a 1986 amendment to Section 102. And which is consistent with the valuation of fiber optic cable as Special Franchise property.

Duly adopted this 9<sup>th</sup> day of May, 2013 by the following vote.

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

**BUDGET TRANSFERS**

None

**TOWN CLERK REPORT**

None

**SUPERVISOR'S REPORT**

Supervisor Hoffman read a Proclamation to the Town Clerk for Municipal Clerk's Week May 5 – 11, 2013.

Supervisor Hoffman said that the Town Board has been looking into background checks and it will be mandated for Towns. Colden has been doing background checks for the last five years as far as sex offenders.

Councilman Murphy has contacted the Sheriff's office who will now preform background checks on future Town employees for no fee.

Colden Assessor Ruby Bruce will be retiring at the end of September and the Town has received two applications for the Assessor position interviews will be set up for June 13, at 6pm.

#### PAY BILLS

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

General Fund Warrant Voucher #2013-143 to #2013-192	\$ 21,950.57
Highway Fund Abstract Voucher #2013-46 to #2013-59	\$ 17,688.26
Lighting District Voucher #2013-07 to #2013-08	\$ 1,967.15
Refuse District Voucher #2013-04 to #2013-31	\$ 18,349.76
Water District Voucher #2013-16 to #2013-23	\$ 7,673.79

On the Vote: Councilman Arcara - Yes  
Councilman Pietraszek – Yes  
Councilman Zurbrick – Yes  
Councilman Murphy – Yes  
Supervisor Hoffman – Yes

#### PRIVILEGE OF THE FLOOR

Linda Antkowiak asked Supervisor Hoffman for a copy of a document that was made reference to at a previous Town Board meeting from the State Comptroller's Office that prohibits the Town Board from supporting art festivals either financial or with in house services. Supervisor Hoffman told Linda that she may look at the book after tonight's meeting and the book was from a State Board of Mayor's and Supervisor's that refer to a list of rules of what a Town can or cannot do.

Greg Culver said he noticed Denny Neureuther has removed the lifts and has cleaned up the property next door to the Town Hall and would like the Town Board to consider reimbursing Denny Neureuther for his services. Since he was a previous owner of the property and the DEC went back on him to remove the lifts after the Town took down the building he thought the Town could at least do that.



ADJOURN

Supervisor Hoffman adjourned the meeting at 8:17 pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk

