

Approve TB Mtg Sept 12, 2013
TOWN BOARD MEETING
COLDEN TOWN HALL – September 12, 2013

MEETING CALLED TO ORDER AT 7:02 PM

SUPERVISOR HOFFMAN OPENED THE MEETING WITH A MOMENT OF SILENCE IN MEMORY OF MIKE HERBISON, KAREN RUNG, TED HROBOCINSKI AND RAYMOND EIGENBROD AND 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. Officer John Kotlarsz
Town Clerk Christina M. Kerlin
Approximately 20 residents

MINUTES

MOTION made by Supervisor Hoffman, seconded by Councilman Zurbrick and unanimously approved to accept the minutes of the August 8, 2013, Town Board Meeting, as presented.

ASSESSOR RUBY BRUCE

Supervisor Hoffman read a proclamation and Councilman Zurbrick presented flowers on behalf of the Town Board to Town of Colden Assessor Ruby Bruce who will retire on September 30, 2013 after 35 years of service to the Town.

BUILDING AND INSURANCE COMMITTEE REPORT

Councilman Murphy reported that 1 bid has been received for steam cleaning the rugs at the Town Hall will follow up with some more bids.

Senior Center Roof -

Action Roofing and Sahlems Roofing have both declined the job because it is too small waiting to hear from Big G's Roofing.

CABLE REPORT

Councilman Arcara is inquiring on a time table for the expansion of Time Warner Cable in the Town no definite answer has been given.

HIGHWAY & PARKS REPORT

Highway Superintendent Paul Clarkson reported that Maltby Road work is almost complete and will be stoned and chipped next week weather permitting.

Supervisor Hoffman said that there is still no contract between Erie County Department of Public Works and 25 Towns in Erie County for snowplowing.

YOUTH & ADULT RECREATION

Councilman Zurbrick gave the following report –

A fall/winter newsletter and flyer was printed announcing activities: Lacrosse, floor hockey and Santa crafts and cookie day for kids. Yoga and Zumba for adults.

MOTION made by Councilman Zurbrick and seconded by Supervisor Hoffman and unanimously approved the hiring of Jessica Wojtkowiak for the Lacrosse program at a rate of \$7.25/ hour.

PLANNING COMMITTEE REPORT

Councilman Pietraszek reported-

- A proposed 28 acre Picnic Grove on Center Street was discussed.
- Annual Special Use Permit inspections decreased by the Town Board and Code Enforcement will do the follow ups.
- Electronic Signs
- High Volume Hydrofracking discussion continues.

ENVIRONMENTAL COMMITTEE REPORT

No Report

Councilman Arcara reported the Source Water Protection Program in conjunction with the Town of Wales will be holding a meeting tentatively scheduled for, October 24 at the South Wales Fire Hall more information to follow at the next Town Board meeting.

Fall Recycle Day

Councilman Arcara reported the Annual Recycle Day will be held Saturday, November 2, 2013, from 8am – 12 noon, at the Town Highway Barn,
Electronics – No charge
Automotive & Marine Batteries – No charge
Tires – Passenger car/light truck/SUV - \$2.00each
Agricultural Type - \$10.00each

COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick received a letter this week from the Town Supervisors of Hamburg, Springville, and Lancaster about a debate on Industrial development.
A Scenic Byway Booklet was received the picture of the Buffum Inn looks very nice.
Colden Mill was giving tours on Saturday and Sunday during the festival which went well.

PERSONNEL REPORT

Councilman Zurbrick recommended to the Town Board an article in the Town & Topics on Preventing Employee Fraud, Theft, Waste and Abuse.

Town Attorney Ronald Bennett is reviewing the Personnel Policy.

SOLID WASTE REPORT

Councilman Murphy explained that if you have not signed up for the Waste Management Reward program you still can online or by phone.

LIBRARY REPORT

Councilman Murphy reported the Annual West Falls Library Book Sale and Hot Dog Roast on Saturday August 24, 2013 had a good turnout.

STREET LIGHTING REPORT

Councilman Zurbrick reported no new street lights out but the Historical Lights that were reported last month still have not been fixed. John Kotlarsz will replace the sensors on the Historical lights that need repair.

Spotlight for New Flagpole

MOTION made by Councilman Zurbrick and seconded by Councilman Arcara and unanimously approved to have John Kotlarsz relocate the spotlight on the new flagpole.

DOG REPORT

Report for the month of August, 2013 - Councilman Arcara reported a complaint of dogs left unattended outside on Holland-Glenwood Road, stray dog on Stanfield Road and an aggressive dog on Center Street.

CODE ENFORCEMENT OFFICER REPORT

Report for the month of August, 2013 – Bldg. Insp/Code Enf. Officer, John Kotlarsz gave the following report

- 7 Building Permits Issued
- 1 First Notice of Violation
- 1 Order to Remedy
- 1 Day of School
- 2 Phone Complaints

Complaint received for 7852 State Road vacant house has gone all summer without any grass cutting is an eyesore in the community. John Kotlarsz stated that the house is in foreclosure and last year the bank did have someone cutting the grass. The Town could cut the grass and apply the payment to the tax bill but we would have to have a Local Law in place for that to happen.

WATER COMMITTEE REPORT

Councilman Pietraszek reported that the chlorine residuals are still low Water Worker Greg Adams has been monitoring them daily and is in contact with Erie County Water regarding the water tank in the Town of Boston. Apparently the water tank in Boston is rundown very low and the residuals come out low. Typically residuals should be around .4% or .5% they are coming out of the tank at .2% so it has been a struggle to get them to maintain the tank properly. Erie County Water has asked for a chart or history on the residuals which they will compare with what their records show.

DIRECTOR OF VETERAN AFFAIRS

Ken Heiler reported that at the Colden Art Festival he collected \$112.00 for the Veterans Memorial Wall.

DISASTER COORDINATOR REPORT

Disaster Coordinator Jody Feidt reported that as far as the monitoring of the Colden Art Festival everything went well with the electronic signs and cones in the roadway and no parking issues. Attended a 2 day class on Mass fatalities which now Jody will work on writing an annex to the disaster plan.

There will be 2 days coming up in the future for the Town Employees that need training for Blood Borne Pathogens, Workplace Violence Prevention Policy and Harassment Policy.

OLD BUSINESS

Colden Lakes Resort – 1 Year Site Plan Review

Supervisor Hoffman read a letter she received from a resident on the winter storage at Colden Lakes Campground. Letter is on file in the Town Clerks office.

Councilman Pietraszek stated that last year the Town Board in October went over the storage at Colden Lakes Campground and even went to court and the Town did win the Court Case. The Town did permit last year for sites 1 through 9 for winter storage and 10 through 24 where to be drive through sites. It was late in the year and the tenants were already gone or in the process of leaving and it would be difficult for them to move the trailers so the Town permitted the winter storage for one year and to revisit the following year.

Councilman Pietraszek recommended that the trailers be stored at the back of the parking lot right off the main area of the restaurant parking lot and would like to reaffirm the court ruling.

Councilman Zurbrick stated that she received in e-mail from a constitute not to approve the winter storage at Colden Lakes Campground.

Councilman Arcara said that last year it was a last minute approval for the winter storage and they have had one year to make plans he agrees with Councilman Pietraszek and reaffirm the court ruling from last year.

Judy Brown said that if she moves the trailers to the swimming pool area or blacktop area there would be no parking for the snowmobiles and winter traffic. It would only be about 100 feet away.

Councilman Pietraszek stated to have the trailers moved by the grass area west of the restaurant parking area which is about 700 to 800 feet and they will not be upfront and that is what the biggest agreement has been all along.

For the record Judy Brown stated she want next door to Mark Seifried and asked what color he would like the fence painted.

MOTION made by Councilman Pietraszek and seconded by Councilman Murphy and unanimously approved to remove all the trailers off of sites 1 through 9 and move them to another storage area as stated in the Court Ruling last year.

On the question:

Councilman Murphy said he voted no against it last year and will vote no again and he does not want to be confused on what he will be voting on and asked Councilman Pietraszek to articulate to the Town Board on what they will be voting on.

Councilman Pietraszek stated that last year the Town went to court over the whole issue of having the trailers kept on sites 1 through 24. The Town did not want the trailers left on sites 1 through 24 and the Town did win the case. At the time the Town did allow Judy Brown to store the trailers on 1 through 9 and to revisit.

Councilman Pietraszek stated that he would like to go with the previous ruling and affirm the Court Ruling that sites 1 through 9 and 10 through 24 are not to be used for winter storage.

Councilman Murphy seconded and voted yes and there will be no trailers in the front area and we should go back to what the court ruled.

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

NEW BUSINESS

Public Hearing for CDBG Town Board Workshop and Reg. Town Board Meeting

MOTION made by Supervisor Hoffman and seconded by Councilman Pietraszek and unanimously set the Public Hearing for the Community Development Block Grant for October 3, 2013 at 6:00pm with the Regular Town Board meeting and Budget Workshop to follow.

Out of District Erie County Water Authority Customer

Supervisor Hoffman read a letter from Clifford and Diana Butsch on Burr Road requesting to be an out of district water customer with the Town of Boston.

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy and unanimously approved Clifford and Diana Butsch on Burr Road to be an out of district water customer in the Town of Boston.

Colden Lakes – 30Day Waiver - State Liquor License Application

Supervisor Hoffman said she received a request from Judy Brown for a 30 day waiver of a liquor license.

Attorney Ronald Bennett explained that the State liquor Authority would have the applicant come to the Town and get proof it was zoned for use of the property. Then they changed it by saying the applicant would have 30 days during which time you could apply to the Town if they had any objection to the zoning and because it is an existing facility the Town usually waives it because it is properly zoned therefore there is no purpose in waiting the 30 days and that is what the State Liquor Authority is looking for.

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy to approve a 30 Day Waiver for State Liquor License for Colden Lakes.

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

RESOLUTIONS

Supervisor Hoffman read the following resolution for the property located at 8820 State Road. The property will more than likely go up for foreclosure and after speaking with the Real Property Tax Department they suggested a resolution from the Town which shows that the Town is interested in purchasing the property.

{ SEQ CHAPTER \h \r 1}RESOLUTION #10-2013
AUTHORIZING EXPENDITURE
IN THE CONVEYANCE OF PROPERTY

WHEREAS, the property located at 8820 State Road in the Town of Colden is delinquent in taxes totaling in excess of \$70,000.00, and

WHEREAS, the County of Erie has initiated foreclosure proceedings with the property to be sold at public auction in October of 2013, and

WHEREAS, the subject property of 8820 State Road is contiguous immediately to the south of property owned by the Town of Colden utilized as its Town Hall, and

WHEREAS, the subject property would be very useful for Town purposes, including but not limited to, expanded parking, and

WHEREAS, the Director of Erie County Real Property Services has advised that should the Town be interested in the purchase, it should adopt a Resolution authorizing the expenditure of approximately \$1,400.00 for the fees involved in the potential conveyance of the property,

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby authorize the expenditure of approximately \$1,400.00 in regard to the foreclosure of property located at 8820 State Road in the Town of Colden should the Town be able to gain to the property through the lien foreclosure, and be it further

RESOLVED, the Supervisor is authorized to negotiate any title to the property located at 8820 State Road, and be it further

RESOLVED, that any funds in excess of \$1,400.00 must be authorized by the Town Board, and be it further

RESOLVED, the Town Clerk is authorized to forward a copy of this Resolution to the Erie County Director of Real Property Services.

Duly adopted this 12th day of September, 2013 by the following vote.

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

MOTION made by Supervisor Hoffman by and seconded by Councilman Arcara and unanimously approved the budget amendment to accept \$6,823.61 from the Concord Highway Department for road repair on Crump Road.

Request for use of a Metal Detector at the Park

A request was received from Mike Ray from the Town of Boston to use a metal detector up at the Town Park. It would be limited to a small hand tool and the ground would be replaced in the holes.

MOTION made by Supervisor Hoffman and seconded by Councilman Pietraszek and unanimously approved the use of a metal detector by Mike Ray at the Town Park.

Flu Shots

Flu Shots will be given on October 8th from 10:00am till 2:00pm at the Town Hall.

AARP Driving Courses – Andrew Wiencek was in attendance at tonight’s meeting.

He presented information to the Town Board regarding AARP Driving courses to those 16 years of age or older. Scheduled at the Senior Center.

Saturday November 2nd from 9am to 3:30pm

Wednesday & Thursday November 6th & 7th from 6:00pm to 9:00pm must attend both nights.

Saturday November 9th from 9:00am to 3:30pm

Cost AARP members \$17.00

Non - members \$19.00

Pre-Registration only, Maximum 30 per class.

Presentation on Food Allergies

The Springville-Griffith Institute Central School District will be holding a presentation on Food Allergies in children ages Pre-K through Grade 12 on Thursday, September 26 at 7:00pm. Guest speakers will be Dr. Andrew Green and Dr. Robbin Hansen.

PAY BILLS

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

General Fund Warrant Voucher #2013-332 to #2013-364	\$ 19,966.20
Highway Fund Abstract Voucher #2013-93 to #2013-111	\$ 28,647.69
Water District Voucher #2013-52 to #2013-60	\$ 11,066.68
Lighting District Voucher #2013-15 to #2013 -16	\$ 1,826.00
Refuse District Voucher #2013-37	\$ 16,328.64
Trust & Agency #2013-01	\$ 18.80

PRIVILEGE OF THE FLOOR

Janet Dillsworth asked who is responsible for the back taxes on the property the Town would like to purchase.

Supervisor Hoffman said the County will take care of that the Town will not have to pay the back taxes and the Town is not held to any back mortgage either.

Marilyn Calhoun-Allen said that she belongs to the Association of Erie County Governments and at their last meeting there was a discussion on the Town of Angola purchasing a piece of property and the Town was hit with having to pay charge backs just would like the Town to be aware.

Marilyn Calhoun-Allen asked about a voucher that was submitted for \$300.00 to Workman's Comp if it was a claim or reimbursement.

Attorney Ronald Bennett said that the explanation of the treatment given is confidential and that the expenditure on the voucher could be explained.

Supervisor Hoffman stated that Peggy O'Brien injured herself at work and as the Town has done in the past with other employees the Town covered the medical bills. A claim has since been submitted to Workman's Comp.

Jeanette Geckler submitted a report called "List of the Harmed" this list was compiled by Jenny Lisak from The Pennsylvania Alliance for Clean Water and Air and it's a list of approximately 1700 incidents in the United States that involve a number of different kinds of harms either too well water, property, animals or human beings. Report is on file in the Town Clerk's office.

Michelle McMahon asked when the Town Board will vote on the issue of High Volume Hydrofracking in the Town of Colden.

Supervisor Hoffman said that the Planning Board is working on their portion and then the Town Board will look at all the information and move forward from there.

ADJOURN

MOTION made by Supervisor Hoffman and seconded by Councilman Murphy and unanimously adjourned the meeting at 8:20pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk

