

TB Mtg April 13, 2017
REGULAR TOWN BOARD MEETING
COLDEN TOWN HALL – April 13, 2017

MEETING CALLED TO ORDER AT 7:00PM.

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE
IN MEMORY OF DAVID FREEMAN, KURT FROMM AND GARY NELLIGAN
FOLLOWED BY THE PLEDGE OF ALLEGIANCE

PRESENT: Councilman David Arcara – yes
Councilman Jesse Hrycik – yes
Councilwoman Patricia Zurbrick – yes
Councilman Gerald Pietraszek – yes
Supervisor James DePasquale – yes

ALSO PRESENT Bldg. Insp/Code Enf Officer John Kotlarsz
Highway Superintendent Paul Clarkson
Town Clerk Christina Kerlin
Approximately 6 residents

MINUTES:
MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and
unanimously approved the minutes of March 9, 2017, Town Board meeting as presented

COMMITTEE REPORTS

BUILDING REPORT

Councilman Arcara reported that quotes have been received for the Senior Center front door:

Imperial Door Controls Inc.	\$1,975.00
Nova Glass & Mirrors, Inc.	\$2,875.00
Twin City Glass	\$4,570.00

Approve Senior Center Front Door

MOTION made by Councilman Arcara and seconded by Supervisor DePasquale and
unanimously approved Imperial Door Controls Inc. to install a front door at the Senior Center at
a cost of \$1,975.00

Supervisor DePasquale will have maintenance worker Richard Hartman obtain quotes for a new
Belco door at the Senior Center and an entrance door at the bottom of the stairs.

Repairs were done to the septic system at the Town Hall and the ceiling tiles have been replaced in the Town Hall basement where there was water damage from the septic pipes. The new blinds have been hung at the Senior Center.

CODE ENFORCEMENT OFFICER REPORT

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

- 3 Building Permits Issued
- 1 Certificate of Occupancy
- 23 Certificate of Compliance
- 2 First Notices of Violations
- 1 Court Appearance
- 2 Phone Complaints

A complaint was received on two homes on Crump Road that have garbage and junk all over and various campers, trailers and cars. Supervisor DePasquale will have CEO John Kotlarsz go up and check on the properties and cite them for any violations. There is no update on the Bach property on State Road so the meeting that is scheduled for April 19th at 7:00pm at the Senior Center still stands unless something comes up before that date.

COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported that a gazebo that was picked out by Martha Kalinowski has been ordered and should arrive sometime in April or early May. The 14 x 30 foot gazebo will be placed next to the Veteran's Memorial Park. An email was received today on the cost of the plaque to be placed in honor of Alfred Kalinowski.

DOG CONTROL OFFICER REPORT

Councilman Arcara read DCO Kathy Horschel's monthly report for March 5, 2017 – April 9, 2017: Received several phone calls this month but most were inquiries and wrong numbers. A couple of calls on dogs at large and upon arrival they were gone. A call on Route 240 of two dogs upon arrival one was home already and the owner of the other dog had just arrived. DCO has been checking on the status of the dogs on Park Street where there have been many complaints.

ENVIRONMENTAL BOARD REPORT

Councilman Pietraszek reported that the Environmental Board reviewed the SEQR form for a SUP for a dog kennel permit for a resident on Partridge Road seeking to have more than three dogs.

HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that the bathrooms at the Town Park are opened and parks worker Tere Feidt is back to work for this year.

Highway workers have been chipping big branches that have fallen on roadways.
 Quotes have been received on culvert pipes that are needed for a project on Heath Road
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Highway Superintendent Clarkson stated that he needs approval to purchase 440feet of culvert pipe for a project on Heath Road and 140 feet for other projects in Town.

Bids were obtained from:

Orange County	HDPE-15"	40ft. @ \$5.30	\$ 212.00
	HDPE-18"	500ft. @ \$7.15	\$3,575.00
	HDPE-24"	40ft. @ \$9.15	<u>\$ 366.00</u>
		Total	\$4,153.00
Chemung Supply	HDPE-15"	40ft. @ \$6.10	\$ 244.00
	HDPE-18"	500ft. @ \$8.78	\$4,390.00
	HDPE-24"	40ft. @ \$13.65	<u>\$ 546.00</u>
		Total	\$5,180.00
Lane Enterprises	HDPE-15"	40ft. @ \$6.08	\$ 242.00
	HDPE-18"	500ft. @ \$8.75	\$4,375.00
	HDPE-24"	40ft. @ \$13.62	<u>\$ 544.80</u>
		Total	\$5,162.20
North Star Pipe & Tank Co.	HDPE-15"	40ft. @ \$6.45	\$ 258.00
	HDPE-18"	500ft. @ \$10.38	\$5,190.00
	HDPE-24"	40ft. @ \$15.90	<u>\$ 636.00</u>
		Total	\$6,084.00

Approval of Culvert Pipe

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik and unanimously approved to purchase the culvert pipe from Orange County at a cost of \$4,153.00 which will be piggy backed from Orange County bid price.

-Town of Colden will receive an additional \$9,457.38 from the "CHIPS" Early Winter Recovery for road repairs in the town.

-Generator is up and running, parts were needed. The generator will operate the fuel pumps and the building but is unable to power the compressor.

-Break area is almost complete in the shop

-New eyewash station has been received this week and installed at a later date.

-Gravel Bid opening will be May 1st at 10am - Advertisement was placed in the Springville Journal for 2 weeks

-Highway Superintendent Clarkson will be attending a conference on June 12th

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INSURANCE REPORT

Councilman Arcara reported that health insurance rates have increased up to 9%. A meeting will be placed on an upcoming agenda to discuss the new rates and capping figures on contributing for employee's health insurance coverage. Workman's Comp Insurance rates will probably increase due to an accident that took place back in December 2013 to a Town Official at that time.

LIBRARY REPORT

Councilman Hrycik reported that the Bookmobile hours at the Fire District at the corner of Center Street and Partridge Road are from 2pm – 3pm and the Town Hall from 5pm – 7:30pm.

West Falls-Colden Library evening hours have changed starting May 1st, the library will open at 6:30pm and close at 8:30pm on Monday and Wednesday. Plant exchange and Book Sale will be held on May 13th from 10:00am – 1:00pm. Thin out your perennials and plant in a 4inch pot and bring them to the library to exchange. Label plants sun or shade. Used book sale will occur at the same time.

PERSONNEL & TRAINING REPORT

Councilwoman Zurbrick reported that several Town Employee's and Officials will be attending an Annual Local Government Conference on May 10th at Houghton College.

Supervisor DePasquale will have his Secretary Tammy Nuttle contact the Town of Aurora on the yearly training sessions.

Councilwoman Zurbrick stated for the record that when she was at the highway garage recently that the old eyewash station that was in place was in violation. The electrical control panel was cleared of any items that were in the way.

PLANNING BOARD REPORT

Councilman Hrycik reported that at the last Planning Board meeting there was discussion on the fee changes to multiply dwellings and temporary signs.

Other items discussed: Solar Code
 Historic District/Historical Overlay
 Accessory Structures before Primary Structures

WATER REPORT

Councilman Pietraszek reported that chlorine residuals are good.

- Meter reader purchase has been held off
- Valves are still in need of repair should be repaired and maintained every 8 years & we are going on twelve years
- Water usage is being followed weekly
- Valve leak in pit behind Town Hall repaired and valves exercised

-Continue to narrow down leakage area will check service line long pulls at least twice a year
-A meeting took place with Keith Dash about the water chlorination problem and wasting of water to maintain it. Keith is looking into checking on reimbursement and fire issues.

CEO John Kotlarsz stated that when has been at the Colden Country Kitchen he noticed there seems to be an unusually amount of standing water and maybe there is a possible water leak in that area. Councilman Pietraszek stated that he will have Water Operator Greg Adams check that area and another area. Another area mentioned was on Lower East Hill Road that will be checked as well. Lawn repairs will be done on Lower East Hill and at the Trailer Park where some repairs had taken place.

YOUTH/ADULT RECREATION REPORT

Councilwoman Zurbrick reported that the upcoming senior trips are posted on the bulletin board and that you do not have to be a member to go on the trips. The notices state when the money is due and the first trip scheduled had April 11th as the deadline but there are still openings at this time.

Recreation Director Kip Palmateer reported that soccer registration ended. There was a coaches meeting to pick teams, assign sponsors, organize practice and game schedules, talk about our program, and answer any questions the coaches may have.

Soccer shirts and socks were ordered.

Floor hockey has ended. We had a great turn out this year. Changing to Thursday seemed to work better for people.

We would like to approve the following employees at minimum wage, and as referees at 2 hour minimum for Youth games, and 1½ hours for Midget games:

Ryan Brautlacht
Max Solly
Abigail Stressinger
Michael Spagnola
Jocelyn Jenis
Andrew Jenis
Keegan Kempf
Garon Holland

We would like to approve the following employees at minimum wage:

Haley DePasquale	Olivia Fisher	Emily Dziulko
Jacob Schreiber	Jena Schelble	Caylene Mary

Approve Recreation Employee's

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik to approve the following employee's named above at the rates mentioned for the Recreation Programs.

On the Vote: Councilman David Arcara – yes
 Councilman Jesse Hrycik – yes
 Councilwoman Patricia Zurbrick – yes
 Councilman Gerald Pietraszek – yes
 Supervisor James DePasquale – abstained his daughter was one of the hires

Discussion took place on the possibility of hiring an adult USPTA Trained Tennis Instructor with experience at 15.00hr. He is currently employed in the Boston Recreation Program in the same capacity, and has been a tennis instructor at Southtown's Tennis for several years. Discussed if an assistant will be needed.

Discussion on how many children signed up and the age range which has been at times from 6 years old to adult, the adult lessons usually took place in the evenings.

Approve Tennis Instructor Rate

MOTION made by Supervisor DePasquale and seconded by Councilman Arcara and unanimously approved to hire a Trained Tennis Instructor with experience at a rate of \$15.00hr. Pending a background check

Recreation Director Kip Palmateer will have the Tennis Instructor stop in to the Supervisors office to fill out the required form.

OLD BUSINESS

Lighting District-Installation of Streetlights on Bleistein Road and Partridge Road

Supervisor DePasquale stated that he has spoken with NYSEG and went on a tour of Partridge Road and Bleistein Road in the Lighting District and there are poles in those areas that are able to accept additional lights.

Approve Additional Streetlights in the Light District

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved to enter into agreement with NYSEG to add additional lighting on Partridge Road and Bleistein Road at no cost. The only cost would be for the electrical usage.

Appraisal of 8833 State Road-37 acres next to Kummer Park

Supervisor DePasquale stated that the appraisal was conducted by GAR Associates on March 3, 2017. Based upon the inspection of the property and investigations and analysis undertaken, it is concluded that the as is market value of the fee simple estate of the real property as of the date of valuation March 3, 2017 is \$100,000 submitted by Gerald T. Schmitt , Senior Appraiser from GAR Associates LLC. The value of the land came in the guidelines of the asking price.

Supervisor DePasquale is asking the Town Board tonight to approve contacting the Town Attorney to organize a referendum vote for the purchase of the 37 acres of land next to Kummer Park.

Approve a Referendum Vote on the Purchase of 37 acres of Vacant land at 8833 State Road

MOTION made by Councilman Arcara and seconded by Councilman Zurbrick and unanimously approved to have a referendum vote in regards for the town to purchase 37 acres of vacant land located at 8833 State Road.

Town Attorney Ronald Bennett will be contacted to proceed with the process of a referendum vote for the town to purchase of 37 acres of vacant land located at 8833 State Road.

NEW BUSINESS

None

RESOLUTIONS

Supervisor DePasquale read the following Resolution:

TOWN OF COLDEN
COLDEN N.Y. 14033
RESOLUTION #2017-02

RESOLUTION TAX COLLECTION IN ERIE COUNTY

WHEREAS, the Erie County Tax Clerks and Tax Collectors Association has been in existence for 50 years, marking that anniversary this year; and

WHEREAS, Erie County is comprised of 25 Towns, 13 being Towns of the First Class, which defined is a town with a population of more than \$10,000 which are the Towns of Alden, Amherst, Aurora, Cheektowaga, Clarence, Evans, Elma, Grand Island, Hamburg, Lancaster, Orchard Park, Tonawanda, and West Seneca and 12 being Towns of the Second Class, which defined is a town with a population of less than \$10,000 which are the following Towns of

Boston, Brant, Colden, Collins, Concord, Eden, Holland, Marilla, Newstead, North Collins, Sardinia, and Wales; and

WHEREAS, Erie County Real Property Tax Services prepares and prints the bills to be distributed to all 25 Towns in Erie County for Town and County Taxes and School Taxes; and

WHEREAS, according to the Erie County Tax Act, being Chapter 812, Laws of 1942, Town and County Taxes in the Towns of the First Class are due and payable on February 15th of every year, with a penalty schedule as follows: if paid on February 16th and before March 1st, 1.5%; if paid on March 1st and before March 16th 3%; if paid March 16th and before April 1st, 4.5%; if paid April 1st and before April 16th, 6%; if paid on April 16th and before May 1st, 7.5%; and

WHEREAS, according to the Erie County Tax Act, being Chapter 812, Laws of 1942, Town and County taxes in the Towns of the Second Class are due and payable on March 15th of every year, with a penalty schedule as follows: if paid on March 16th and before May 1st, 7.5% shall be added. The Towns of the Second Class are penalized 7.5% the date after the due date of taxes, March 15th, where the Towns of the First Class are not penalized 7.5% until 3 months after the due date; and

WHEREAS, the Town Clerks and Tax Collectors in Towns of the Second Class in Erie County are requesting that the Erie County Tax Act, Laws of 1942 be amended to give relief from the excessive penalty schedule to the taxpayers in those Towns and that the same penalty schedule and due dates for Town and County taxes of the Towns of the First Class be used for all Towns in Erie County, namely for Town and County taxes to be due and payable on February 15th; and

WHEREAS, the schedule for the School Tax collections is uniformly due and payable on October 15th for all towns in Erie County and does not create an inconvenience for the County of Erie Real Property Tax Services to prepare.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Town Clerks and Tax Collectors Association requests that Erie County Legislature, the Director of Real Property Tax Services Erie County, the County Executive, and the County Attorney take appropriate action to correct the existing disparity which unfairly penalizes taxpayers in smaller communities in Erie County; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to John Mills, Chairman of the Erie County Legislature; Joseph Maciejewski, Director of Real Property Tax Services, Erie County; Mark Poloncarz, County Executive; Michael Siragusa, County Attorney;

Association of Erie County Governments; and Supervisors of Erie County Towns of the Second Class.

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Duly adopted this 13th day of April, 2017 by the following vote.

Vote: Councilman Arcara -yes
Councilman Hrycik - yes
Councilwoman Zurbrick - yes
Councilman Pietraszek -yes
Supervisor DePasquale – yes

BUDGET TRANSFERS

None

TOWN CLERK REPORT

Town Clerk Kerlin reported that she will be attending a Town Clerk Conference in Rochester on Monday April 24th through Wednesday April 26th.

SUPERVISOR'S REPORT

Supervisor DePasquale reported that there was a complaint received about farm material and waste on Murray Hill Road and South Hill Road. He did drive up there and did not see anything but will continue to monitor the problem and he also spoke with the farmer about the complaint.

-Town audit from the New York State Comptroller office is still in progress and should be done in about a week.

-Attended a meeting in regards to the NYSEG response to the windstorm and if they had enough people ready and how it was handled. The entire hearing was organized by the State of New York from our Gas and Electric Public Service and they will make any final decision what they feel will be any punitive decision made towards NYSEG or Rochester Electric and Gas.

PAY BILLS

MOTION made by Councilman Zurbrick and seconded by Councilman Pietraszek and unanimously approved to pay the following bills.

General Fund Warrant Voucher #2017-89 to #2017-143	\$429,240.74
Highway Fund Abstract Voucher #2017-45 to #2017-63	\$15,297.50
Refuse District Voucher #2017-04	\$18,162.01
Water District Voucher #2017-15 to 2017 #-22	\$ 3,248.23

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PRIVILEGE OF THE FLOOR

Arleen Solly asked if there were any updates on the complaints that were made at last month's Town Board Meeting.

Supervisor DePasquale stated that the Bach property on State Road had a Public Hearing held on April 6th in which the owner was given a deadline of April 19th to respond on what he plans to do or he waives the remaining 60 days and the town will start the cleanup process of the property.

-Wittman case is ongoing in the court he returns on April 24th.

There was discussion on the various properties in town that are a mess with trash and junk all around and many vehicles. The process once a complaint is received the CEO sends an Order to Remedy and if the owner does not comply then a Court Appearance where the Judge decides what will take place next. The whole process is quite lengthy.

Marilyn Calhoun Allen asked if the referendum vote would coincide with the November election because she has concerns about resident's being aware that there is going to be a referendum vote on the 37 acres of vacant land.

Supervisor Depasquale stated that it would probably take place at a different time and with social media the word would get out there along with the Town notifying the residents about the referendum vote on the 37 acres of vacant land.

Councilman Hrycik stated that the tire collection will take place on May 20th at the town highway garage.

On April 2, 2017 it was the 190th Anniversary that the Town of Colden was incorporated.

ADJOURN

MOTION made by Councilman Hrycik and seconded by Councilman Arcara and unanimously adjourned the meeting at 8:30pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk

