

TB Mtg December 8, 2022
REGULAR TOWN BOARD MEETING
Colden Town Hall 7:00pm

MEETING CALLED TO ORDER AT 7:08PM

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR WILLIAM G. LUX AND CHRISTINE WALKER FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

PRESENT: Councilman Dennis Robinson
Councilman Jesse Hrycik
Councilwoman Patricia Zurbrick
Councilman Gerald Pietraszek
Supervisor James DePasquale

ALSO

PRESENT: Town Clerk Christina Kerlin
Approximately 2 Residents

MINUTES:

MOTION made by Councilman Robinson and seconded by Councilman Pietraszek and unanimously approved the minutes for the Town Board Workshop held on Thursday, November 10, 2022 at 6:00pm at the Colden Town Hall and the Regular Town Board meeting held on Thursday, November 10, 2022, at 7:00pm at the Colden Town Hall.

OLD BUSINESS:

None

NEW BUSINESS:

None

COMMITTEE REPORTS

BUILDING REPORT

No report

CODE ENFORCEMENT OFFICER REPORT

Report for the month of November 2022 – Supervisor DePasquale reported that there were:

9 Building Permits Issued
1 New Dwelling
13 Certificates of Compliance
6 Fire Inspections
2 Phone Complaints
1 Building Permit Denied

COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported the following:

Town of Colden Tree Lighting

Friday, December 9, at the Senior Center there will be a holiday craft at 6pm and at Veterans Park at 7pm there will be caroling and the tree lighting.

Colden Fire Company Visit with Santa

Saturday, December 10, at the Colden Fire Company Visit Santa starting at 6pm Colden Auxiliary will be selling Cookies as well.

West Falls Fire Company Visit with Santa

Friday December 16th from 6pm – 8pm

Bread of Life Outreach and Gabe's on the Hill Hours:

Tuesday, 10am – 5pm

Wednesday, 1pm – 5pm

Thursday, 3pm – 6pm

Friday, 10am – 6pm

Saturday, 9am – 2pm

Food Pantry Hours:

Thursday, 3pm – 5pm

Saturday, 9am – 11pm

Colden Fire Company and West Falls Fire Company both have a Commissioners Vote on Tuesday, December 13th starting at 6pm till 8pm.

Councilwoman Zurbrick “Thanked” the Elves who put up the Snowflake lights and decorated the Christmas Tree and Gazebo and the Santa and Sleigh décor.

3. United Materials	\$1845.00	Cement Barriers
4. Richard-CIN Signs	\$390.80	Warning Signs and Safety Fence for one lane road
5. Lowe's Home Center	<u>\$ 57.27</u>	Hardware for signs and fencing
Total-	\$ 36,323.07	

Erie County Soil & Water will oversee the project the cost would come from the town with hope to get reimbursement from FEMA and Supervisor DePasquale has also contacted Senator DiPietro to see if there is any funding through the state as well that the town would qualify for reimbursement. EC S&W are waiting to secure permits for the project and have contracted J. Bogner Construction, LLC from Sardinia. The contractor will place trees in the bank and flip on the gravel bar and place heavy stone in the stream for temporary stabilization. The cost would be \$30,430.00.

Approve Murray Hill Road Slide Repair

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved the temporary remediation project for the Murray Hill Road Slide Repair at a cost of \$30,430.00 with work to be done by J. Bogner Construction, LLC and overseen by Erie County Soil & Water for a temporary stabilization project in the creek.

Approve Platform Man Basket

Town Board received quotes for an industrial work platform to be used by the highway and parks department, the platform would be used for the hanging of flags and snowflakes on the flagpoles as well as for tree work access to town building that were high enough for the lift to do any work if needed there are many ways it could be used for those departments and be safe for the men and woman that would be using that equipment. There was discussion on OSHA compliance and adding harnesses to the purchase or asking the company if they could provide them.

TMS Equip.com	Haugen MWP 4x116 4ft x 9'8' Industrial Work Platform	\$3,595.00
Blue Diamond	Telehandler Work Platform Various sizes available	\$4,037.00-\$5,261.00
Titan Attachments	Telehandler Work Platform Man Basket 4'X9' 8"	\$2,039.97

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved the purchase of a Telehandler Work Platform Man Basket 4'X 9' 8" at a cost of \$2,039.97 from Titan Attachments. Harnesses will be added for an additional cost if the company does not supply them with the man basket.

Approve Wiring and Lights on 2023 Freightliner

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved to add the lighting system to the 2023 Freightliner from Valley Fab and will authorize the cost through an email when received.

INSURANCE REPORT

No report

LIBRARY REPORT

Councilman Hrycik reported that Boston Free Library will be having Preschool Story Time on Thursdays from 11am to 11:45am. And a Family Story Time will take place on Tuesday, December 20th at 6:00pm.

Check the Library Website and Facebook page for more activities:

West Falls Library Hours

Monday 6pm – 8pm
Tuesday 2pm – 4pm
Wednesday 6pm – 8pm
Thursday 10am – Noon (Story Hour 10:30am)
Friday 10am - Noon

Boston Library Hours

Monday 10am – 7pm
Tuesday 12pm – 8pm
Wednesday Closed
Thursday 10am – 7pm
Friday 12pm – 5pm
Saturday 10am – 2pm

PERSONNEL & TRAINING REPORT

Councilwoman Zurbrick reminded employees that have not completed the mandatory yearly training that time is running out.

PLANNING BOARD REPORT

No report

WATER REPORT

Councilman Pietraszek reported that:

- Chlorine residuals are reading good.
- Water Operator Greg Adams has marked the fire hydrants for winter season.
- Councilman Pietraszek has put a letter together that went out to Erie County Water Authority about the meter problem up on Lower East Hill Road.

YOUTH/ADULT RECREATION REPORT

Yoga is going on Wednesday evenings at the Senior Center as well as a knitting group that gets together to share ideas.

RESOLUTION

The following resolutions were read by Supervisor DePasquale and Councilman Hrycik.

RESOLUTION #2022-13

“A NEED FOR BOND” RESOLUTION, DATED DECEMBER 8, 2022, OF
THE TOWN OF COLDEN

WHEREAS The Town Highway Department is requesting to replace Two International plow trucks that are not reliable and have been prone to failure on several occasions. The issues create an unsafe environment for both Plow operators as well as the General public during snow events. The Two International trucks would be replaced with two Freight Liner 114SD models

WHEREAS The Town Highway Department is requesting to replace a Ford 450 Dump Truck with a new Ford 450 Dump Truck

WHEREAS The Town Highway Department is requesting to replace a Ford 250 utility Vehicle with a new Ford 250 utility vehicle.

WHEREAS The purchase of the vehicle's will secure a fleet that is dependable, and our highway will be mission ready for years to come.

WHEREAS The purchase of the vehicle's will be completed without any anticipated Tax increases.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows

DULY ADOPTED, this 8th day of December 2022, by the following vote:

AYES	Supervisor Depasquale	AYE
	Councilman Robinson	AYE
	Councilman Zurbrick	AYE
	Councilman Hrycik	AYE
	Councilman Pietraszek	AYE

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

A BOND RESOLUTION, DATED DECEMBER 8, 2022, OF THE TOWN BOARD OF THE TOWN OF COLDEN, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION OF MAINTENANCE VEHICLES AND EQUIPMENT FOR USE BY THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$612,087.00 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$612,087.00, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Colden, in the County of Erie, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to acquire maintenance vehicles and equipment for use by the Town, including all necessary equipment, apparatus and warranties and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$612,087.00.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate amount not to exceed \$612,087.00 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any Federal, State, County and/or Local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 28 of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 15 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this Resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this Resolution is expected to be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized including, but not limited to, authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has determined that the Purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or
2. Such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This resolution is subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the referendum period, the Town Clerk is hereby authorized to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows

DULY ADOPTED, this 8th day of December 2022, by the following vote:

AYES	Supervisor Depasquale	AYE
	Councilman Robinson	AYE
	Councilman Zurbrick	AYE
	Councilman Hrycik	AYE
	Councilman Pietraszek	AYE

NOES: None

ABSENT: None

NOTICE OF BOND RESOLUTION
TOWN OF COLDEN
(Maintenance Vehicles and Equipment for use by the Town)

NOTICE IS HEREBY GIVEN that a bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Colden, County of Erie (the "Town"), on December 8, 2022 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or
2. (b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or
3. such obligations were authorized in violation of the provisions of the Constitution of New York.

SUMMARY OF BOND RESOLUTION

The following is a summary of a bond resolution adopted by the Town Board of the Town of Colden on December 8, 2022. The proceeds from the sale of the obligations authorized in such bond resolution shall be used for the specific purpose of the acquisition of maintenance vehicles and equipment for use by the Town, including all necessary equipment, apparatus and warranties and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$612,087.00. Such bond resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of such serial bonds, in an aggregate amount not to exceed \$612,087.00, said amount to be offset by any federal, state, county and/or local funds received. Such resolution was adopted subject to permissive referendum, and such permissive referendum period has elapsed without the filing of a petition. The period of probable usefulness for such purpose is 15 years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located at Colden Town Hall, 8812 State Road, Colden, New York 14033.

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved to post the following Notice of Bond Resolution and Summary in the Springville Journal.

BUDGET TRANSFERS

None

TOWN CLERK REPORT

Town Clerk Kerlin reported that the New York State Department of State received Local Law 1-2022 in relation to the tax levy.

Approve to Advertise 2023 Organizational Meeting

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved to hold the 2023 Organizational meeting on Friday, January 6, 2023, at 6:00p.m. with the Regular January meeting to follow.

HEAP Outreach on site at BOLO December 15, 2022, 10am – 4:30pm.

Postage meter contract with Pitney Bowes is up at the end of this year, information was supplied to the Town Board from Pitney Bowes and Lineage.

Approve Postage Machine Renewal

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik and unanimously approved the postage machine renewal through Pitney Bowes at a cost of \$71.38 and billed quarterly at \$214.14.

SUPERVISOR'S REPORT

Supervisor DePasquale reported that a representative from Vaspian was out and provided a quote for a change over from a Verizon phone line to a digital service through Vaspian. Many towns have changed over to this service and have saved money in the end.

Approve Vaspian Phone Service

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik and unanimously approved the switch from Verizon to Vaspian for the Town Hall, Highway Department and Senior Center at a cost for phones and equipment \$3,295.00 and a monthly cost at \$278.

A letter was received from Troy & Banks, Inc. that the first phase of the audit for the electric and gas bills is complete and there were no errors in the rates charged and monthly reads they will continue to monitor the accounts.

A letter was received from residents on Douglas Lane in Seneca Brook looking for assistance on their private road. The town is not able to help them out with any work and is in no way ready to take on another road. The drive is privately owned and is not in compliance to the standards for NYSDOT. The town would not have the funding to even begin to do work on the road to comply with code.

MOTION was made by Supervisor DePasquale and seconded by Councilman Robinson and unanimously approved to deny taking over any private roadway in the Town of Colden under any circumstances at this time for the highway department the cost would be too much for the town to sustain.

PAY BILLS

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

General Fund Warrant Voucher #2022-482 to #2022-526	\$ 23,140.79
Highway Fund Abstract Voucher #2022-171 to #2022-187	\$ 48,097.47
Water District Voucher #2022-63 to #2022-66	\$ 4,810.21
Lighting District Voucher #2022-19 to #2022-21	\$ 2,222.69
Refuse District Voucher #2022-12	\$ 25,936.56

PRIVILEGE OF THE FLOOR

No Comment

ADJOURN

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously adjourned the meeting at 8:02pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk

