

TB Mtg November 14, 2019  
REGULAR TOWN BOARD MEETING  
COLDEN TOWN HALL – November 14, 2019

MEETING CALLED TO ORDER AT 7:00 PM

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR KELLIANNE CZORA AND RICHARD FERRARO FOLLOWED BY THE PLEDGE OF ALLEGIANCE

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

ALSO

PRESENT: Town Clerk Christina Kerlin  
Town Attorney Ronald Bennett  
Asst. CEO/Fire Inspector Thomas Dziulko  
Highway Superintendent Clarkson  
Planning Board Chairman Walt Kammer  
Approximately 20 Residents

MINUTES:

MOTION made by Councilwoman Pietraszek and seconded by Councilman Arcara and unanimously approved the minutes of the October 10, 2019 Town Board Workshop and October 10, 2019 Town Board Regular meeting as presented with a correction on page 6 of the regular meeting DCO report was given by Councilman Arcara and not Councilman Hrycik.

**PUBLIC HEARING: LOCAL LAW OVERRIDE TAX CAP 2020 BUDGET**

Supervisor DePasquale opened the Public Hearing at 7:05pm  
Supervisor DePasquale read the Public Hearing Notice

No Public Comments

Supervisor DePasquale read the following:

**ADOPTION OF LOCAL LAW IN RELATION TO THE TAX LEVY LIMIT**

WHEREAS, General Municipal Law Article 2, Section 3-c places a limit upon real property tax levies by local governments, and

WHEREAS, General Municipal Law Section 3-c(5) provides for a local government to adopt a budget that requires a tax levy that is greater than the tax levy for the coming fiscal year,

provided the governing body of such local government first enacts, by a vote of two-thirds (2/3) of the total power of such body, a local law to override such limit for such coming fiscal year only, and,

WHEREAS, it is required to adopt a Local Law to override the tax levy prescribed by General municipal law Section 3-c, and,

WHEREAS, the Town has complied with the provisions of New York Municipal Home Rule Law regarding the requirements for adoption of the Local law including a Public Hearing

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby approve and enact Local Law 02-2019 providing for an override of the tax limit prescribed by General Municipal Law Section 3-c for the fiscal year 2020, and be it further

RESOLVED, the Town Clerk is hereby directed to immediately file the Local Law with the New York Secretary of State

MOTION made by Councilman Hrycik and seconded Councilman Pietraszek and,

Duly adopted this 14<sup>th</sup> day of November, 2019, by the following vote.

On the Vote:            Councilman David Arcara - yes  
                                Councilman Jesse Hryck – yes  
                                Councilwoman Patricia Zurbrick – yes  
                                Councilman Gerald Pietraszek – yes  
                                Supervisor James P. DePasquale – yes

Supervisor DePasquale closed the Public Hearing at 7:07

**PUBLIC HEARING: ADOPT 2020 TOWN BUDGET**

Supervisor DePasquale opened the Public Hearing at 7:08pm

Supervisor DePasquale noted the following changes to the budget.

- Adjust line A3620.1 3% raise added \$15,000 increased to \$15,400.
- Update website design and possible tablets added line A1650.4 \$8,000 increased to \$14,500.
- Highway Retirement DA9010.8 from \$33,074 increased to \$35,486 and Employee General Retirement A9010.8 \$30,530. Decreased to \$30,228.

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and,

Duly adopted this 14<sup>th</sup> day of November, 2019, by the following vote.

On the Vote: Councilman David Arcara – yes  
Councilman Jesse Hryck – yes  
Councilwoman Patricia Zurbrick – yes  
Councilman Gerald Pietraszek – yes  
Supervisor James P. DePasquale – yes

Supervisor DePasquale closed the Public Hearing at 7:15

**PUBLIC HEARING: LOCAL LAW COMMERCIAL SOLAR ENERGY EXCLUSION  
FROM EXEMPTION**

Supervisor DePasquale opened the Public Hearing at 7:18pm

Town Clerk Kerlin read the Public Hearing Notice

No Public Comments

Supervisor DePasquale read the following:

**EXCLUSION OF TAX EXEMPTION RELATING TO COMMERCIAL SOLAR  
ENERGY PROJECTS**

WHEREAS, Local Law Intro. No.03-2019 has been submitted amending Chapter 95 of the Zoning Code with regard to exclusion of the provisions of Real Property Tax Law 487 granting a tax exemption relating to any Solar Energy Systems, and

WHEREAS, the amendments to the Zoning Code set forth in the Local Law have been carefully considered by the Town, and

WHEREAS, Chapter 95 of the Zoning Code provides for amendments to the Zoning Code, setting forth the procedure requiring a Public Hearing, and

WHEREAS, A Public Hearing was held on November 14, 2019 permitting public comments in regard to the proposed amendments, which included amendments, to the Zoning Code,

NOW, THEREFORE, be it

RESOLVED, Local Law No. 03-2019 is hereby adopted and shall become effective upon filing of the Local Law with the New York Secretary of State, and be it further

RESOLVED, the Town Clerk is directed to file a copy of the Local law with the New York state Department of State and forward a copy to General Code Publishers for the purpose of amending the Code Book of the Town of Colden

Motion MADE BY Councilman Arcara and seconded by Councilwoman Zurbrick and,

Duly adopted this 14<sup>th</sup> day of November, 2019, by the following vote.

On the Vote:                      Councilman David Arcara - yes  
    Councilman Jesse Hryck – yes  
    Councilwoman Patricia Zurbrick – yes  
    Councilman Gerald Pietraszek – yes  
    Supervisor James P. DePasquale – yes

**PUBLIC HEARING BREAD OF LIFE SIGN REQUEST**

Supervisor DePasquale stated that the Town Board addressed a letter from BOLO for a sign request at the Town Board workshop prior to tonight’s meeting and decided to withdraw the Public Hearing for the sign. The Town Board had concerns about the sign being very busy and a possible distraction at the intersection. Town Board will ask the committee from BOLO to come up with a different idea or wording on the sign and hold another Public Hearing for the sign request.

**REQUEST TO BE ON THE AGENDA – EDWARD J SNYDER**

Supervisor DePasquale introduced Edward J Snyder who is at tonight’s meeting to address Keith VanLew’s Special Use Permit request for a mechanical service, minor collision/resale shop. Mr. Snyder addressed the Town Board about his client Nancy Palumbo’s concern about her property located around Keith’s property. Nancy had an appraisal performed for her property which showed a very negative effect on the property if Keith is granted this SUP. Mr. Snyder stated that Keith’s property is in two different zoning districts agriculture and residential, with most of his property in residential which is most restrictive according to the Town Code. Mr. Snyder submitted pictures that were taken the day before this Public Hearing of various trucks delivering parts and trailers dropping off cars in and out all day long. Mr. Snyder stated would any of you like this going on in your back yard and asked that they take that into consideration when making a decision on this SUP request. Mr. Snyder “Thanked” the Town Board for allowing him to speak about the SUP request.

**CHANGE OF USE: KEITH VANLEW 8207 HAYES HOLLOW ROAD**

Supervisor DePasquale stated that Keith VanLew was approached by CEO John Kotlarsz about what he was intending to do at his property. CEO Kotlarsz directed him to fill out an application for a Special Use Permit and or Change of Use in order to have a Mechanical Trade Shop. Planning Board addressed the request and found chapter 108-36 met the request. Supervisor DePasquale read the following Town Code 106-36(21)- Shops for custom work, such as but not limited to cabinetmaking, carpentry, electrical and mechanical trades, plumbing, printing, shoe repair and tailoring, provided that no more than five persons are employed in such shop and only light machines and hand tools are used in connection therewith and no operation is so conducted as to be noxious or offensive. Shops not meeting these conditions will require a special use permit.

**Approve Change of Use at 8207 Hayes Hollow Road**

MOTION made by Councilman Arcara and seconded by Councilwoman Zurbrick to approve the Change of Use request from Keith VanLew at 8207 Hayes Hollow Road and,

Duly adopted this 14<sup>th</sup> day of November, 2019, by the following vote.

On the Vote: Councilman David Arcara – yes  
Councilman Jesse Hryck – yes  
Councilwoman Patricia Zurbrick – yes  
Councilman Gerald Pietraszek – yes  
Supervisor James P. DePasquale – yes

**PUBLIC HEARING KEITH VANLEW SPECIAL USE PERMIT-MECHANICAL SERVICE, MINOR COLLISION & RESALE 8207 HAYES HOLLOW ROAD**

Supervisor DePasquale reviewed the SEQR for Keith VanLew’s SUP request and the following changes or additions were made.

-Part 3 Determination the Town Board would be the Lead Agency

Question 5a A permitted use under the zoning regulations? Answer- yes

Question 5b Consistent with the adopted comprehensive plan? Answer – yes

Question 8a Will the proposed action result in a substantial increase in traffic above present levels? Answer – yes, truck traffic

Question 17a Will storm water discharges flow to adjacent properties? Answer – no

Question 17b Will storm water discharges be directed to establish conveyance systems (runoff and storm drains)? Answer - no

Supervisor DePasquale asked the Town Board if they were satisfied with the SEQR.

Town Board response – Yes

Supervisor DePasquale read the Special Use Permit and Conditions for Keith VanLews SUP which is on file in the Town Clerks office.

Supervisor DePasquale asked Keith VanLew if he understood the SUP and Conditions.  
Keith VanLew response – Yes

Councilwoman Zurbrick asked if there would be an annual inspection.  
Supervisor DePasquale stated yes it comes with all Special Use Permits.

There was a length discussion on what type of barrier would be put up around the property and the fence being erected behind the building.

**APPROVAL OF KEITH VANLEW’S SPECIAL USE PERMIT-MECHANICAL SERVICE, MINOR COLLISION & RESALE 8207 HAYES HOLLOW ROAD**

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik to approve Keith VanLew’s Special Use Permit for a Mechanical Service, Minor Collision & Resale Shop at 8207 Hayes Hollow Road. A 40 x 40 fence behind the building to be erected by the June 2020 Annual Special Use Permit inspections. Submit a plan for a barrier on the north side of the property by the June 2020 SUP inspections to be completed by June 2021 SUP inspections A plan submitted for a barrier on the south side of the property by the June 2021 SUP inspections and completed by June 2022.

Duly adopted this 14<sup>th</sup> day of November, 2019, by the following vote.

On the Vote: Councilman David Arcara – yes  
Councilman Jesse Hryck – yes  
Councilwoman Patricia Zurbrick – yes  
Councilman Gerald Pietraszek – yes  
Supervisor James P. DePasquale – yes

**COMMITTEE REPORTS**

**BUILDING REPORT**

Councilman Arcara reported that the Town Hall roof has been completed and the Bilco Door for the Senior Center has been ordered.

**CODE ENFORCEMENT OFFICER REPORT**

Report for the month of October –Bldg. Insp/Code Enf. Officer, John Kotlarsz reported that there were:  
17 Building Permits  
21 Certificates of Compliance  
3 Fire Inspection

Training for the Williamson Law Book Building and CEO Software Program will be coordinated with the Building department and Town Clerks office.

CEO John Kotlarsz revisited Kloiber's Junkyard to reinspect the disposition of oil at the yard and found to be in compliance

David Kloiber

-Type of Special Use Permit – Junkyard Permit

-Inventory of Vehicles – 619

-General Appearance – More vehicles this year. Stock  
Piles of gas tanks, radiators and wheels

-Fencing or shrubs – Good

-Disposition of Oil - CEO John Kotlarsz revisited in November  
2019 and found that oil is disposed of properly.

-Recommendations – None

-Inspected by: CEO John Kotlarsz, Councilman Gerald Pietraszek,  
Planning Board Chairman Walter Kammer

Asst. CEO Thomas Dziulko

Approve David Kloiber-Special Use Permit for a Junkyard

MOTION made by Supervisor DePasquale and seconded by Councilman Arcara and unanimously approved the Special Use Permit for David Kloiber's Junkyard till September 2020.

COMMUNITY DEVELOPMENT REPORT

Supervisor DePasquale stated that the land adjacent to the park that was purchased has finally closed the deed was handed over to Town Clerk Kerlin add to the purchase file

Councilwoman Zurbrick reported the following:

\*Bread of Life Outreach will hold a Thanksgiving Ecumenical Service November 26<sup>th</sup> at 7:00pm

\*Town Christmas Ornament and Tree Lighting will take place on December 6<sup>th</sup> starting at  
6:00pm at the Senior Center

\*Seniors trip is Tuesday, December 10<sup>th</sup> The Lettermen at Seneca Niagara Casino

\*Bread of Life Outreach will hold a PJ Party/Movie night December 13<sup>th</sup> "How the Grinch Stole  
Christmas" starting at 6:45pm

\*West Falls Library will hold a Cookie Decorating Party Saturday December 14<sup>th</sup> at 1:00pm

Bread of Life Outreach Center Hours of Operation

Food Pantry

Thursdays 3pm - 6pm

Saturdays 10am - 1pm

Gabriel's Closet Thrift Shop

Tuesday 10:00am - 2:00pm  
Wednesday 10:00am - 2:00pm  
Thursday 3:00pm - 6:00pm  
Saturday 10:00am - 1:00pm

Senior Trip

\*Tuesday, December 10<sup>th</sup> The Lettermen at Seneca Niagara Casino

DOG CONTROL OFFICER REPORT

Councilman Arcara read the following DCO report for October 1, 2019 – October 31, 2019.

- A call about a racoon acting strangely
- A resident called about a dog missing on Falls Road, dog returned home on its own.
- Dogs at large on Bleistein Road DCO Horschel talked with dog owner about keeping dogs on their own property.
- Received a few calls about missing dogs on State Road and one from Orchard Park dogs returned on their own and one picked up at DCO Horschel's house.

ENVIRONMENTAL BOARD REPORT

Councilman Pietraszek reported that he received information from Erie County Soil and Water on the Streambank Stabilization program. The Town has allocated \$20,000 for the project. Mark Gaston from ECSW stated that they would like to move on this project soon and he has provided the contracts for the residents along the creek. Councilman Pietraszek will contact Mark about the town's contract and may have to have the Town Board meet up in the next week or so to sign the contract.

HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that winter plowing has started and the OshGosh Snowblower was sold at auction for \$5,400.

Approve Seasonal Maibox and Snowplowing Advertisement

Motion made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved to advertise the Law for mailbox replacement and snowplowing across the roadway.

Approve Seasonal Road Closing-Murray Hill Road

Motion made by Councilwoman Zurbrick and seconded by Councilman Arcara and unanimously approved to advertise the seasonal road closing for Murray Hill Road starting November 15, 2019 to April 30, 2020.



#### INSURANCE REPORT

No Report

#### LIBRARY REPORT

Councilman Hrycik reported that the Boston Library will Pine Cone Creations on Thursday, November 21<sup>st</sup> from 5:00pm – 6:00pm

West Falls Library is offering the following:

-Friday, November 15<sup>th</sup>, The 10 Warning Signs of Alzheimer's Disease at 2:00pm

-Monday, November 25<sup>th</sup> Make a Christmas Wreath, all materials provided cost is \$20. from 6:30pm – 8:30pm

-Book mobile is at the Town Hall on the fourth Tuesday's of the month from 9am - 11am

#### PERSONNEL & TRAINING REPORT

Supervisor DePasquale read a letter of resignation for Court Clerk Hannah Stover and request to approve Maria Falzone to receive a stipend of a \$100.00 per week which would include her former duties of Court Clerk, grant writing, records management as well as the ongoing training provided to Court Clerk Jaime Richards.

##### Accept Resignation of Court Clerk Hannah Stover

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved to accept the resignation of Court Clerk Hannah Stover effective Tuesday, November 19, 2019.

##### Appoint Marie Falzone Court Clerk

MOTION made by Councilwoman Zurbrick and seconded by Councilman Arcara and unanimously approved to appoint Maria Falzone for a period of 6 months and not to exceed 8 months and to receive a stipend of a \$100.00 per week which would include her former duties of Court Clerk, grant writing, records management and training of Court Clerk Jaime Richards. After the 8 months Maria Falzone would take on the position of substitute Court Clerk at a rate of \$17.39 per hour.

#### PLANNING BOARD REPORT

No meeting

#### WATER REPORT

Councilman Pietraszek reported at the present time water consumption billed to ECWA for the prior month was 1,581,000 gallons at a cost of \$4,089.30 + \$256.25 = \$4,345.55 expenditure.

- Bulk water station at the highway garage has been winterized
- Budget requests were submitted to the Town
- Relevies finished and posted to Town Assessor Dawn Martin
- ISO testing completed on October 9, 2019 waiting on results.
- Hydrant and valve testing completed
- Chlorine residuals are quite well reading 0.7

#### YOUTH/ADULT RECREATION REPORT

Councilwoman Zurbrick reported that adult recreation hosted a painting and cookie decorating classes. Both classes were well attended and participants were excited to attend more adult classes in the future. Many ideas have been tossed around.

- Reminder that the Annual “Ornament Decorating, Tree Lighting and Mrs. Claus” event is Friday, December 6<sup>th</sup> starting at 6:00pm at the Senior Center.

#### OLD BUSINESS

None

#### NEW BUSINESS

Supervisor DePasquale read the following:

### INTERMUNICIPAL SNOW REMOVAL AND ICE CONTROL AGREEMENT

WHEREAS, at a Regular Town Board meeting of the Colden Town Board held on the 14<sup>th</sup> of November, 2019 the Town Board Authorized Supervisor James P DePasquale of the Town of Colden to sign, submit and execute an agreement with Erie County Department of Public Works relating to control of Snow and Ice on County Roads by the Town of Colden for 2019-2022. Under this agreement, the Town of Colden will receive for the 2019-2020 snow season rate has been set at \$4,193.37 per lane mile; the 2020-2021 snow season rate has been set at \$4,340.14 per lane mile; and the 2021-2022 snow season rate has been set at \$4,470.34 per lane mile.

RESOLVED, that the Town Clerk shall prepare two (2) certified copies of this Resolution for submission with the executed contracts.

Motion made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and,

Duly adopted this 14<sup>th</sup> day of November, 2019, by the following vote

On the Vote: Councilman David Arcara – yes  
Councilman Jesse Hrycik – yes  
Councilwoman Patricia Zurbrick – yes  
Councilman Gerald Pietraszek – yes

Supervisor James DePasquale - yes

## RESOLUTIONS

Supervisor read the following:

### RELEVY UNPAID WATER BILLS

WHEREAS, The Town of Colden has 15 delinquent Water accounts in the amount of \$3,962.17, remaining unpaid, including late charges;

NOW THEREFORE, BE IT RESOLVED: That no further payments will be accepted after October 22, 2019, and any and all unpaid water accounts as of this date, be relevied onto the 2020 Town of Colden Property Taxes.

Motion made by Councilman Hrycik and sended by Councilman Arcara and,

Duly adopted this 14<sup>th</sup> day of November, 2019, by the following vote.

On the Vote: Councilman David Arcara - yes  
Councilman Jesse Hryck – yes  
Councilwoman Patricia Zurbrick – yes  
Councilman Gerald Pietraszek – yes  
Supervisor James P. DePasquale – yes

## BUDGET TRANSFERS

None

## TOWN CLERK REPORT

No report

## SUPERVISOR'S REPORT

Supervisor DePasquale stated that the land adjacent to the park that was purchased has finally closed the deed was handed over to Town Clerk Kerlin. Supervisor DePasquale also stated that good work was done on the budget this year with the Town Board and he feels that it

PAY BILLS

MOTION made by Councilman Arcara and seconded by Councilman Hrycik and unanimously approved to pay the following bills.

General Fund Warrant Voucher #2019-395to #2019-435	\$ 148,085.81
Highway Fund Abstract Voucher #2019-163 to #2019-180	\$ 50,578.90
Water District Voucher #2019-63 to #2019-70	\$ 4,505.60
Refuse District Voucher #2019-32	\$ 19,444.25
Lighting District Voucher #2019-17	\$ 195.09

PRIVILEGE OF THE FLOOR

Councilman Hrycik “Congratulated” Councilwoman Zurbrick, Councilman Pietraszek and Town Clerk Kerlin on their retaining their positions after the recent election.

ADJOURN

MOTION made by Councilman Hrycik and seconded by Supervisor DePasquale and unanimously adjourned the meeting at 9:43pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk