

MEETING CALLED TO ORDER AT 7:03 PM

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE IN MEMORY OF CHERYL LAFFERTY AND CHERYL MUELLER, FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

ALSO

PRESENT: Highway Superintendent Lee Wohlhueter
CEO John Kotlarsz
Planning Board Chairman Walter Kammer
Springville Journal Editor Max Borsuk
Officer Shane Miller
DCO Michelle Zak
Town Clerk Deborah Jusiak
Approximately 15 residents

REGULAR TOWN BOARD MEETING

MINUTES

Supervisor DePasquale asked for comments or questions about the September 11, 2025, Town Board Meeting minutes. There were no comments.

MOTION made by Councilman Robinson and seconded Councilman Hrycik and unanimously approved the minutes from the Town Board meeting held on Thursday, September 11, 2025.

SAFETY

Deputy Miller reported the following:

Colden September Erie County Sheriff's Office Statistics

- 72 Calls for service
- 50 Premise Checks
- 5 Traffic Stops
- 33 Community Policing
- 3 Accidents
- 16 Complaints handled by Deputy Miller
- 1 warrant arrest

REQUEST TO BE ON THE AGENDA

Lara Hrycik- Concerns with the Town's zoning code and complaint/enforcement

Lower East Hill Rd resident Lara Hrycik addressed the Town Board about updating the Town's zoning codes to match the Town's 2024 Comprehensive Plan. She also said that enforcement based upon complaints doesn't work. She would like to see the Town opt-in to commercial cannabis sales and consumption.

PUBLIC HEARINGS:

1. PROPOSED LOCAL LAW – 2026 TAX CAP OVERRIDE

Supervisor DePasquale opened the Public Hearing at 7:16 pm by asking for public input regarding proposed Local Law 2025-5 Tax Cap Levy Override. He said the NYS tax cap is well below the rising costs of utilities and materials. Lara Hrycik stated that revenues from cannabis sales could help. DePasquale responded that the revenue isn't that large. Resident Marilyn Calhoun asked what percent were taxes raised? DePasquale responded that the amounts are broken out by district including special districts; the overall percent increase will be available at the Budget Public Hearing in November. There were no other comments. Supervisor DePasquale closed the Public Hearing at 7:25 pm. He read the following resolution:

**RESOLUTION #2025-11
APPROVING ADOPTION OF LOCAL LAW 5-2025
OVERRIDE 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 limit 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 voting power of such body, a local law to override such limit for such coming fiscal year only, and

WHEREAS, the proposed budget is required to accurately appropriate funds in the operation of the Town with an unprecedented increase in costs such as highway salt, medical coverage, New York State pension costs and others, 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 5-2025 providing for an override of the tax limit prescribed by General Municipal Law Section 3-c for the fiscal year 2026, 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 Pietraszek and seconded by Councilman Hrycik.
Duly adopted this 9th day of October 2025 by the following vote.

Councilman Dennis Robinson - yes
Councilman Jesse Hrycik- yes
Councilwoman Patricia Zurbrick - excused
Councilman Gerald Pietraszek - yes
Supervisor James DePasquale- yes

2. 2025 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING

Supervisor DePasquale opened the CDBG Public Hearing at 7:27 pm by saying Rural Transit Van Service was endorsed by the Town Board as the #1 project. He said the Senior Center is the only area in Town that is usually eligible for CDBG funding. The building received a different Erie Count grant for \$5,000 for new downstairs flooring. Additionally, the Town has received a grant for the Park and is applying for a safe pathways grant for sidewalk improvements. The Board may re-evaluate if CDBG grant applications are reopened later in the year. Resident Mary LaFlamme asked for a grant for Veterans' banners. Supervisor DePasquale responded that the Town is looking into the banners, but they probably aren't eligible for grants. There were no other comments and Supervisor DePasquale closed the Public Hearing at 7:31pm

Supervisor DePasquale read the following resolution:

RESOLUTION #2025 - 12
2025 COMMUNITY DEVELOPMENT GRANT FUNDS

WHEREAS, at a meeting of the Colden Town Board held on October 9, 2025, at 7:00 pm, the Town Board of the Town of Colden authorizes Supervisor James P. DePasquale to sign, submit and execute a contract with Erie County Development Grant Program for the following project upon approval of 2026 ECCDBG Funds.

1) Rural Transit Van Service

MOTION made by Councilman Robinson and seconded by Councilman Hrycik and unanimously approved by the following vote:

Councilman Dennis Robinson - yes
Councilman Jesse Hrycik - yes
Councilwoman Patricia Zurbrick - excused
Councilman Gerald Pietraszek - yes
Supervisor James P. DePasquale - yes

OLD BUSINESS: None

NEW BUSINESS: None

COMMITTEE REPORTS

BUILDING REPORT

Councilman Robinson received quotes for furnish and installation of an exterior man door at the Senior Center. Five companies were contacted, he received quotes from two. The lowest quote was \$2,315.00 from Grasso Door & Hardware. He asked for a motion to accept the Grasso Door & Hardware bid.

MOTION made by Supervisor DePasquale, seconded by Councilman Pietraszek and unanimously approved to purchase the Grasso Door for the Senior Center at \$2,315.00.

Robinson reported that the Town's Adirondak chairs need to be replaced in the spring, and the Town Hall front fascia was repaired by Supervisor DePasquale and Parks Worker Kirby.

CODE ENFORCEMENT OFFICER REPORT

Report for the month of September 2025 – CEO John Kotlarsz read the following report:

11 Building Permits Issued	1 Court Appearance
1 Certificate of Occupancy	1 Fire Inspection
4 Certificates of Compliance	24 Hours of School

Kotlarsz said he expects to see an increase in new home building permits by the end of the year by those wishing to connect to natural gas or propane before the December 31, 2025, deadline.

COMMUNITY DEVELOPMENT REPORT

Supervisor DePasquale reported the following events:

- Colden Fire Company Meat Raffle will take place on Saturday October 18, 2025.
- The spaghetti dinner has been postponed until November.

DOG CONTROL OFFICER REPORT

Councilman Robinson read the following report:

9/17/25- A resident was walking her dog over Rt 240 bridge when a dog came out running from across the street. The dog latched onto the other dog's collar and could only be released by cutting the collar. DCO Zak spoke with the dog's owner who didn't want to press charges. The owner of the antagonistic dog is registering the dog and is using a better leash for outdoors.

9/24/25- DCO retrieved a dog from a vehicle rollover accident on Heath and Hayes Hollow. The dog had no injuries except for being traumatized by what happened. The dog owner's fiancée picked up the dog the next day.

Robinson discussed upcoming changes to Ag and Markets Dog Kennel regulations. He believes multiple towns will share centralized dog kennels for fewer inspections.

ENVIRONMENTAL BOARD REPORT

No report

HIGHWAY REPORT & PARKS

Highway Superintendent Lee Wohlhueter reported the following:

October Highway Report

- Surplus equipment has been sold at auction
 - The Dodge sold for \$26,900.00
 - Rhino Mower sold for \$2,325.00
 - Zetor tractor sold for \$3,000.00
 - Karcher power washer sold for \$550.00
 - Excavator tracks sold for \$26.00
 - All totaling \$32,801.00
- Preventative maintenance has started on the plow fleet.
- Road grass cutting and right of way clearing continues along with wrapping up some small miscellaneous jobs
- Approval for the seasonal road posting of Murray Hill Road and the posting for plowing snow across the road.

Approve the Seasonal Closing of Murray Hill Road and Notice of Snow on the Right of Way

MOTION made by Supervisor DePasquale and seconded by Councilman Robinson and unanimously approved to post the Seasonal Closing of Murray Hill Road from 8958 Murray Hill Road to 8743 Murray Hill Road from November 15, 2025 – April 1, 2026.

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved to post the Notice of Snow on the Right-of-Way and Property Owners Mailboxes Notice.

Request Speed Study on Crump Rd from Rt 240 to Center St.

Wohlhueter addressed a complaint about speeding on Crump Rd from Route 240 to Center St. He asked the Board for a speed study for the road. Hrycik wondered if a 3-way stop at Crump and Center would be beneficial.

MOTION made by Supervisor DePasquale, seconded by Councilman Robinson and unanimously approved to request an Erie County speed study for Crump Rd from Route 240 to Center St and investigate whether a 3-way stop is needed.

October Parks Report

~There have been discussions regarding updating the rules in the park because of the trails.

INSURANCE REPORT

Robinson reported the employees' new health policies went into effect September 1, 2025.

LIBRARY REPORT

Councilman Hrycik reported the following:

West Falls Library The Hawk Creek event was a success and the library asked for its section of Town's website to be updated.

Boston Free Library events include a Fall Book Sale from Oct 12 – 26th, a painted pumpkin class on October 16, and a Halloween game day on October 25. Contact the library to register.

PERSONNEL & TRAINING REPORT

Reappointing Town Assessor. The Board discussed reappointing Dawn Martin as Town Assessor. She will be appointed at a rate of \$21,500/year with raises as per Town budget. The position is part-time with the only benefit being NYS Retirement. The position is for 8 hours/week to be submitted by time sheet at the end of each payroll period. There are no holidays, personal or vacation days and time off must be made up after return to work.

MOTION to appoint Dawn Martin as the Town's assessor at \$21,500/year as specified above made by Councilman Robinson, seconded by Councilman Pietraszek and unanimously approved.

PLANNING BOARD REPORT

Councilman Hrycik reported there was no Planning Board meeting. Planning Board Chairman Kammer said he will hold an October meeting to finalize the Town's fines and fees schedule and redo all Town Code chapters containing dollar amounts. They also plan to coordinate the Park project and rework short-term rentals regulations. The Town Board directed the Planning Board to update the Colden Code Chapter on poultry and investigate regulation of Battery Energy Storage Systems (BESS), as soon as possible.

WATER REPORT

Councilman Pietraszek gave the following report:

- **Usage update:** At present time consumption billed by ECWA 3,099,000 gal. cost \$ 12,519.96 + \$401.73 = \$ 12,921.69 expenditure.
 - ECWA water cost \$4.2 / K
- Water usage for Aug - 71 G/M/30D
- Continue to replace meters and registers if broken with new NexT10,
- Turned off hydrant #8 (last in BC Rd lay) Sergi is getting parts to fix. Having trouble getting puck off, need to remove hydrant to fix. Suggest purchasing a new hydrant and repairing old to use when next hydrant has issues
- There are over 10 meters not reading, Jesse working on list and emergency issues.
- New Operator is up and running, DOH 4204 filed with Elma & DOH.
- Letter to 8103 State Rd to fix his leak between curve stop and meter.
- Investigating 8911 State Rd for leak.
- Rural Water inspected the system and did not find leaks. They will be shutting off the system a leg at a time
- Relevy notice sent for \$10,142.32 arears

YOUTH/ADULT RECREATION REPORT

Supervisor DePasquale read the recreation report:

- There will be a Paint Night on October 22nd
- A Pottery Class on November 5th and 19th
- A Sound Bath on November 14th

Program information is found on the Town of Colden Recreation Department Facebook page.

BUDGET TRANSFERS

None

RESOLUTION

Supervisor DePasquale read the following resolution regarding the Town's Snow and Ice Contract:

**TOWN OF COLDEN
COLDEN N.Y. 14033
RESOLUTION #2025-13**

**ERIE COUNTY 2025 – 2028
INTERMUNICIPAL SNOW REMOVAL AND ICE CONTROL AGREEMENT**

WHEREAS, at a Regular Town Board meeting of the Colden Town Board held on the 9th of October 2025 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 2025-2028. Under this agreement, the Town of Colden will receive for the 2025-2026 snow season, a rate of \$5,279.96 per lane mile; the 2026-2027 snow season rate has been set at \$5,491.16 per lane mile; and the 2027-2028 snow season rate has been set at \$5,710.80 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 Councilman Hrycik, seconded by Councilman Robinson and approved by the following vote:

Vote: Councilman Robinson - yes
Councilman Jesse Hrycik - yes
Councilwoman Patricia Zurbrick - excused
Councilman Gerald Pietraszek - yes
Supervisor James DePasquale - yes

TOWN CLERK REPORT

Town Clerk Jusiak stated that early voting will take place at the Town Hall from October 25, 2025- November 2, 2025. The Board discussed donating \$500.00 to the Glenwood -Maltby Cemetery for maintenance tree work.

MOTION made by Councilman Pietraszek, seconded by Councilman Robinson and unanimously approved to make a \$500 donation to the Glenwood-Maltby Cemetery for tree work. Councilman Hrycik abstained from the vote.

The Board requested Jusiak advertise for the Public Hearing for Colden's 2026 Preliminary Budget for November 13, 2025, at 7:00 pm.

SUPERVISOR'S REPORT

Supervisor DePasquale reported that some Town residents are receiving letters from a private company to build lithium-ion Battery Energy Storage System (BESS) on their property. The

BESSs can range in size and are used to store excess energy from the grid. He said the Town Board will be considering a moratorium on the systems to give the Planning Board time to determine what regulations are needed. Supervisor DePasquale will be holding a special meeting and vote.

Supervisor DePasquale spoke about a program called **A Soldiers Journey Home**; a group of volunteers that build specially adapted houses for veterans with disabilities. They have chosen a Colden resident to benefit this coming March. The group has a short turn-around time for construction and needs local volunteers. There will be a link on Town's website. DePasquale asked the board to waive the building permit fee.

MOTION made by Councilman Robinson, seconded by Councilman Pietraszek and unanimously approved to waive the building permit fee for the home to be constructed by **A Soldiers Journey Home**.

PAY BILLS

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

General Fund Warrant	2025 Voucher #409 - #445	\$18,829.24
Highway Fund Abstract	2025 Voucher #130 - #145	\$63,911.87
Water District	2025 Voucher #41 - #48	\$14,210.66
Lighting District	2025 Voucher #12 - #13	\$ 2,355.09
Refuse Fund	2025 Voucher #9	\$31,871.66

PRIVILEGE OF THE FLOOR

Resident Marilyn Calhoun asked follow-up questions about the BESS. Supervisor DePasquale said they're built by a commercial company, not through NYS or NYSEG. East Aurora has a 6-month moratorium, the units can vary in size. Lara Hrycik asked how someone can join a volunteer board. Supervisor DePasquale responded that postcards advertising vacancies are mailed out to all residents around December.

ADJOURN

MOTION made by Councilman Hrycik and seconded by Councilman Robinson and unanimously adjourned the meeting at 8:10pm.

Respectfully submitted,

Deborah Jusiak
Town Clerk