

REGULAR TOWN BOARD MEETING CALLED TO ORDER AT 7:02 pm

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE
FOLLOWED BY THE PLEDGE OF ALLEGIANCE

PRESENT

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

ALSO PRESENT

CEO John Kotlarsz
CEO Tom Dziulko
Highway Superintendent Lee Wohlhueter
Planning Board Chairman Walt Kammer
Town Clerk Deb Jusiak
Erie County Sheriff Deputy Shane Miller
Springville Journal Editor Max Borsuk
Resident Peter Baker
Approximately 3 residents

MINUTES TO BE APPROVED

MOTION made by Councilman Robinson, seconded by Councilman Pietraszek, and approved the minutes from the Regular Town Board Meeting held on July 9, 2026. Councilman Hrycik and Councilwoman Zurbrick abstained from the vote.

SAFETY

Deputy Miller reported the following:

July Colden Erie County Sheriff's Office (EC SO) Statistics

- 59 calls
- 20 Complaints
- 4 Accidents

ESCO has been attending Town concerts and recreation events and performing traffic details.

REQUEST TO BE ON THE AGENDA

Peter Baker – Battery Energy Storage Systems (BESS)

Resident Peter Baker spoke to the Board about his fire safety and environmental concerns regarding the proposed BESS local law. DePasquale explained the proposed law, researched by

the planning board, allows the Town to use home rule to regulate the systems. The law will be heard at a public hearing set for September.

OLD BUSINESS

Employee Health Care

Supervisor DePasquale stated the employees met with benefits coordinator April Hartloff to discuss options; either stay on the current plan or move to an HRA deductible plan. The employees chose to stay with the current plan and increase their contributions to 10% - 15% depending upon their hire date.

MOTION made to approve the health insurance plan and 10% – 15% employee contributions made by Councilwoman Zurbrick, seconded by Councilman Hrycik and unanimously approved.

NEW BUSINESS

Update Short Term Rental (STR) Fees & Fines

The board discussed amending the fees and fines table to include fees for short-term rentals.

MOTION made by Councilman Robinson, seconded by Councilman Pietraszek and unanimously approved to amend the fees and fines table to include STR fees.

DEPARTMENT REPORTS

BUILDINGS

Supervisor DePasquale said the Senior Center elevator inspection is scheduled, and Councilwoman Zurbrick requested the concrete landings be repaired.

CODE ENFORCEMENT REPORT

Report for the month of July 2026– CEO Dziulko read the following report:

- | | |
|---------------------------------------|---|
| • 11 Building Permits Issued | • 1 Second Notice Order to Remedy Violation |
| • 1 New Dwelling Permit Issued | |
| • 4 Certificates of Compliance Issued | • 3 Fire Inspections |

CEO Kotlarsz gave a follow up on the Special Use Permit (SUP) inspections. After reinspection, he found Frank Hrycik's junkyard to comply with the vehicle inventory and a violation notice will be sent to Paul Cohn about removing his non-functioning windmill. There has been no communication with Buffalo Ski Center or SBA.

MOTION to accept Frank Hrycik's annual junkyard SUP inspection made by Supervisor DePasquale, seconded by Councilwoman Zurbrick and approved. Councilman Hrycik abstained.

COMMUNITY DEVELOPMENT

Councilwoman Zurbrick reported on an upcoming concert at the gazebo on August 12, 2026, and read the historian report. She asked the following information be added to the minutes:

Feed More Farm Market Truck at Town Hall Parking Lot
September 9/11 and 9/25, 10am – 11am

Feed More Mobile Food Truck

The Feed More Food Truck Giveaway will be held on the 4th Thursday each month at the Colden Fire Hall.

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

Tuesday, 10am – 4pm

Friday, 10am – 4pm

Wednesday, 10am – 4pm

Saturday, 9am – 2pm

Thursday, 2pm – 5pm

Food Pantry Hours:

Thursday, 3pm – 5pm

Saturday, 9am – 11am

DOG CONTROL

Councilman Robinson said that the Town is considering combining dog control services with the Town of Aurora beginning in January 2027. The new NYS kennel regulations make it too costly for the Town of Colden to continue the service. The Clerk's office will still do the licensing.

MOTION made by Councilman Robinson, seconded by Councilman Hrycik and unanimously approved to contract with the Town of Aurora for dog control and kennel services beginning in January 2027.

DCO Zak performed five kennel Special Use Permit (SUP) Inspections in June. The SUPs for Diane Farish 10025 Partridge Rd, Lisa Holmer 9034 Maltby Dr, Nikki Kuznicki 8350 Irish Rd, Joe and Melissa Wales 8549 Blanchard Rd, and Mark Leitzan 9883 Darien Rd were all found to be in compliance. Dan Geile was unable to be contacted for his inspection.

MOTION made by Councilwoman Zurbrick, seconded by Councilman Pietraszek and unanimously approved to accept the five kennel SUP inspections.

ENVIRONMENT

No Report

HIGHWAY AND PARKS

Superintendent Wohlhueter read the following report:

Highway Report

- First round of road grass cutting has been completed with the final round starting in September
- Oil and Stone has been completed. I would like to thank the towns of Boston, Concord, Sardinia, Holland along with our crew for their help to get our project roads done. Also, a

special thank you to Deputy Miller for helping to keep us safe in our work zones that day. His presence had a tremendous impact on work zone safety.

- We have taken delivery of the Towmaster utility trailer requested and approved in the 2026 budget
- Word is that salt bids have been released. Unofficial new pricing shows an increase from \$57.79 per ton delivered to \$93.24 per ton delivered, an increase of \$35.45 per ton. Budgeting is a concern.

Parks Report

- Daily maintenance continues in town, in the park, and on the frisbee golf course.
- The dead ash tree posing a safety threat in the park has been removed.
- Scott is submitting a request to the town board regarding the purchasing of nine disc golf baskets.

MOTION made by Councilman Robinson, seconded by Councilman Pietraszek and unanimously approved a purchase of nine-disc golf buckets for an amount not to exceed \$2,700.00.

INSURANCE

No Report

LIBRARY

Councilman Hrycik gave the following report:

West Falls-Colden Community Library: The site services many residents and would like to update its computers. They are asking for an increase in the Town's yearly donation.

Boston Free Library: They have received a grant for native plant garden, and the annual jamboree went well.

PERSONNEL

Supervisor DePasquale said training is online for the employees who still need it.

PLANNING

Councilman Hrycik reported on the Planning Board's continuing work on Kummer Park improvements, a law to add commercial recreation in Ag zoning, updating fees & fines, BESS and STR regulations.

WATER

Councilman Pietraszek gave the following report:

- **Usage update:** At present time consumption billed by ECWA 2,029,000 gal. cost \$ 8,866.73 + \$434.87 = \$ 9,301.60 expenditure for March water usage.
 - ECWA water cost \$4.6 / K

- Water usage – 45 G/M/31D
- Hydrant #8 (last in BC Rd lay), received from vender, Jesse installed 7/21/26
- Meter replacement scheduled for Colden Elementary was rescheduled
- Continue working on nonreading meters & registers
- National Fuel contractors are using filling station for line flushing on Heath Rd
- Redirected NFG on State Rd to use County Hydrant for line flushing due to the amount of water required in short period of time would stress our system

Water Billing:

- Open Accounts as of 08/01/2026 billing:

Water Charge (224 units)	\$27,208.12 (3,470,320 gal)
Infras + Capital Surchg	\$ 4,905.60
Arrears	\$ 9,383.41
Total Billed Sent	\$41,497.13
Current Receipts to date	\$ 0.00
Arrears to date	\$41,497.13

RECREATION

Councilwoman Zurbrick read the following report:

- All summer programs ended as of today.
- A new yoga class will start on Thursday, September 3, at 7:00 pm at the Senior Center. It will last for 6 weeks.
- There will be a Defensive Driving Course offered on September 9th from 6:00 pm - 10:30 pm at the Colden Fire Department.

Zurbrick said the Colden Seniors have two upcoming trips; Planes, Pours and More to Hammondsport NY on September 24th and a Halloween mystery trip on October 21st.

RESOLUTIONS

Supervisor DePasquale read the following resolutions:

RESOLUTION #2026-4

**A RESOLUTION DEDICATING THE NEW PLAYGROUND AT KUMMER PARK AS
THE WALT KAMMER COMMUNITY PLAYGROUND**

WHEREAS, the Town of Colden is committed to providing safe, accessible, and welcoming recreational opportunities for residents of all ages; and

WHEREAS, the construction of the new playground at Kummer Park represents an investment in the health, well-being, and quality of life of our community; and

WHEREAS, it is fitting to recognize individuals whose dedication, service, and commitment have made a lasting and positive impact on the community; and

WHEREAS, Planning Board Chairman Walt Kammer has demonstrated exceptional dedication to the community through his years of service, leadership, generosity, and commitment to improving the lives of others; and

WHEREAS, the governing body wishes to honor Walt Kammer by permanently recognizing his contributions through the naming of this new community gathering place;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Colden that the new playground at Kummer Park shall be officially dedicated and named the Walt Kammer Community Playground.

BE IT FURTHER RESOLVED that appropriate signage bearing the name “Walt Kammer Community Playground” shall be installed at the playground, and that this dedication shall serve as a lasting tribute to Walt Kammer’s service and commitment to the community.

BE IT FURTHER RESOLVED that the Town of Colden extends its sincere gratitude and appreciation to Walt Kammer for his enduring contributions and congratulates him on this well-deserved honor.

Duly adopted this 6th day of August 2026, by the following vote:

On the Vote: Councilman Dennis Robinson - Yes
Councilman Jesse Hrycik - Yes
Councilwoman Patricia Zurbrick - Yes
Councilman Gerald Pietraszek - Yes
Supervisor James DePasquale - Yes

**RESOLUTION #2026-5
JUSTICE COURT ASSISTANCE PROGRAM GRANT**

WHEREAS, The Town of Colden Court System services the needs of the NYS Department of Environmental Conservation Enforcement, the NYS Police and the Erie County Sheriffs,

WHEREAS, The Town of Colden Court System performed a Security Assessment to determine which safety improvements would be beneficial for the protection of the Colden Court System employees and the public,

WHEREAS, The Town of Colden Court System is continually interested in upgrading and improving its equipment to better serve not only the public, but also cooperating municipalities,

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Colden authorizes the Colden Town Court to apply for a Justice Court Assistance Program Grant in the 2026-2027 grant cycle up to \$1,895.00.

Duly adopted on this 6th day of August 2026, by the following vote:

On the vote: Councilman Dennis Robinson – yes
Councilman Jesse Hrycik – yes
Councilwoman Patricia Zurbrick – yes
Councilman Gerald Pietraszek – yes
Supervisor James P DePasquale – yes

RESOLUTION #2026-6

A RESOLUTION IN SUPPORT OF THE NEW YORK ASSOCIATION OF TOWNS BILL OF RIGHTS

WHEREAS, town government provides services essential to the vitality of New York State, including but not limited to maintaining and repairing roads, protecting neighborhoods and businesses, guiding economic development, and serving as the first line of defense, communication, and safety for residents every day of the year; and

WHEREAS, the 933 towns of New York State are home to more than 9.1 million New Yorkers and are diverse in population, geography, and demographics, such that decisions affecting daily life are best made at the local level by the government that best understands each community's character, challenges, and needs; and

WHEREAS, the towns of New York are partners in shaping the State's future, and a true partnership between the State and its local governments will propel the New York State forward to the benefit of all New Yorkers; and

WHEREAS, the New York Association of Towns has adopted a Bill of Rights articulating the core principles that should govern the relationship between the State and its towns; and

WHEREAS, the Town of Colden shares and affirms those principles, namely:

1. Protection and defense of municipal home rule, recognizing that towns, as the level of government closest to the people, are best positioned to balance competing interests and make decisions that shape daily life;
2. Local control of land use and zoning, free from statewide zoning rules that override the voice of resident taxpayers and the officials they elect;
3. Freedom from unfunded mandates, so that local taxpayers are not made to bear the cost of orders imposed by State and federal authorities without the resources to carry them out;
4. Modernized transparency, accessibility, and engagement, including reform of outdated public-notice requirements that consume scarce municipal dollars on print notices often missed by the public; and

5. A meaningful voice in State decisions affecting the hometowns that towns govern, so that town government is treated as a true partner rather than an afterthought or a hurdle to clear; now, therefore, be it

RESOLVED, that the Town Board of the Town of Colden hereby endorses and adopts the New York Association of Towns Bill of Rights and affirms its commitment to the principles set forth therein; and be it further

RESOLVED, that the Town Board calls upon the Governor and the New York State Legislature to respect and uphold these principles in the enactment of legislation and the administration of State programs affecting towns; and be it further

RESOLVED, that the Town Clerk is hereby directed to transmit certified copies of this resolution to the Governor of the State of New York, the Temporary President of the Senate, the Speaker of the Assembly, the State Senator(s) and Member(s) of the Assembly representing the Town of Colden, and the New York Association of Towns.

Motion made by Councilman Hrycik, seconded Councilman Pietraszek and duly adopted on this 6th day of August 2026, by the following vote:

On the vote: Councilman Dennis Robinson – yes
Councilman Jesse Hrycik – yes
Councilwoman Patricia Zurbrick – yes
Councilman Gerald Pietraszek – yes
Supervisor James P DePasquale – yes

RESOLUTION #2026-7

AUTHORIZATION to seek NEW YORK STATE LEGISLATIVE ITEM FUNDING for INFRASTRUCTURE and PUBLIC SAFETY IMPROVEMENTS at WALTER KUMMER PARK

WHEREAS, the Town of Colden owns and maintains Walter Kummer Park (the Park) as a vital recreational and community asset for the benefit, health, and enjoyment of its residents; and

WHEREAS, the Town of Colden is presently implementing many high value improvements to the Park, under a CFA Grant from NYS Office of Parks, Recreation and Historic Preservation (OPRHP); and

WHEREAS, we desire enhanced security for the ongoing improvements; and

WHEREAS, the Town's agreement with NYS OPRHP does not include funding or project scope for any enhanced infrastructure and security enhancements; and

WHEREAS, the Park currently lacks substantial nighttime area lighting, creating dark environments that invite unauthorized after-hours use, potential vandalism, and potential frequent violations of park rules; and

WHEREAS, the Erie County Sheriff's Office routinely patrols the Park's town property, and the current lack of illumination hampers visibility, restricts proactive policing efforts, and creates unsafe blind spots for patrolling deputies; and

WHEREAS, the Town Board of the Town of Colden desires to upgrade the Park's foundational electrical system to support modern public safety infrastructure, including commercial LED area lighting, high-definition digital security cameras, and internet connectivity infrastructure for remote Town and Law enforcement monitoring; and

WHEREAS, the estimated capital cost to execute these comprehensive infrastructure and electrical upgrades is approximately \$85,000; and

WHEREAS, New York State Legislative Item appropriations (such as the State Aid to Municipalities program) exist to provide financial assistance to local governments for capital improvements, public safety initiatives, and community infrastructure projects;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colden hereby formally authorizes the Town Supervisor to submit a Legislative Item funding request in the amount of \$85,000 to New York State Senator Patrick M. Gallivan and New York State Assemblymember David DiPietro for the Walter Kummer Park Security and Infrastructure Upgrade Project; and

BE IT FURTHER RESOLVED, that James P. DePasquale, the Colden Town Supervisor, is authorized to execute any and all necessary applications, matching fund documentation (if applicable), and contractual agreements required to secure and administer these state funds on behalf of the Town of Colden.

WHEREAS, on August 6, 2026, the Town of Colden adopts a resolution to authorize this funding request; and

MOTION made by Councilwoman Zurbrick, seconded by Councilman Hrycik and

Duly adopted this 6th day of August 2026, by the following vote:

On the vote:

Councilman Hrycik - yes
Councilman Robinson - yes
Councilwoman Zurbrick - yes
Councilman Pietraszek - yes
Supervisor DePasquale - yes

BUDGET TRANSFERS

None

CLERK REPORT

Town Clerk Jusiak reported that hunting licenses and doe tags are on sale now; there are some new changes to the tags. Supervisor DePasquale asked to schedule 3 public hearings in September and to move the September meeting to Wednesday, September 2, 2026, so all board members can be present for the public hearings. The public hearings are for: a local law extending the Battery Energy Storage Systems (BESS) moratorium for 6 months, an amendment to add Commercial Recreation Facilities into Ag zoning by Special Use Permit, and local law for BESS regulation in Colden. The Public Hearings will be advertised at Town Hall, in the Springville Journal, on the Town's website and Town Facebook page.

MOTION made by Councilman Pietraszek, seconded by Councilman Hrycik and unanimously approved to move the September meeting to Wednesday, September 2, 2026, at 7:00 pm.

MOTION made by Councilman Robinson, seconded by Councilman Hrycik and unanimously approved to set 3 public hearings for the September 2nd meeting.

SUPERVISOR'S REPORT

Supervisor DePasquale thanked Highway Superintendent Wohlhueter and the Highway Department for repairing a section of the sidewalk. The Supervisor sent a letter of support to Kissing Bridge to help get funding to replace the bridge.

PAY BILLS

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik and unanimously approved to pay the following bills:

General Fund	2026 Voucher #287 – #337	\$50,086.96
Highway Fund	2026 Voucher #83 – #99	\$161,774.59
Water District	2026 Voucher #31– #37	\$106,559.95
Refuse District	2026 Voucher #7	\$36,719.39

PRIVILEGE OF THE FLOOR

None

ADJOURN

MOTION made by Councilwoman Zurbrick, seconded by Councilman Robinson to adjourn the meeting and

MEETING ADJOURNED AT 8:09 PM

Respectfully submitted,

Deborah Jusiak
Town Clerk