

TB Mtg February 8, 2018
REGULAR TOWN BOARD MEETING
COLDEN TOWN HALL – February 8, 2018

MEETING CALLED TO ORDER AT 7:02PM

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR VERONICA ZWICK, CALEEN HERBST AND ALICE COVERT FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

ALSO

PRESENT: Highway Superintendent Paul Clarkson
Bldg. Insp/Code Enf. Officer John Kotlarsz
Town Clerk Christina Kerlin
Approximately 15 Residents

MINUTES:

MOTION made by Councilwoman Zurbrick and seconded by Councilman Arcara and unanimously approved the minutes of the January 4, 2018, Organizational Meeting and Regular Town Board meeting as presented.

Town Clerk Kerlin stated that in the January 4, 2018 Regular Town Board Meeting minutes that she omitted an item under the report for Community Development.

Approve Entering into a Contract for the Purchase of Vacant Property

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik to approve to have the Town Attorney enter into a contract to draft a purchase offer for 37.3 acres of vacant land next to the Town Park. Property was appraised by GAR Associate's at a fair price of \$100,000 and a secured grant is being obtained for \$50,000 from the State and the Town will pay the remaining \$50,000.

On the Vote: Councilman David Arcara-yes
Councilman Jesse Hrycik-yes
Councilwoman Patricia Zurbrick-yes
Councilman Gerald Pietraszek-yes
Supervisor James DePasquale-yes

PUBLIC HEARING – Local Law - Cold War Veterans Exemption

Public Hearing opened at 7:04pm

Supervisor DePasquale stated that the Cold War Exemption was to expire and that this Local Law will allow the exemption to continue the following Local Law was read:

LOCAL LAW

AMENDING CHAPTER 90 GRANTING A REAL PROPERTY EXEMPTION FOR COLD WAR VETERANS BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF COLDEN AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

This Local Law amends Local Law 1-1984, known as "Adoption of Code", adopted by the Town Board of the Town of Colden on December 29, 1984, as amended, relating to the administrative, legislative and general legislation of Codes within the Town of Colden as therein set forth.

SECTION 2. CHAPTER 95-14-ARTICLE 6 is amended by adding the following:

Chapter 95-14 Cold War Veterans Exemption

- a. The purpose of this section is to provide a veterans exemption of real property taxation allowable pursuant to 458-b of the Real Property Tax Law of the State of New York and shall be known as "Cold War Veterans Exemption Local Law."
- b. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate for the Town of Colden, New York, whichever is less.

c. In addition to the exemption provided by the Subsection B of this section, where the Cold War Veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of the service-connected disability, qualifying residential property shall be exempt from taxation to the extent of the product of the assessed valuation of property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$40,000 or the product of \$40,000 multiplied by the latest equalization rate for the Town of Colden, New York, whichever is less.

SECTION 3. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Supervisor DePasquale asked for any Public Comments.
No comments

Public Hearing closed at 7:06pm

Approve Local Law - Cold War Veterans Exemption

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik to approve the Local Law for the Cold War Veterans Exemption as amended, by amending Chapter 90 granting a Real Property Exemption for Cold War Veterans.

On the Vote: Councilman David Arcara-yes
Councilman Jesse Hrycik-yes
Councilwoman Patricia Zurbrick-yes
Councilman Gerald Pietraszek-yes
Supervisor James DePasquale-yes

PUBLIC HEARING – Local Law – Solar Zoning in Various Districts

Public Hearing opened at 7:06pm

Supervisor DePasquale stated that Local Law for Solar Energy Conversion Systems was passed and this Local Law is for the governing of the law in the various districts in town the following proposed Local Law was read:

**LOCAL LAW
AMENDING CHAPTER 108 TO ESTABLISH THE USE OF SOLAR ENERGY
CONVERSION SYSTEMS IN THE VARIOUS ZONING DISTRICTS.**

Section 1: LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as “Adoption of Code” adopted by the Town of Colden on December 29, 1984, as amended, relating to the administrative, legislative and general legislation of the Codes within the Town of Colden as herein set forth.

The Town has adopted Chapter 107 regarding regulation of Solar Energy Conversion Systems within the Town. The purpose of this Local Law is to establish the use of Solar Energy Conversion Systems in the various districts.

2: ARTICLE V, R-1 SINGLE FAMILY RESIDENCE DISTRICT

Section 108-12 is amended by adding the following:

108-12-B(11) Solar Energy Conversion Systems 25kW or less via Unified Solar Permit

108-12-C(2) Solar Energy Conversion Systems Greater than 25kW via Special Use Permit

108-12-C(3) Solar Energy Conversion Systems 25kW or less via Special Use Permit

Section 3: ARTICLE VI, R-2 GENERAL RESIDENCE DISTRICT

Section 108-20 is amended by adding the following:

108-20-B(5) Solar Energy Conversion Systems 25kW or less via Unified Solar Permit

108-20-C(2) Solar Energy Conversion Systems Greater than 25kW via Special Use Permit

108-20-C(3) Solar Energy Conversion Systems 25kW or less via Special Use Permit

Section 4: ARTICLE VIII, R-RB RESIDENCE-RESTRICTED BUSINESS DISTRICT

Section 108-28 is amended by adding the following:

108-28-B(5) Solar Energy Conversion Systems 25kW or less via Unified Solar Permit

108-28-C(2) Solar Energy Conversion Systems Greater than 25kW via Special Use Permit

108-28-C(3) Solar Energy Conversion Systems 25kW or less via Special Use Permit

Section 5: ARTICLE IX, AG AGRICULTURAL DISTRICT

Section 108-36 is amended by adding the following:

108-36-B(6) Solar Energy Conversion Systems 25kW or less via Unified Solar Permit

108-36-C(2) Solar Energy Conversion Systems Greater than 25kW via Special Use Permit

108-36-C(3) Solar Energy Conversion Systems 25kW or less via Special Use Permit

Section 6: ARTICLE X, C COMMERCIAL DISTRICT

Section 108-44 is amended by adding the following:

108-44-A(43) Solar Energy Conversion Systems 25kW or less via Unified Solar Permit

108-44-D(2) Solar Energy Conversion Systems Greater than 25kW via Special Use Permit

108-44-D(3) Solar Energy Conversion Systems 25kW or less via Special Use Permit

Section 7: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

Supervisor DePasquale asked for any Public Comments.
No comments

Public Hearing closed at 7:08pm

Approve Local Law - Solar Zoning in Various Districts

MOTION made by Councilman Arcara and seconded by Councilman Pietraszek to approve the Local Law for Solar Zoning in the Various Districts 108-12, 108-20, 108-28, 108-36 and 108-44.

On the Vote: Councilman David Arcara-yes
Councilman Jesse Hrycik-yes
Councilwoman Patricia Zurbrick-yes
Councilman Gerald Pietraszek-yes
Supervisor James DePasquale-yes

PUBLIC HEARING – Dog Kennel SUP for Diane Kolotylo-Farish at 10025 Partridge Road

Public Hearing opened at 7:08pm

Supervisor DePasquale stated that the Special Use Permit was received on January 27, 2017 and all paperwork is in place and the following documents were reviewed for the Special Use Permit application.

- Letter of Intent
- Sketch and plans
- \$25.00 fee collected
- Building Inspector report submitted and signed by John Kotlarsz
- Petition of residents in 500' by Diane Kolotylo-Farish and letters of support were submitted by Bobbi Kellner, Richard Uren, Dwayne Gigante and Liz Cotton.
- Letters were received from residents along with a petition that was strongly opposed to placing more animals into a situation that is already poorly managed and the safety in a secured area.
- Environmental Board recommendation and SEQR form
- Planning Board recommendation
- Public Hearing notice posted and neighbors notified in 500'
- There was a court appearance that was issued for failure to obtain a building permit and a building to close to property lines all charges have been rectified
- SPCA was reportedly at the residence for a complaint
- Erie County Site Plan was received and determined to be of local concern

All documents are on file in the Town Clerk's office for review.

Supervisor DePasquale asked for any Public Comments.

No comments

Councilman Pietraszek asked why the SPCA was contacted and how many animals do you have.

Diane stated that the complaint was for her cats and the matter has been taken care of. The SPCA had no problem with the why her animals were being taken care of. Diane said she has 14 acres with 2 chickens a rooster, llamas and alpacas.

Councilman Arcara asked if the dogs would be outside.

Diane stated that her dogs would be inside when she is not home.

Public Hearing closed at 7:25pm

Special Use Permit for a Dog Kennel permit for Diane Kolotylo-Farish at 10025 Partridge Road was tabled till next month for further review.

COMMITTEE REPORTS

BUILDING REPORT

Councilman Arcara reported that the asbestos report was received for the flooring and mastic that was under the carpet in the copy room and in the Town Clerks office. The flooring tested positive and the mastic was negative. Three quotes will be obtained for the removal of the asbestos flooring.

CODE ENFORCEMENT OFFICER REPORT

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

2 Building permits issued
Attended 3 days of school

Worked with Town Attorney on Tioga Valley Farm on State Road and a change of use for Southtown's Tireman storage building at 8863 State Road.

COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported that the Bread of Life Outreach Center is open as well as Gabrielle's Closet.

A Chair-ity event will take place on April 24th, at the Colden Fire Hall. Paint a "Chair for the Event".

- Soup and Salad at the Colden Lutheran Church February 14th at 6pm
- History of the Colden Churches on February 27th at BOLO at 6pm
- Pancake Breakfast at the Colden Fire Hall on March 18th from 8am – 1pm
- Lining up bands to play at the Town Gazebo starting June 13th through September 26th on Wednesday evenings

The following resolution was read by Supervisor DePasquale:

PURCHASE OF PROPERTY

WHEREAS, there is a 37.3 acre parcel of land contiguous to the Colden Town Park, and

WHEREAS, the owners of the vacant land are interested in selling the property, and

WHEREAS, the Town Board finds it is in the best interest and benefit to the Town to purchase the vacant property for future use as a Town Park contiguous to the present town park, and

WHEREAS, the property has been appraised by GAR Associates finding the fair market value of the \$100,000, a copy of said appraisal being included by reference, and

WHEREAS, there is a State and Municipal Facilities Program which considers funding for Real Property to be used as a Town Park, and

WHEREAS, the Town will seek approval of a grant in the amount of \$50,000 from the State and Municipal Facilities Program to defray part of the costs of acquisition of the vacant property, and

WHEREAS, the Attorney for the Town was requested and has prepared a proposed contract for the said purchase,

NOW, THEREFORE, BE IT

RESOLVED, the Town Board does hereby approve the purchase contract which contains a provision that the purchase is subject to the Town obtaining a \$50,000 State and Municipal Facilities Grant, the balance of the \$100,000 purchase price being paid from town funds, and

RESOLVED, the Supervisor, James DePasquale is authorized to execute the agreement on behalf of the Town, and be it further

RESOLVED, the Town Clerk is requested to forward four signed copies of the purchase contract to Town Attorney Ronald Bennett for submission to the Attorney for the Seller,

Duly adopted this 8th day of February, 2018, by the following vote

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek,

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

DOG CONTROL OFFICER REPORT

Councilman Arcara read the following DCO report for January 1, 2018 – January 31, 2018. A call about a dog out in the cold on Center Street, nothing found. A person called about their dog passing and wanted the DCO to pick the dog up, turns out the dog was from Concord.

A report of a peacock in a garage was referred to Jack's Nuisance Control. Picked up a dog that was loose the dog has run off in the past and was returned to a resident in Craneridge. Two labs were missing from the Town of Boston and returned home later that day. There was an elusive Golden Doodle on Route 240 in Glenwood many people tried catching the dog. Information was given to the DCO on a possible owner, went to the location of the dog owner and the dogs showed up when the DCO was there.

A person dropped off two dogs at the Town Hall the dogs were returned to the owner who has picked them up many times for being on the loose.

ENVIRONMENTAL BOARD REPORT

No report

Councilman Pietraszek reported that he received an email from Buffalo Niagara Waterkeeper on the survey that he completed last fall. A meeting will be scheduled to meet with the project manager on information relating to grants and funding procurement for areas such as flooding and erosion planning, drinking water protection, water quality, agriculture and farming and green and living infrastructure.

HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that this winter has caused some problems for the town roads. Shared services with the Town of Boston to use their excavator to fix the roadway at Bleistein Road and Blanchard Road the frost brought the road up so repairs were needed. Four driveway culverts failed and will need to be replaced he will contact homeowners. Used 88% of the towns salt an order of 80 ton will be received this week the town should be good on salt for the rest of the winter. The new salt contract will come up sometime in August.

Equipment problems have occurred on Truck #6 the International a bearing needs fixing and the truck will be down for about 3-4days.

Truck #7 the 2012 is out of service the parts will be ordered in the meantime the Osh Kosh is being used.

Mack truck frame rails need repair the following 3 quotes were obtained:

Five Corners Repair \$9,700.00

Proposal to repair frame rails on Mack Truck. Installation of pintle hitch, glad hands and 7 wire plug.

Materials	\$4,500.00
Labor	\$5,200.00

Alloy Welding and Fabricating \$13,635.00

Remove aluminum J&J dump body and related components at the rear of frame and remove all tires and rims to access frame rails on both sides

Remove outer frame rail 12' from back forward and inner rail 10' from back forward to have staggered seam

Form and install new outer and inner rails with epoxy primer and paint between rails and install using Huck fastening bolts, meeting new standard specifications as per Mack

Prep, prime and paint rails, and complete assembly of chassis along with installation of dump body

Install a 30 ton pintle plate hitch, with D-rings, and related electric and air valving on a 1993 Mack dump truck

Labor and materials

Don's Welding Service, Inc \$19,317.10

Remove and install dump body & hoist, remove and install cross members & tandems. Install new frame rail section. Approximately 14ft. long, Fabricate 7 install new hinge, pin & bushings. Fabricate & install new 40 ton pindle & plate with D-rings & air

Discussion on the bids took place with Highway Superintendent Clarkson and the decision was to go with Alloy Welding & Fabricating Inc.

Approve repairs for Mack Truck

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik and unanimously approved Alloy Welding & Fabricating Inc. to do the needed repairs on the Mack truck frame rails at a cost of \$13,635.00.

INSURANCE REPORT

No report

LIBRARY REPORT

Councilman Hrycik reported that the Boston Library is holding:

Preschool Storytime Tuesdays 6:00pm

January 9th – May 22nd (no story time March 6th)

Or

Thursdays 10:00AM

Stories, Crafts, Games, Songs and Snacks

For ages 3-5

Bookmobile is every 2nd and 4th Tuesday of the month from 12:00pm to 3pm at the Senior Center.

PERSONNEL & TRAINING REPORT

Councilwoman Zurbrick reported that the Town Board needs to approve David Grace for snow plowing the sidewalks in town while Frank Brady is out of work on leave for a few weeks.

Appoint David Grace

MOTION made by Councilman Arcara and seconded by Supervisor DePasquale to appoint David Grace for snowplowing the sidewalks in Town at the rate of \$13.56 an hour.

PLANNING BOARD REPORT

Councilman Hrycik reported that the Planning Board had an update on the Clean Energy Program with the Code Enforcement Training.

-Expediting Special Use Permit renewals

-Updating the Master Plan

WATER REPORT

Councilman Pietraszek reported that water usage at present is 44,500 gallons a day.

- Water infrastructure Invoice has increased from \$84.57 to \$126.86
- Water usage being followed weekly via ECWA
- Water usage at present for past month is 35,000 a day or 25 gallons a minute
- One pit and valve to exercise
- Hayes Hollow Fire used 63,000 gallons of water @\$3.01/Thous=\$189.63
- Bid requests letters sent, one returned – Letters will be resent

A resident was sent two certified letters concerning changing paperwork to his name a third letter will be sent to have him come in and pay the water meter deposit. If he does not comply we may have to shut off his water.

A meeting is planned for February 21st to go over the new reader.

Approve Water Used For Fire on Hayes Hollow Road

MOTION made by Supervisor DePasquale and seconded by Councilman Arcara and unanimously approved to transfer funds from the General Account to the Water District to compensate for the water usage for the fire on Hayes Hollow Road.

YOUTH/ADULT RECREATION REPORT

Recreation Director Kip Palmateer reported that Soccer registration is now open. Forms will be sent home from Colden Elementary this week.

We would like permission to run a free crochet class at the Senior Center on Wednesday evenings at 7:00, starting February 21st. CarrieAnn Wach has volunteered to teach the class. It will be open to adults and kids in 6th grade and up when accompanied by a parent. There will be a signup sheet at the town hall. Anyone interested can call or stop in to sign up.

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik and unanimously approved to hold a crochet class at the Senior Center on Wednesday evenings at 7:00pm starting February 21st.

OLD BUSINESS

None

NEW BUSINESS

None

RESOLUTIONS

Supervisor DePasquale read the following resolutions:

RESOLUTION FOR FEES AND FINES

WHEREAS, the Town of Colden has not reviewed the rates of Fees and Fines since the fiscal year of “2002”

WHEREAS, the Colden Town Board instructed the Town Planning Board with the assistance of Town Board members reviewed the existing Fees and Fines and found them to not be competitive with other Towns in the area.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Colden accepts recommendation of the Planning Board and adopts the new rates for Fees and Fines

Approve Fees and Fines

MOTION made by Councilman Pietraszek and seconded by Councilwoman Zurbrick and unanimously to approve the increase in the Town of Colden Fees and Fines.

RESOLUTION FOR “THINK DIFFERENTLY” INITIATIVE TO ASSIST INDIVIDUALS WITH SPECIAL NEEDS AND THEIR FAMILIES

WHEREAS, the “Think Differently” initiative is about promoting awareness and acceptance of all people, and advocating for the inclusion of all individuals living on the Autism Spectrum and with special needs; and

WHEREAS, our state and communities are stronger because of our diversity and differences; and

WHEREAS, according to the Center for Disease Control (CDC) over 55 million people, or approximately 19% of Americans, have a type of disability or special need; and

WHEREAS, for some people with special needs, the very things that make them unique can also keep them on the sidelines, separate from those who might not understand their differences or uniqueness; and

WHEREAS, it is important to promote and provide guidance to those with special needs on how to access publically supported services available to them in the community; and

WHEREAS, the goal of this initiative is to provide a supportive and inclusive environment for individuals of all abilities by supporting community events that expand family friendly opportunities for people with special needs and their families; and

WHEREAS, adopting the “Think Differently” initiative is an important statement that our Town officials, business owners and residents can make to show their support for the differently-abled children and adults with special needs, and their families.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Colden, residents and business owners to adopt the “Think Differently” initiative so that all are better prepared to communicate with, provide for, and support those living with special needs

Approve “Think Differently”

MOTION made by Councilwoman Zurbrick and seconded by Councilman Acara and unanimously to approve to accept the resolution for “Think Differently” Initiative to Assist Individuals with Special Needs and their Families.

BUDGET TRANSFERS

Motion made by Councilman Pietraszek and seconded by Councilman Arcara and unanimously approved to transfer the following funds.

2017 Highway Budget Transfer Request

FROM: DA5110.4	General Repairs	\$2,505.69
INTO: DA5130.4	Machinery Contractual	\$2,505.69

TOWN CLERK REPORT

Town Clerk Kerlin reported that Passport Acceptance fees will increase from \$25.00 to \$35.00 beginning Monday, April 2nd, information is on the board outside the Town Clerks office.

-Annual Erie County Soil & Water Tree and Shrub program is going on deadline is March 16th order forms are in the foyer.

-Speed study on Darien Road between Center Street and Lewis Road is completed and a 45mph speed zone will be established Erie County Highway will be placing speed limit signs up.

-2018 Town & County tax bills will be mailed out next week.

SUPERVISOR’S REPORT

Supervisor DePasquale stated that quotes will be obtained for a sidewalk leading up to the gazebo, the sidewalk was part of the plans for the gazebo. There was discussion on what type and size of sidewalk to be placed to the gazebo.

PAY BILLS

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

General Fund Warrant Voucher #2017-534 to #2017-544	\$ 2,578.75
Highway Fund Abstract Voucher #2017-221 to #2017-232	\$11,822.91
Water District Voucher #2017-93	\$ 15.47
Lighting District Voucher #2017-24 to 2018-25	\$ 2,402.65
General Fund Warrant Voucher #2018-16 to #2018-49	\$19,077.90
Highway Fund Abstract Voucher #2018-02 to #2018-15	\$30,530.91
Refuse District Voucher #2018-01 to 2018-02	\$37,103.78
Water District Voucher #2018-03 to 2018 #-07	\$ 3,152.24
Lighting District Voucher #2018-01	\$ 1,807.24

PRIVILEGE OF THE FLOOR

Karl Simmeth Community Liaison for Assemblyman David DiPietro stated that he is in attendance to promote the “Commemorate our Hometown Heroes 2018 Bridge and Road Name Program” the program is designed to recognize deceased wartime veterans who have served the community and country by naming a bridge or future roadway after them.

Linda Antkowiak stated that the “ Think Differently Program “ that was mentioned earlier is a great program and that she knows of someone who could help assist the town if they wanted to start up a program.

ADJOURN

MOTION made by Councilman Hrycik and seconded by Supervisor DePasquale and unanimously adjourned the meeting at 8:27pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk

