

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

MEETING CALLED TO ORDER AT 7:04PM

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR HELEN I. HARE, CAROL I. HAWLEY, ROBERT P. SCHWINDEMANN, JAMES FABISZEWSKI, MARION GLOR AND CALEB BASILIKO 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 9 Residents

MINUTES:

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik and unanimously approved the minutes of the February 8, 2018 Town Board Workshop meeting and the February 8, 2018 Regular Town Board meeting as presented.

COMMITTEE REPORTS

BUILDING REPORT

Councilman Arcara reported that quotes were received for the removal of the asbestos flooring under the carpet in the copy room and in the Town Clerks office. The quotes were reviewed at the Town Board workshop prior to this meeting.

-The bilco door at the Senior Center was deemed unsafe the highway department roped off the area so no one can use that entrance.

-Quotes will be obtained for replacement of gutters at the Senior Center.

CODE ENFORCEMENT OFFICER REPORT

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

4 Building permits issued  
20 Certificates of Compliance Issued

-Four new homes are coming to completion and there have been about 6 inquiries on building new homes in the Town.

Fannie Mae took control of the Larson property on State Road hopefully the home will be put up for sale soon. Pool at that location has been covered and secured the cover should hold about 250-300lbs.

#### COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported that the following events:

- Methodist Church will hold a Fish Fry on March 16<sup>th</sup> starting at 4:00pm
  - Pancake Breakfast at the Colden Fire Hall on March 18<sup>th</sup> from 8am – 1pm
  - Mobile Food Pantry at the BOLO on March 22<sup>nd</sup> at 2:30 – 5:00 bring ID and bags and or boxes
  - Colden Fire Company will hold an Easter Egg Hunt on March 31<sup>st</sup> at 11:00am
  - 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.

#### DOG CONTROL OFFICER REPORT

Councilman Arcara read the following DCO report for February 1, 2018 – February 28, 2018. Three dogs were missing this month two have been located and are home.

- Several calls from Google
- A call was received about a sick raccoon, advised to call DEC wildlife.
- A report of a dog running around the trailer park, a resident was watching a dog that was not leashed outside DCO gave them a warning.
- Eighteen court appearance tickets sent out this month

#### ENVIRONMENTAL BOARD REPORT

No report

Councilman Pietraszek reported that he met with the Superintendent of Springville GI Schools Kimberly Moritz, Representatives from Erie County Soil & Water as well as representatives from Fisher Engineering and residents Arlene and Joel Solly. The purpose of the meeting was an update on the Creek Bed Erosion Program behind the school. Arlene and Joel Solly are also working with Erie County Soil & Water to try to save their properties in the future from the creek erosion.

Buffalo Niagara River Keeper meeting was held and they are interested in working with the Planning Board on the Comprehensive Plan with the town.

#### HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that the yearly gravel bid ad will need to be placed in the Springville Journal.

Advertise Gravel Bid

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved to advertise the gravel bid for the Town of Colden Highway, bid opening will take place Monday, April 30<sup>th</sup> at 10:00am at the Colden Town Hall.

The following quotes were obtained for pipe.

K&S Contractors	HDPE-12"	200ft. @ \$4.38	\$ 876.00
	HDPE-15"	200ft. @ \$5.73	1,146.00
	HDPE-18"	200ft. @ \$ 8.39	1,678.00
	HDPE-24"	80ft. @ \$12.97	1,037.60
	Ter tex fabric	600ft @ .41	<u>248.00</u>
		Total:	\$ 4,983.60

Chemung Supply	HDPE-12"	200ft. @ \$4.38	\$ 876.00
	HDPE-15"	200ft. @ \$5.73	1,146.00
	HDPE-18"	200ft. @ \$ 8.39	1,678.00
	HDPE-24"	80ft. @ \$12.97	<u>1,037.60</u>
			Total:

1 roll –W200 Stabilization Fabric 290.00

Lane Enterprises	HDPE-12"	200ft. @ \$4.37	\$ 874.00
	HDPE-15"	200ft. @ \$5.72	1,144.00
	HDPE-18"	200ft. @ \$ 8.38	1,676.00
	HDPE-24"	80ft. @ \$12.96	<u>1,036.60</u>
			Total:

Approval of Culvert Pipe

MOTION made by Supervisor DePasquale and seconded by Councilman Arcara and unanimously approved to purchase the culvert pipe from K & S Contractors Supply at a cost of \$4,983.60 delivered. Three quotes will be attached to voucher.

**INSURANCE REPORT**

Councilman Arcara reported that if the Town does purchase the property adjunct to Kummer Park that the insurance policy will need to be updated for the additional land use.

#### LIBRARY REPORT

Councilman Hrycik reported that the Boston Library is holding:

Preschool Storytime Tuesdays 6:00pm

January 9<sup>th</sup> – May 22<sup>nd</sup> (no story time March 6<sup>th</sup>)

Or

Thursdays 10:00AM

Stories, Crafts, Games, Songs and Snacks

For ages 3-5

Indoor Kids Winter Global Games

Saturday, March 24<sup>th</sup> from 11am – 12pm for ages 8-12

#### WEST FALLS – COLDEN LIBRARY

Used Book Sale Annual Spring Fundraiser

Saturday, April 21, 10-1 and Sunday, April 22, 11-2 Hundreds of books available in the downstairs used book room, individually or by the bag (\$5).

#### Annual Plant Exchange

Saturday, May 5<sup>th</sup>, 10am – Noon

Bring a Plant, take a plant. Divide and pot your perennial plants in April for a good root start.

#### Bookmobile

Bookmobile is every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month from 12:00pm to 3pm at the Senior Center. Bookmobile is cancelled for May 22<sup>nd</sup>.

#### PERSONNEL & TRAINING REPORT

No report

#### PLANNING BOARD REPORT

Councilman Hrycik reported that the Planning Board discussed the Clean Energy Program with the Code Enforcement Training and coordinating a time for CEO and Planning board member to attend the training.

-Discussed the cost of having an engineering firm work with the town on updating the Comprehensive Plan as well as partnering with a nearby town to keep the cost down.

-A Planning Board member signed up to help with the upcoming census and did not realize that there would be such an undertaking for the town. Town Board members would like to convey their “Thanks” for all that he is doing for the town on the upcoming census.

#### WATER REPORT

Councilman Pietraszek reported the following:

At present time consumption billed ECWA for prior month 1,145,000 gallons

-Water infrastructure Invoice has increased from \$84.57 to \$126.86 to \$169.14 County changed their commodity infrastructure base to balance out cost of large demand users. The 126.86 was a result of part of 2017 & 2018 cost change. Moving forward it should be \$169.14

-Water usage at present for past month is 35,000 gals a day

-New Neptune reader in place, able to monitor closer usage. School has newer E-Coder meters thus able to follow usage closer. As radios change out to newer 4<sup>th</sup> generation ones water department will be able to address individual issues better.

-12 Bid requests letters were sent out.

A resident was sent three certified letters concerning changing paperwork to his name. If he does not comply we may have to shut off his water on April 2.

Water department visited the Elma water Department to view and see how they handle bulk water sales.

#### YOUTH/ADULT RECREATION REPORT

Councilwoman Zurbrick reported that soccer registration will be held on Saturday, March 3<sup>rd</sup> at the Town hall from 9:00am to 11:00am. Deadline is March 17<sup>th</sup>, a drop box is available at the back door of the Town Hall.

#### OLD BUSINESS

##### Special Use Permit- Dog Kennel Diane Kolotylo-Farish

Supervisor DePasquale stated that the Public Hearing for Diane Kolotylo-Farish's Special Use Permit for a Dog Kennel took place at last month's Town Board meeting and was tabled for further review.

A draft copy of the SUP was reviewed at the Town Board workshop prior to tonight's meeting.

The following draft copy of the SUP was read:

Pursuant to Article 22 of the Zoning Code of the Town of Colden, a Special Use Permit is hereby granted by the Town of Colden in accordance with the following:

APPLICANT:	Diane Kolotylo Farish
PREMISES:	10025 Partridge Road
CODE:	Zoning Section 108-124B 1-3
USE:	Dog Kennel

Additional conditions and safeguards are deemed necessary by the Town Board to implement the purpose and intent of the Special Use Permit. This permit is contingent and subject to the following:

1. SUP to limit the number of dogs to 6 and the kennel is located inside of the applicant's residence structure.
2. **There will be no breeding or wholesale/retail transactions of dogs permitted.**
3. **There will be no free running animals and they will be properly supervised.**
4. **The use of any dogs regarding farming are not permitted per this permit.**
5. The kennel location is inside of the house.
6. There will be no public access to kennel such as rental, lease, housing for fee, boarding, and similar activities
7. **There will be no uncontrolled barking and dogs must be housed when applicant is not on the premises to provide supervision.**
8. No animals left outside unless in the fenced in area.
9. All Erie County and Town animal health and welfare requirements shall be met.
10. Appropriate food, water, and cover shall be given to all animals, suitable to the weather conditions if outside under landowner supervision; further the indoor kennel must be maintained to animal health and welfare standards.
11. The kennel is located inside the residence. However there is a fenced back yard for the use and enjoyment of the landowner. The fencing is of adequate in size, shape, condition and security, and appears to have mechanical support posts of adequate construction, including proper height and size, to contain any dogs kept on the parcel during the normal outside activities.
12. The landowner has previously coordinated backyard fence placement with the Town Code Enforcement Officer and fences appear to be permanently attached to the ground in a manner consistent with NYS and Town codes and it is the obligation of the landowner to maintain them. The fence must also keep dogs contained under all circumstances, including issues related to adequate latches and locks which prohibit release of the animals under all circumstances.
13. Overall condition of the parcel should be maintained in a manner consistent to protect the health, safety, lifestyle, in Colden and for the protection of nearby resident's enjoyment of and welfare of their land, and to maintain a safe and healthy environment for all animals present, and for citizen users of the adjacent town and county roads for walking, cycling, and other activities and purposes.
14. A yearly inspection will be conducted and reviewed annually.

Acknowledgement: The undersigned as applicant for this Special Use permit does hereby acknowledge receipt of a copy of this Permit and agrees and accepts the provisions herein. The applicant further acknowledges that a violation or breach of covenants, provisions or conditions of this Special Use Permit will result in suspension or revocation of the Special Use Permit. The undersigned agrees to all terms and provisions of this Special Use Permit as herein stated or as hereafter may be amended.

Supervisor DePasquale asked Diane Kolotylo-Farish for the record if she understood all the stipulation with the Special Use Permit for a Dog Kennel per Town Codes Zoning Section 108-124B 1-3

Diane Kolotylo-Farish stated that she understood the all the stipulations with the Special Use Permit.

Approve Special Use Permit- Dog Kennel Diane Kolotylo-Farish

MOTION made by Councilman Arcara and seconded by Councilman Pietraszek to approve the above Special Use Permit for a dog kennel permit for Diane Kolotylo-Farish at 10025 Partridge Road.

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

NEW BUSINESS

Councilman Pietraszek asked the Town Board for approval for the Town to provide funds for the purchase of candy for the annual Easter Egg Hunt held at the Colden Fire Company.

Approve Funds for Easter Egg Hunt Candy

MOTION made by Councilwoman Zurbrick and seconded by Councilman Arcara and unanimously approved the funding not to exceed \$600.00 for the purchase of candy for the Annual Easter Egg Hunt at the Colden Fire Company.

RESOLUTIONS

Supervisor DePasquale read the following resolution:

MODIFICATION OF THE 2017 TOWN OF COLDEN ADOPTED ANNUAL BUDGET  
LIGHTING DISTRICT FUND

WHERE AS, the appropriated amount in the 2017 budget for line SL5182.4 was \$16,000.00

WHERE AS, due to a refund after a lighting audit the fund balance was excessive.

WHERE AS, the appropriated use of fund balance for 2017 was inadvertently not included in the budget.

WHERE AS, the total cost of lighting for the year 2017 was \$24,043.37.

WHERE AS a shortage of \$8,043.37 remains at the year end.

WHERE AS, a total of \$8,043.37 will be appropriated from the Lighting District fund balance.

NOW, THEREFORE BE IT RESOLVED, the Town Board of Colden modifies the 2017 Lighting District Budget.

BE IT FURTHER RESOLVED, the Colden Town Board does hereby

Duly adopted this modification the 8<sup>th</sup> day of March, 2018.

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik to approve the modification of the 2017 Town of Colden adopted annual Lighting District Budget.

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



**BUDGET TRANSFERS**

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

2017 General Fund Transfers

FROM: A1355.4	Assessors Contractual	\$626.24
INTO: A1420.4	Attorney Contractual	\$626.24
FROM: A1620.43	OPR of Bldgs.- Telephone	\$959.99
INTO: A1620.41	OPR of Bldgs.-Electricity	\$959.99
FROM: A5010.4	Highway Super-Contractual	\$503.72
INTO: A1620.44	OPR of Bldgs-Contractual	\$503.72

2017 Water Fund Transfer

FROM: SW8310.4	Water Admin-Contractual	\$406.25
INTO: SW8340.4	Trans & Distribution-Contr	\$406.25

**TOWN CLERK REPORT**

Town Clerk Kerlin reported that 2018 Town & County taxes collection is going on the deadline before penalty is March 15<sup>th</sup>.

**SUPERVISOR'S REPORT**

Supervisor DePasquale reported that the speed study on Darien Road between Lewis Road and Center Street is complete and Erie County Highway Department will be posting signs for 45MPH speed limit.

There was discussion on replacement of street signs for Gutekunst Road and Stanfield Road the signs are the responsibility of NYSDOT.

Pricing will be obtained for new safety cones and reflective strips on STOP signs and updating the handicap accessible signs at the Town Hall.

**PAY BILLS**

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

General Fund Warrant Voucher #2018-50 to #2018-78	\$12,895.99
Highway Fund Abstract Voucher #2018-16 to #2018-38	\$20,284.41
Refuse District Voucher #2018-03	\$18,539.20
Water District Voucher #2018-08 to 2018 #-12	\$ 3,709.63
Lighting District Voucher #2018-02 to 2018 #-03	\$ 2,705.07

**PRIVILEGE OF THE FLOOR**

No Public Comment

**ADJOURN**

MOTION made by Councilman Hrycik and seconded by Councilman Arcara and unanimously adjourned the meeting at 8:05pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk