

TB Mtg October 10, 2019  
REGULAR TOWN BOARD MEETING  
COLDEN TOWN HALL – October 10, 2019

MEETING CALLED TO ORDER AT 7:00 PM

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR RICHARD SHELDON, RUBY BRUCE FORMER TOWN ASSESSOR, LLOYD ELM SR. AND PATRICIA KLOIBER 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 23 Residents

MINUTES:

MOTION made by Councilwoman Pietraszek and seconded by Councilman Hrycik and unanimously approved the minutes of the September 12, 2019 Town Board Workshop, September 12, 2019 Town Board Regular and October 3, 2019 2020 Budget Workshop meeting as presented.

#### PUBLIC HEARING COMMUNITY DEVELOPMENT BLOCK GRANT

Supervisor DePasquale opened the Public Hearing at 7:03pm

Supervisor DePasquale stated that Town Clerk Kerlin advertised the Public Hearing Notice in the Springville Journal.

Supervisor DePasquale read a letter from Patricia Thoman, Executive Director, Bread of Life Outreach Center showing interest in the CDBG funds for the Bread of Life Outreach Center Campus. No other projects town have been submitted for this year except for Rural Transit Service which is requested every year for transportation for the seniors, disabled and low-income families.

No Public Comments

Supervisor DePasquale closed the Public Hearing at 7:07

## 2020 COMMUNITY DEVELOPMENT GRANT FUNDS

WHEREAS, at a meeting of the Colden Town Board held on October 10, 2019, 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 Community Development Grant Program for an amount not to exceed \$100,000 the following project upon approval of ECCDBG Funds.

- 1) Improvements to Bread of Life Outreach Center Campus
- 2) Rural Transit service

Duly adopted this 10th day of October, 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

### CHANGE OF USE: KEITH WARNING, 8834 STATE ROAD

Supervisor DePasquale stated that Keith Warning is planning on closing the Colden Country Kitchen and turning the downstairs into apartments that mirror the apartments upstairs. Keith has been to the Environmental Board and Planning Board and they gave their recommendations with no issues. Supervisor DePasquale asked if the Town Board had any questions, Councilwoman Zurbrick asked about the septic system, Erie County Health Department sent a letter addressing the septic system.

### Approve Change of Use at 8834 State Road

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik to approve the Change of Use at 8834 State Road to change the Colden Country Kitchen to a 2 unit apartment downstairs.

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

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

Supervisor DePasquale opened the Public Hearing at 7:10pm

Supervisor DePasquale read the Public Hearing Notice

-Erie County Planning and Environment report came back with no recommendations; proposed action has been reviewed and determined to be of local concern.

-The following residents submitted letters which were read into record and are on file in the Town Clerk's office:

Fred Mumm also submitted pictures

Lee and Lynette Nisbet

Daniel and Kathryn Corby

Keith VanLew addressed the Town Board stating that he brings cars up from the south and out west and preforms some minor repairs and then they are sold must are sold prior to the repairs. Keith has had an open-door policy for the neighbors to come over and check out what he is doing and wants to continue to cooperate with the neighbors.

Ken Jump, 7999 Hayes Hollow Road, stated that he has lived here in Colden for 59 years and is having trouble with all the rumors of property values going down because of the shop he does not see that happening from his stand point and would like the letters and rumors to stop. He asked the Town Board if Keith would be able to have a used car lot on the property. Supervisor DePasquale stated that there would be restrictions and guidelines that would go along with the SUP as well as being inspected yearly.

Mark Moore, 8154 Hayes Hollow Road, stated that he has lived here in Colden for 30 years and residents fix cars all the time he finds Keith to be very professional, clean no noise coming from his property. Even when Mark takes his walks and passes Keith's house, he does not hear any noise. Mark has been to the shop and seen the certified spray area where Keith sprays the cars and the area looks to be properly run. Keith keeps the shop very nice and finds Keith to be very responsible.

Craig Ortlepp, 8233 Hayes Hollow Road, stated that he is Keith's closest neighbor he lives right next door there is never any loud noise except for when he is cutting the grass and that the shop is very clean, and stated Keith is a damn good mechanic. Craig's wife Marcia agreed and said that when Keith moved in there was some noise from construction being down to the house but know it is quiet, she occasionally hears him start his Harley.

Nancy Palumbo, 8185 Hayes Hollow Road, stated that she sold Keith the parcel that he lives at and she owns the vacant land that surrounds Keith's property on the side and back lot. Nancy read a letter strongly opposing the SUP which she read into record and is on file in the Town Clerk's office.

Rachel Freineit, 8207 Hayes Hollow Road, stated that she has been there for 3 ½ years and that there was more noise being heard when Keith was remodeling the house when they moved in and that her car makes more noise then when Keith is working on cars in the garage. Rachel is also very uncomfortable with their neighbor Fred Mumm watching and taking pictures of the comings and goings of vehicles and people on their property. Rachel asked for a copy of the pictures that were submitted at tonight's meeting to the Town Board.

William Gersitz, 8064 Bleistein Road, asked to view the pictures that were submitted at tonight's meeting. There was discussion amongst the audience about the pictures.

Supervisor DePasquale stated that the Public Hearing held tonight is on record and the Town Board will review and take into consideration all letters, comments and information and decide on the SUP at the Regular Town Board meeting on November 14<sup>th</sup>.

Supervisor DePasquale closed the Public Hearing at 7:50

## COMMITTEE REPORTS

### BUILDING REPORT

Councilman Arcara reported that the cost for the Bilco Door from Rucker Lumber for the Senior Center came in at:

Bilco Door	\$789.23
2-foundation plates	201.60
lock kit	<u>84.60</u>
Total cost	\$1,075.43

### Approve the Bilco Door-Senior Center

MOTION made by Councilman Arcara and seconded by Supervisor DePasquale and unanimously approved the purchase of a Bilco Door for the Senior Center from Rucker Lumber at a cost of \$1,075.43

Highway Superintendent Clarkson received a quote for repairs to the sectional doors on the main garage from Hamburg Overhead Garage. Repair to cost to the two doors is a total of \$2,320.00.

Approve Repair to Sectional Doors

MOTION made by Councilman Arcara and seconded by Supervisor DePasquale and unanimously approved the purchase of two garage doors to be repaired at the main highway garage at a cost of \$2,320.00.

CODE ENFORCEMENT OFFICER REPORT

Report for the month of September – Asst. Bldg. Insp/Code Enf. Officer, Tom Dzuilko reported that there were:

- 12 Building Permits
- 2 New Dwelling
- 10 Certificates of Compliance
- 2 Court Appearance Tickets
- 3 Fire Inspection
- 3 Days of School (Tom)
- 1 Court Night with the DA(John)

Supervisor DePasquale reported that in this year's budget there were funds in the CEO contractual line for a software program to be installed on the CEO's computer along with tablets to be used when doing field work.

The following is the cost for the program:

Building and CEO Software Program	\$6,295.00
Annual Support-1 workstation (add \$295 each additional workstation)	
2 additional workstations for TC & DTC	590.00
Installation and training session (3-4 hours @ \$120/hr)	\$ 120.00
Mileage (204 miles) round trip @ .58/mile	118.32
BCE Mobile App	\$1,595.00
2 <sup>nd</sup> mobile app at half price	798.00
Annual Support (includes 2 apps)	395.00

2 tablets not to exceed \$1,000.00

Approve the Purchase of Williamson Law Book Building and CEO Software Program

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved the purchase of the Williamson Law Book Building and CEO Software Program at a cost not to exceed \$12,000 and two tablets not to exceed \$1,000.00.

COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported the following:

The Colden Methodist Church will hold a Fish Fry on Friday, October 18<sup>th</sup> starting at 4:30pm -?  
Cost is \$8.00 for kids and \$12:00 for adults.

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

Mobile Food Pantry is the 4<sup>th</sup> Thursday of every month from 3pm – 5pm except Nov & Dec.

Bread of Life Outreach Center will be holding the following:

- \*Halloween Bash on Saturday, October 19<sup>th</sup> 12:30-2:00pm children up to age 12 are invited, must be accompanied by an adult
- \*Halloween Night October 31<sup>st</sup>, from 6:00pm-8:00pm Trick or Treat
- \*Chicken Bar-B-Que, Sunday, October 20<sup>th</sup>, 11:30am – 3:00pm cost is \$10.00
- \*Pancake Breakfast will be held on Sunday November 10<sup>th</sup>, 9am till 1pm Tickets are \$8.00, children 5 and under free.
- \*Tickets go on sale for the Christmas Tea on Saturday, October 12<sup>th</sup> from 9:30am – 12:00pm at \$27.50.

Livingstone Lodge will hold a service at 1pm on Veteran's Day Mike Willibey from the Livingstone Lodge will be sleeping out that weekend and raising money for "The Battle Within Memorial" for the fight against the stigmas of PTSD.

The following are Senior Trips

- \*Tuesday, October 15<sup>th</sup> Colden Seniors Mystery Tour cost is \$69.00 and the trip is filled up.
- \*Tuesday, December 10<sup>th</sup> The Lettermen at Seneca Niagara Casino cost is \$50.00

For more information on the trips you can go to the Town website, signboard in the Town Hall or Contact Patricia Zurbrick at 941-3237

**DOG CONTROL OFFICER REPORT**

Councilman Arcara read the following DCO report for September 1, 2019 – September 30, 2019.

- A dog bite occurred at the beginning of the month all paperwork and follow up calls were done.
- A resident called about a barking dog
- Helped state troopers on Blanchard Road with a raccoon
- Two cases at court about dog bites both were adjourned for a month
- Received a call on a Pit Bull and pig missing both returned home on their own
- Total of 9 appearance tickets for this month

#### ENVIRONMENTAL BOARD REPORT

No report

#### HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that the Oshkosh Snowblower has been put up for sale on Auctions International.

- Chip sealing is finished and in the process of finishing ditching, mowing.
- Driveway culverts are complete
- Repairs are being done to the sanders for the upcoming winter.
- Parks bathrooms will be winterized and closed at the end of the month.
- There was discussion on possible different ways of closing Murray Hill Road this year. Drivers are ignoring the road signs. The seasonal section will be brought up next month for the closure of that section.

Councilwoman Zurbrick brought up that the GPS has pinged some trucks speeding and various areas when driving through some sections of towns, she asked that Highway Superintendent Clarkson speak to the crew on there driving and to also remind them to wear their seatbelts.

Supervisor DePasquale brought up for discussion raising Kalei Brautlacht wages from \$12.73 to a rate that reflects the time she has worked in the past as well as the responsibility for the parks, after discussion it was agreed upon \$13.97 an hour and retro paying for time worked.

#### Approve Updated Hourly Pay Rate for Kalei Brautlacht

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved to update the hourly rate of pay for Kalei Brautlacht from \$12.97 to \$13.97 an hour and retro pay any work since being appointed to the parks department.

#### INSURANCE REPORT

No Report

#### LIBRARY REPORT

Councilman Hrycik reported that the Boston Library's Gala Fundraiser is October 18th at 6:00pm.

West Falls Library is offering the following:

- Saturday, October 12<sup>th</sup>, NYS Pistol Permit Training Course – Classes are limited the cost is \$50 per person/ 10am – 1pm
- Wednesday, October 23<sup>rd</sup>, Family Halloween Party – No Charge, Come in costume 6:30pm – 8pm
- Saturday, October 26<sup>th</sup> - "Talk on the Wild Side" Hawk Creek will have a presentation and bring live birds and reptiles. 2:00pm – 3:00pm
- Book mobile is at the Town Hall on the fourth Tuesday's of the month from 9am - 11am

#### PERSONNEL & TRAINING REPORT

No report

#### PLANNING BOARD REPORT

Councilman Hrycik reported that the Planning Board worked on the Change of Use for Keith Warning at 8834 State Road to change from a restaurant to a 2-unit apartment to mirror what apartments are upstairs.

Councilman Hrycik stated for the record that at last months meeting he said that the Grant Money for the Clean Energy Grant was pulled by the Governor's Budget not the Planning Board.

#### WATER REPORT

Councilman Pietraszek reported at the present time water consumption billed to ECWA for the prior month was 1,749,000 gallons at a cost of \$4,948.44 + \$256.25 = \$5,204.69 expenditure.

- Bulk water station at the highway garage has been winterized
- Budget requests were submitted to the Town Supervisor
- Ehmke Well Drillers tapped a new site at Route 240 and Gutekunst Road which touches Stanfield Road property of Goodremote
- Relevy notices were sent out with return date of October 22<sup>nd</sup>.
- ISO testing complete waiting on results. Hydrant pressure range from 90-150 PSI
- Hydrant and valve testing will be starting
- Chlorine residuals have been good

#### YOUTH/ADULT RECREATION REPORT

Councilwoman Zurbrick reported that floor hockey will be on Thursdays beginning January 9, 2020 and run through the month of March.

- Annual Christmas Party will take place on Friday, December 6<sup>th</sup> starting at 6:00pm at the Senior Center.
- Adult Recreation is offering the following classes and information will also be posted on the Town Website and at the Town Hall:

\*Rustic Holiday Paint Night, Thursday, October 24<sup>th</sup> at 7pm at the Colden Senior Center.  
Cost is \$30 all supplies included

\*Cookie Decorating Basics, Wednesday, November 6<sup>th</sup> from 7-9pm you must be 18 or older \$10 pre-paid \$12 night of the class

There was discussion on resurfacing the Tennis Courts Supervisor DePasquale will talk with Recreation Director Kip Palmateer about submitting a grant for the project as was done in the past.

#### OLD BUSINESS

None



NEW BUSINESS

None

RESOLUTIONS

WAIVE LOCAL FEE FOR MARRIAGE APPLICANTS ON ACTIVE DUTY IN THE  
UNITED STATES ARMED FORCES

Motion: That this Town Board does hereby authorize Christina Kerlin, Town Clerk, to waive the Local Fee for Marriage Applicants on Active Duty in the United States Armed Forces, in Support of State Legislation Passed on August 20, 2019. As Set Forth in the Agenda Before You.

WHEREAS, on August 20, 2019, the New York State Governor Andrew Cuomo signed into law Senate (S.3756) and Assembly (A. 55) bills which Waive the state fee for marriage licenses when either party making application for such marriage license is a member of the United States armed forces on active duty and authorizes town and cities to elect to waive their fees for marriage licenses and certificates when either applicant is a member of the United States armed forces on active duty.

NOW THEREFORE BE IT RESOLVED, that this Town Board of the Town of Colden does hereby support and authorize Christina Kerlin, Town Clerk, to waive the local fee for marriage licenses and certificates when either applicant is a member of the United States armed forces on active duty.

Duly adopted this 10th day of October 2019 by the following vote.

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

EXCLUDE TAX EXEMPTION FOR COMMERCIAL SOLAR ENERGY SYSTEMS

WHEREAS, Local Law Intro. No. 02-2019 has been introduced at a meeting of the Town Board held on the 10th day of October, 2019, and

WHEREAS, the Local Law would amend 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,

WHEREAS, Municipal Home Rule Law Section 20(5) requires a Public Hearing to be held before the Town Board with at least five (5) days notice of said Public Hearing,

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Colden does hereby approve a Public Hearing to be held on said Local Law Intro. 02-2019 on the 14th day of, November 2019, at 8812 State Road in the Town of Colden, and be it further

RESOLVED, the Town Clerk is directed to publish notice of said Public Hearing in the official newspaper of the Town of Colden, said notice being published at least five (5) days prior to the scheduled Public Hearing.

Duly adopted this 10th day of October 2019.

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

Approve Public Hearing 2020 Town Budget

MOTION made by Councilwoman Zurbrick and seconded Councilman Pitreszek and unanimously approved to set a public hearing to adopt the 2020 Town Budget on Thursday November 14, 2019 at 7:00pm at the Colden Town Hall.

#### BUDGET TRANSFERS

MOTION made by Councilman Arcara, seconded by Councilman Hrycik, and unanimously approved to transfer funds as follows:

From: DA5110.41 Fuel	\$1,869.40
Into: DA5142.4 Snow Contractual	\$1,869.40

#### TOWN CLERK REPORT

Town Clerk Kerlin asked if the Town Board received the 2020 Preliminary Budget. Town Board agreed they received the Budget.

- Flu shot clinic will take place on October 22<sup>nd</sup> from 11am to 12pm at the Colden Town Hall.
- Early voting will take place at the Colden Town Hall starting Saturday, October 26<sup>th</sup> through Sunday, November 3<sup>rd</sup>. League of Women voters dropped off Voters Guides which are at the Town Hall foyer.

#### SUPERVISOR'S REPORT

Supervisor DePasquale reported that Mark Gaston from Erie County Water and Soil has secured a \$20,000 grant from Lake Erie Watershed for the rehab of the creek. The town would need to match the funds. Councilman Pietraszek would take the lead in this project with ECS&W.

#### Approve to Enter Into an Agreement with Erie County Water & Soil

MOTION made by Councilwoman Zurbrick and seconded Councilman Hrycik and unanimously approved to guarantee \$20,000.00 from Capital Outlay to enter into an agreement with Erie County Soil and Water to rehab the creek bed south of the Town Hall.

Town Board discussed the purchase of tablets for the Town Board to use at the meetings to cut down the cost of paper and to have items accessible from other meetings available when needed. A meeting will be setup with Nick Fodero to explain the options for tablets and wireless connections as well as the cost.

Supervisor DePasquale read a letter from the Bread of Life asking to put a sign up on the Cherry Picker Building. CEO John Kotlarsz has suggested that the Town Board follow Colden Town Code 108-68(Signs Prohibited in Any District) unless approved by the Town Board on a case-by-case basis.

#### Approve Public Hearing for a 4x8ft Sign for BOLO on The Cherry Picker

MOTION made by Councilman Pietraszek and seconded Councilman Hrycik and unanimously approved to set a public hearing for a 4X8ft. Sign for BOLO to be placed on The Cherry Picker Store for Thursday November 14, 2019 at 7:00pm at the Colden Town Hall.

**PAY BILLS**

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

General Fund Warrant Voucher #2019-353 to #2019-394	\$ 35,507.01
Highway Fund Abstract Voucher #2019-145 to #2019-162	\$ 20,799.07
Water District Voucher #2019-51 to #2019-62	\$ 10,420.67
Refuse District Voucher #2019-31	\$ 19,376.50
Lighting District Voucher #2019-15 to #2019-16	\$ 1,843.73

**PRIVILEGE OF THE FLOOR**

No comments

**ADJOURN**

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously adjourned the meeting at 9:07pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk