

TB Mtg March 12, 2020  
REGULAR TOWN BOARD MEETING  
COLDEN TOWN HALL – March 12, 2020

MEETING CALLED TO ORDER AT 7:03pm

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR DONALD MURRAY, MARY ELLEN LEWIS AND WILLIAM MASUR 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  
Asst. Bldg. Insp/Fire Insp. Thomas Dzuilko  
Town Clerk Christina Kerlin  
Approximately 8 Residents

MINUTES:

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved the minutes of the February 13, 2020 Town Board Regular meeting as presented.

AMEND AGENDA-MEMORY GARDEN

Supervisor DePasquale amended the agenda to include a request from the Colden Elementary Student Council under the direction of Elaine Mitchell and Holly Taylor for a Memory Garden to be placed at the property next to the Veteran's Park. Holly Taylor was present to explain that the original intention was to have a Memory Garden to pay tribute to two custodians Clifford Both and Clinton Shelley. Since the early planning stages the school has lost other staff that have passed away and would like to include them as well. Marcole Feuz the former principal worked on a grant with the United States Green Building Council and received funding to include materials to be used for the Memory Garden at present time there is \$2,000.00 to be used towards the garden. The garden was planned for the school grounds but with enrollment down there is talk of closing the school. The committee thought that the garden might better serve in town possibly next to the Veterans Park. The student council and teachers have held fund raisers to include other staff they have lost in the many years that Colden Elementary has been in the community.

The garden would include a “Buddy Bench” a bench made from recycled materials and an additional picnic table or bench, plants, a plaque and a possible sculpture, a walkway is also being planned for handicap accessibility.

The green space that is being requested is between the gazebo and the split rail fence by the creek.

Town Board agreed to the area in question and thought it was a great idea, Supervisor DePasquale asked Holly to bring a design of the proposed Memory Garden back to the Town Board to have a better look at the layout of the garden with the benches and walkway.

#### Approve Memory Garden

MOTION made by Councilman Arcara and seconded by Councilwoman Zurbrick and unanimously approved with the school to place a Memory Garden in an area between the gazebo and the split rail fence, also the use of equipment if needed in the area for placement of the benches and walkway. The committee will return to the Town Board with a final layout of the Memory Garden.

#### COMMITTEE REPORTS

##### BUILDING REPORT

No report

##### CODE ENFORCEMENT OFFICER REPORT

Report for the month of February 2020 – Bldg. Insp/Code Enf. Officer, John Kotlarsz reported that there were:

- 3 Building permits issued
- 4 Certificates of Compliance
- 4 Orders to Remedy Violation
- 3 Fire inspections
- 1 Phone Complaint

The following are matters that the Code Enforcement Officers are working on:

- Bleistein Road project information was turned over to the Town Attorney for review.
- Zombie Homes were reported to the WNY Law Center one of the homes on Woodview Drive has seen some work being done to that property.
- There is a vacant home on Hayes Hollow Road that CEO Kotlarsz visited with a sheriff there was a couple of windows busted and it looks like the pipes have been removed. The sheriff stated that a court order is needed to go inside the house. CEO Kotlarsz submitted paperwork to the courts to obtain a court order to go inside the house.
- A house on Blanchard Road home is in disrepair the owner has contacted the Fire Company for a possible controlled burn. DEC will need to be contacted first to find out what guidelines are needed for a controlled burn of the dwelling in town.

-Bach property on State Road was recently purchased and is back up for sale there have been a few inquiries on permitted uses of the property a Dollar General, restaurant, car wash and housing of goats.

-There are still a lot of court matters that are still out in limbo items do not get resolved very quickly with the courts and is frustrating for the CEO's.

-The contractor who replaced the shingles on the Town Hall roof has yet to come back to finish the recommended repairs to the flashing around the HVAC unit on the roof. Asst. CEO Tom Dzuilko stated that the repairs should be completed before the final payment is released. Councilman Arcara will contact the contractor to see when he plans to come back to finish the repair.

#### COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported the following:

Pancake Breakfast-Colden Fire Company, Sunday, March 15<sup>th</sup>, 8am to 1pm, Adults, \$10, Children \$5 (under 12)

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

Monthly Food Truck is scheduled for the last Thursday of the month from 2:30 to 4:30 PM.

Colden Seniors meetings have started back up a senior trip is scheduled for June 9<sup>th</sup>.

#### DOG CONTROL OFFICER REPORT

Councilman Arcara read the following DCO report for February 1, 2020 – February 29, 2020.

-A total of 8 calls for the month a very light call volume.

Supervisor DePasquale stated that the DCO has some personal matters to take care of and the town has reached out for shared services with the Town of Holland/Sardinia DCO.

If a person calls the Colden DCO number, there is a message that will state to call Holland/Sardinia DCO with the contact phone number 716 537-2910.

Councilman Arcara asked about revisiting the kennel codes changes for the Town.

Town Board scheduled a workshop for Wednesday, March 25<sup>th</sup> at 6:30pm.

#### ENVIRONMENTAL BOARD REPORT

No report

#### HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that he is evaluating winter damage and culvert repairs from this winter. Rebuilding of the sanders for the trucks are currently being worked on.

Councilwoman Zurbrick asked about alcohol testing, she stated that there was a voucher in for payment with an alcohol test usually it is drug testing.

Highway Superintendent Clarkson stated that he and his men are in a pool with other highways that randomly get called for testing it could be alcohol and/or drug testing.

#### INSURANCE REPORT

No report

#### LIBRARY REPORT

Councilman Hrycik reported that the Erie County Bookmobile has suspended services until March 28<sup>th</sup>.

##### West Falls Library

Wednesday, March 18<sup>th</sup> Beginner Buffalo Pallet Class from 6:30pm – 8:30pm, cost \$15  
Limited space. Call to register.

Tuesday, March 24<sup>th</sup> Beginner Glass Stenciling from 6pm – 8pm, cost \$10:00 Limited Space.  
Call to register.

Wednesday, March 25<sup>th</sup> Narcan Training from 6:30pm – 8:30pm register by March 20<sup>th</sup>.  
No charge

Saturday, March 18<sup>th</sup> NYS Pistol Training Class from 10am – 1pm Register at 222-4147  
cost is \$50.00

##### Boston Library

Councilman Hrycik read the following letter from Lydia Herren Director of the Boston Free Library.

“I would first like to thank you for the support you have shown the Boston Free Library by donating \$1,000. The donation is crucial to helping the library continue to offer free educational community programs for all ages.

Programs at the Boston Free Library are attended by residents from all over Erie County but particularly from Boston and Colden. Our 5-member Board of Trustees includes 2 Colden residents and the President of our Friends of the Library group is a Colden resident as well.

Boston Library is a Free Association Library which means that our building is not owned or maintained by the Town of Boston, but rather by our Library's Board of Trustees.

However, we are under contract with Erie County and the Buffalo and Erie County Public Library for library services just like the other contracting libraries throughout the county.

As an association library, our board is responsible for maintenance of the building and grounds, fundraising privately to maintain the historic building. We receive \$1,000 in support from the Town of Boston as part of a Meeting Room Use and Depository Agreement.

We are chartered by the New York State Education Department to serve the Town of Boston. That charter holds us to certain minimum state standards regarding open hours (current minimum for our population is 35 per week), and the employment of a Head Librarian with a master's degree in Library Science and a NYS Public Librarian's Certificate.

Colden is not currently covered by a chartered library and because of this, it is regarded as an under-served part of Erie County. Because Boston Free Library is a Free Association Library, we are proposing a charter change to extend our service area to include the Town of Colden as well as Boston.

This charter change would be a formal recognition of the close ties between the Boston Library and Town of Colden. It would not change anything within our service agreements, any financial requirements, or the money that we receive from Boston, Colden or Erie County. It does change the official number listed for the Boston Library's service population from the current 8,023 to approximately 11,297 depending on the 2020 census figures. The Board of Trustees of the Boston Free Library agrees that this number more accurately reflects the service area for the library.

It is my hope that the Town of Colden Board will support the library in this proposed charter change to recognize the importance of the Boston Library to the Colden community.

Please let me know if you have any questions. I would be happy to meet with the board to discuss this in person if you feel it would be helpful. Thank you for your time and support!"

Supervisor Depasquale stated that Lydia did stop by the office and she stated that there are 300 residents that have library cards through the Boston Library and was again looking for support with the proposed charter change.

Town Board agreed that they would revisit the proposal at the next Town Board meeting with a resolution in support of the proposed charter change.

#### PERSONNEL & TRAINING REPORT

Councilwoman Zurbrick reported that the Annual Training for employees and appointed positions will take place on May 20<sup>th</sup> at the Colden Fire Hall more information will follow with times.

#### PLANNING BOARD REPORT

Councilman Hrycik reported that Louis Vogel a contractor through NYSERDA gave an update on the NYS Stretch Energy Code. The proposed changes to new energy and building codes which will enhance building efficiency and meet the NY initiative for a carbon emission free NY. This a first step with more meetings to take place.

-Planning Board member Jackie May is looking into electric vehicle charging stations there is a grant which would cover 80% and the town would pick up the other 20%. There is not a lot charging stations out this way. A charging station here in Colden might be a benefit to bringing in people to visit the restaurants and stores in the hamlet of Colden.

-A grant for the creation of the “Agricultural and Farmland Protection Plan” is moving right along with Colden looking very good to receive funds the project amount is \$33,000 and a request for \$25,000 was proposed the first-round picks will be April 1<sup>st</sup>.

Councilman Hrycik stated that the Planning Board submitted a recommendation for a consultant to assist in updating the Town’s 1993 Master Plan to a Town Comprehensive Plan.

#### Approve the Comprehensive Plan Contract Consultant

Motion Made by Councilman Hrycik and seconded by Councilman Arcara and unanimously with the recommendation by the Planning Board approved to award “CPL Architecture Engineering Planning” for all work with the Colden Comprehensive Plan in the amount of \$49,914.

#### WATER REPORT

Councilman Pietraszek reported that the water department is still narrowing down where there may be a leak in the system. They have had the water whisper out and she has had no luck finding the leak. It may be a problem with the 2” and 6” meters both seem to be working at the same time. There could be a buildup of stone at the screen which is causing turbulence and loss of water. Water department is going to have to have Erie County come out and check the meters they may need to be replaced.

YOUTH/ADULT RECREATION REPORT

Asst. Rec. Director Carrie DePasquale reported that soccer registration is ongoing, and the deadline is March 21<sup>st</sup>.

-Floor hockey has been cancelled for the rest of the month due to there is no school or gatherings with the COVID-19 virus outbreak.

-Interviews for summer youth staff will be sometime in April.

-A self-defense class was held on March 5<sup>th</sup>, those who attended said it was fantastic.

- Would like approval to request \$400 in cash for stocking the concession stand.

Approval of Concession Stand Startup Monies

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved \$400. startup money from account A7020.41(concession) for the stocking of the concession stand.

OLD BUSINESS

None

NEW BUSINESS

None

RESOLUTIONS

Supervisor DePasquale read the following resolution:

CERTIFIED RESOLUTION

Whereas: On February 21,2020, Governor Cuomo submitted a 30-day budget amendment entitled “Accelerated Renewable Energy Growth and Community Benefit Act” for the purposes of meeting the Governor’s goals for renewable energy, and

Whereas: This amendment would establish a new system for permitting and siting renewable projects, setting aside the current “Article 10 Siting Board” process, and

Whereas: Permitting will now be under the jurisdiction of a new entity – Office of Renewable Energy Siting (ORES), and

Whereas: the powers assigned to ORES will totally usurp and diminish local home rule, local zoning codes, local planning and Local Waterfront Revitalization Plans when permitting and siting renewable energy projects, and

Whereas: ORES will now have the power to

- Make available to developers “build – ready” sites
- Develop “uniform permitting standards”
- “coordinate, approve, evaluate, issue, amend, transfer and enforce siting permits”
- Limit the ability of local governments to raise objections to proposed projects
- Direct local appeals to ORES decisions to litigation through the Article 78 process
- Prohibit local governments from requiring any additional approvals or permits

Whereas: By filling this action as a 30-day budget amendment, is ignoring and bypassing the legislative process of formulating policy through public input, public hearings and public debate in favor of a rushed and secretive process, and

Whereas: This amendment represents a blatant attempt to usurp local government’s historical and constitutionally power of home rule in the areas of planning, zoning and land use,

Now therefore be it resolved that the Town of Colden does hereby go on record strongly opposing this Governor’s attempt to dilute and usurp the roles and powers of local governments in New York State, and

Further be it resolved that The Town of Colden Town Board urges New York State Legislators to oppose this amendment and have it removed from the final budget document and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Honorable Governor Andrew M. Cuomo, , Lieutenant Governor Kathy Hochul, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Democratic Minority Leader John J. Flanagan, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly William A. Barclay, and the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature.

Motion made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and,

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



BUDGET TRANSFERS

Supervisor DePasquale read the following Budget Transfers:

MODIFICATION OF THE 2019 TOWN OF COLDEN ADOPTED ANNUAL BUDGET  
HIGHWAY FUND

WHERE AS, the appropriated amount in the 2019 budget for line DA5142.4 was \$65000.00

WHERE AS, due to unforeseen costs causing overage in the Highway line DA5142.4.

WHERE AS, the increase was not excepted and not included in the 2019 budget.

WHERE AS, the total cost of Highway line DA5142.4 for the year 2019 was \$94694.35

WHERE AS, \$24866.18 was able to be transferred from other DA.4 lines.

WHERE AS, a shortage of \$2958.77 remains at the year end.

WHERE AS, a total of \$2958.77 will be appropriated from the Highway fund balance.

NOW, THEREFORE BE IT RESOLVED, the Town Board of Colden modifies the 2019 Highway Fund Budget.

BE IT FURTHER RESOLVED, the Colden Town Board does hereby

Duly adopted this modification the 12<sup>th</sup> day of March 2020.

Motion made by Supervisor DePasquale and seconded by Councilman Pietraszek and,

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

MODIFICATION OF THE 2019 TOWN OF COLDEN ADOPTED ANNUAL BUDGET  
REFUSE DISTRICT FUND

WHERE AS, the appropriated amount in the 2019 budget for line SR8160.4 was \$232,713.00

WHERE AS, due to unforeseen costs causing overage in the Refuse District.

WHERE AS, the increase was not excepted and not included in the 2019 budget.

WHERE AS, the total cost of Refuse for the year 2019 was \$233,282.62

WHERE AS a shortage of \$569.62 remains at the year end.

WHERE AS, a total of \$569.62 will be appropriated from the Refuse District fund balance.

NOW, THEREFORE BE IT RESOLVED, the Town Board of Colden modifies the 2019 Refuse District Budget.

BE IT FURTHER RESOLVED, the Colden Town Board does hereby

Duly adopted this modification the 12<sup>th</sup> day of March 2020.

Motion made by Councilman Pietraszek and seconded by Councilman Hrycik and,

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

December - Water Fund Budget Transfer

From: SW8340.4 Trans & Distrib.	\$3425.70
To: SW8320.4 Source of Water	\$3425.70
From: SW8350.4 Contr. Serv	\$58.52
To: SW8320.4 Source of Water	\$58.52

Motion made by Councilman Hrycik and seconded by Councilman Arcara and,

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

December - General Fund Budget Transfer

From: A1110.11 Justice PS staff	\$346.20
To: A1355.1 Assessor - PS	\$346.20
From: A1110.4 Justice Contr.	\$666.14
To: A1220.4 Supervisor Contr.	\$666.14
From: A1110.4 Justice Contr	\$115.00
To: A1320.4 Audit and Accounting	\$115.00
From: A1110.4 Justice Contr	\$44.00
To: A 1110.42 Justice Prosect.	\$44.00
From: A1910.4 Insurance	\$37.88
To: A1920.4 Municipal Dues	\$37.88
From: A1910.4 Insurance	\$943.78
To: A 3620.4 Code Enforcement	\$943.78
From: A5182.4 Street Light	\$2659.44
To: A5010.4 Highway Contr	\$2659.44

From: A5182.4 Street Lighting	\$80.08
To: A6772.4 Aging Program	\$80.08
From: A5182.4 Street Lighting	\$1548.13
To: A7310.4 Youth Contr	\$1548.13
From: A5182.4 Street Lighting	\$247.87
To: A7310.42 Adult Rec	\$247.87

Motion made by Councilman Hrycik and seconded by Councilwoman Zurbrick and,

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

#### TOWN CLERK REPORT

Town Clerk Kerlin reported that the 2020 Town & County tax bills are due this Tuesday, March 16<sup>th</sup> without penalty.

Town Clerk Kerlin asked for Supervisor DePasquale to present the proposed change to the current Waste Management services to the town crib side pickup.

#### SUPERVISOR’S REPORT

Supervisor DePasquale stated that Representative Patrick Martino contacted Town Clerk Kerlin on a proposed change which stated:

“Waste Management currently services the Town of Colden on Tuesdays and Wednesday. Two-thirds of the Town is collected on Tuesdays, and one-third is collected on Wednesdays. As we have been evaluating all our routes, we have determined that there would be the opportunity to complete service for all of Colden on Tuesdays. While this would not necessarily save us on the number of trucks and driver hours, it would allow us to streamline our routes for the week.

The advantage to Colden is that all the Town’s collection would be completed on one day. Only one day to educate the residents on which day refuse service is on. Only one day that there would be trash at the curb in the Town. Only one day that trucks are canvassing streets in the Town.

As part of our proposed service day consolidation, we would inform all residents in the Town of the change by a mailing direct to each home. This also gives an opportunity to reinforce service guidelines and information on recycling as well.

Of course, this is not a mandatory adjustment. However, I felt this was a change that would benefit the Town and certainly wanted to offer this proposal. Please let me know if you have any questions. Thanks!”

After some discussion over the proposed service day refuse collection change the Town Board agreed that they did not see a negative impact to change the refuse collection to one day in town.

Approve to Consolidate Refuse Collection

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved to consolidate curbside refuse pick up to a one-day service collection in town on Tuesdays. Change over pending on Waste Management notifying residents in the Town of Colden.

Coronavirus/COVID-19 Update

Supervisor DePasquale stated that the Town Board and Emergency Manager have participated in many conference calls with Erie County on the Coronavirus/COVID-19. Updates on the virus are changing at a fast rate any new information will be posted to the Town’s website and Facebook page. Restrictions have been made on events and the Town Board and employees will not skip a beat when called upon during the Coronavirus/COVID-19 outbreak.

Residents should stay home hydrate, wash your hands and stay calm if not feeling well call your doctor.

Supervisor DePasquale asked the Town Board to approve Councilwoman Zurbrick as a Deputy Town Supervisor in the absence of him being unavailable if a decision needs to be made with an emergency order through this very difficult time with the Coronavirus/COVID-19 outbreak

Approve the Position of Deputy Town Supervisor

MOTION made by Councilman Arcara and seconded by Councilman Hrycik to approve Councilwoman Zurbrick as Deputy Town Supervisor when the Supervisor may be unavailable at a time when needed during this outbreak.

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

Councilwoman Zurbrick reported that the 2020 Census will begin on April 1<sup>st</sup> you will be able to respond online by providing the basic information requested. Your response is needed for the community to receive funding and programs to the town. Information is confidential there would be only one Census Bureau representative that would come to your door if they need to get your information. If you do not have access to a computer, the Boston Library has computers available for use and the Boston Recreation building.

**PAY BILLS**

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

General Fund Warrant Voucher #2020-50 to #2020-49	\$11,708.35
Highway Fund Abstract Voucher #2020-22 to #2020-39	\$14,559.13
Water District Voucher #2020-08 to #2020-13	\$ 5,431.49
Lighting District Voucher #2020-03	\$ 1,045.75
Refuse Fund Voucher #2020-02	\$20,350.56

**PRIVILEGE OF THE FLOOR**

No Comment

**ADJOURN**

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously adjourned the meeting at 8:45pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk