

TB Mtg May 13, 2021  
REGULAR TOWN BOARD MEETING  
VIA – Go To Meeting at Colden Town Hall

MEETING CALLED TO ORDER AT 7:07pm

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR JACQUELYNN MORRISSEY, CARLA PERICAK AND WILLIAM MILLER FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

ALSO

PRESENT: Bldg. Insp/Code Enf. Officer John Kotlarsz  
Asst. Bldg. Insp/Fire Insp. Thomas Dzuilko  
Highway Superintendent Paul Clarkson  
Town Clerk Christina Kerlin  
Approximately 12 Residents

MINUTES:

MOTION made by Councilman Pietraszek and seconded by Councilwoman Zurbrick and unanimously approved the minutes of the April 8, 2021 Town Board Regular meeting and the April 22, 2021 Public Comment Meeting (Dollar General) in person and VIA GoTo Meeting held at the Colden Fire Hall as presented.

COMMITTEE REPORTS

BUILDING REPORT

Councilman Arcara reported that the pole barn being proposed is about 30 x 40 in size and will need to have hook ups for electric, water and the type of foundation will be decided. The existing building will need a new roof(steel) fascia and soffit work as well and the roof at the highway garage needs repair as well.

LED lighting is complete throughout the Town Hall and highway garage.

CODE ENFORCEMENT OFFICER REPORT

Report for the month of April 2021 – Asst. Bldg. Insp/Code Enf. Officer, Thomas Dzuilko reported that there were:

21 Building permits Issued  
1 New Dwelling Permit  
1 Certificate of Occupancy  
14 Certificates of Compliance  
2 Order to Remedy Violation

3 Fire inspections  
1 Phone Complaints  
1 Building reported to be unsafe.  
1 Building Permit denied  
3 Hours of School (Tom)

Asst./CEO Tom Dzuilko reported an additional unsafe building is being looked at 3 zombie homes are off the list one has a demo permit and foreclosures on the others.

Annual SUP inspections will take place on June 5, 2021 starting at 9:00am.

Discussion on the dog limit being 3 dogs per residence allowed in the Town of Colden code, the Town Board was looking to change the law before Covid. There are a couple of residents that were given a pass until the law was changed just prior to the decision. Since the law has not changed and a family took advantage of the situation the dog law will stand in the Town of Colden and the family will have to go through the Special Use Permit procedure to be in compliance with the Town of Colden code.

#### COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported that Bread of Life Outreach and Gabe's on the Hill are open:

Tuesday, 10am – 5pm

Wednesday, 2pm – 7pm

Thursday, 3pm – 6pm

Friday, 10am – 6pm

Saturday, 9am – 2pm

Farmers Market starts Saturday in May and runs through October from 9am – 1pm

Food Truck give away takes place the 4<sup>th</sup> Thursday of the month at the Colden Fire Hall from 1:30 – 3:30

Stronger Together Family Support Group – A Support Group to anyone whose loved one is suffering from substance abuse. Meetings are held on Thursday, 10:00 am – 11:30am @ BOLO.

#### DOG CONTROL OFFICER REPORT

Councilman Arcara read the following DCO report for April 1, 2021 – April 30, 2021.

Emily Bailey from NYS Ag & Markets was out to do the Annual Inspection.

-Two calls received from neighboring towns on missing dogs one returned home unfortunately one was reported hit by a car.

-There were reports of a few dogs missing throughout town, returned on their own.

-Calls received about raccoons directed calls to the DEC and Jack's Nuisance Control

-A complaint came in about a dog that is left outside for most of the day. The SPCA was contacted and found that there are no violations with the dog.

One letter of interest was received for the DCO Position. The Town Board and DCO Horschel will meet with the person on May 25<sup>th</sup>, 26<sup>th</sup> or 27<sup>th</sup> depending on the availability of the interested person.

#### ENVIRONMENTAL BOARD REPORT

No report-No meeting

#### HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that at the park the soccer fields have been striped and laid out. Mowing and lawn rolling are up to date there are a few wet areas that will be addressed once the weather cooperates.

Road work for this year is being reevaluated due to erosion on the side of roads on Heath Road, Blanchard Road and Bleistein Road. Six crossover culverts need replacing in Seneca Brook as well this year. Some work that was slated will be paused for now while the other projects are completed. Chip sealing will start on June 3<sup>rd</sup> on some of the town roads.

CHIPS funding was decreased last year in the budget due to Covid. Erie County has come through with some additional funding for the CHIPS program. Once funding is approved the Town Budget will be amended to include the additional funding for this year.

#### Approve Summer Help in the Highway Department

MOTION made by Councilman Hrycik and seconded by Councilman Arcara and unanimously approved the following Madison Nuttle and Joshua Jusiak for summer help in the highway and parks department at a rate of \$13.51 an hour as budgeted in the 2021 Town Budget.

#### INSURANCE REPORT

No report

#### LIBRARY REPORT

Councilman Hrycik reported that Lydia from the Boston Library stated that summer program sign ups are going on as well as yoga, and a summer concert series. Check out the library website for all activities and programs.

#### PERSONNEL & TRAINING REPORT

Councilwoman Zurbrick reported that annual training information has been supplied to all employees and various boards. The training consists of 3 courses Workplace Violence, Blood Borne Pathogens, Right to Know. Highway employees as well as the new hires for the highway department will need to take an additional course Hazwoper. Once course is complete a certificate is generated.

### PLANNING BOARD REPORT

Councilman Hrycik reported that the Planning Board met on May 6, 2021 for the final submission on the proposed Dollar General, 8680 State Road the recommendation was submitted to the Town Board and filed in the Town Clerk's office..

### WATER REPORT

Councilman Pietraszek reported at the present time water consumption billed to ECWA for the prior month was 1,646,000. gallons at a cost of \$4,608.80 + \$278.37 = \$4,887.17 expenditure.

-Water charge \$2.79/thousand

-Jerry Grudzien on South Hill asked for permission to connect to the water district as an out of district customer. Paperwork is in progress.

-Greg will be putting the key on turn offs to hear for turbulence indicating a leak.

-Water Quality report has been completed and sent out to water district customers.

-Two residents in town would like to be Out of District water customers Jerry Grudzien on South Hill Road and Thomas Hill on Stanfield Road. Jerry has started the process.

Discussion on Out of Water District customer hook up for Jerry Grudzien at 9029 South Hill Road.

The following requirements were discussed for the agreement for an out of district customer:  
Property survey

Written approval from neighbors if the water line crosses their property.

Resolution would be drafted from the town attorney to enter into an agreement to be an Out of District Water Customer.

Town Engineer would look at the submitted application from the applicant.

Establish costs to customer who would be responsible for the costs of the project.

Town Board discussed letting Mr. Grudzien start the project this weekend Sergi Construction who is the contractor is available to start the project.

### Approval of Out of District Water Customer

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik and unanimously approved for Jerry Grudzien at 9029 South Hill Road to enter into an agreement with Colden Water District #1 contingent on all paperwork is submitted on the project and review from the Town Engineer. The costs will be the responsibility of Jerry Grudzien.

### YOUTH/ADULT RECREATION REPORT

Councilwoman Zurbrick reported that the soccer program has started and practices are going on. Yoga is currently on. The recreation garden at the park will also take place this year and movies at the gazebo are being organized.

Supervisor DePasquale discussed movies and concerts series starting up at the park on a limited basis for this year looking at what Covid guidelines are for outdoor activities.

Memorial Day parade will take place on May 31, 2021 with social distancing. Line up starts at 8:15 parade starts at 8:30 with a service to follow. No refreshments will be provided this year with the Covid restrictions.

OLD BUSINESS

None

NEW BUSINESS

1. Change of Use – Christopher J. Sansone 8826 State Road

Supervisor DePasquale stated that Christopher Sansone submitted a Change of Use at 8826 State Road for a multi-use building for a barber shop, mercantile space (non-perishable goods) and wood working shop. After the Change of Use hearing last month there were some questions on the septic, parking lot drawing as well as dimensions inside the shop that needed to be clarified. Mr. Sansone did submit new paperwork on the septic, drawings for the parking lot and egress. Town Board will send the site plan back to the Planning Board for review.

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved to send the Change of Use for Christopher Sansone at 8826 State Road for a multi-use building for a barber shop, mercantile space (non-perishable goods) and wood working shop back to the Planning Board for review of the site plan and additional paperwork.

2. Town Board receives a completed Change of Use application packet for 8680 State Road for Town Board Review

Supervisor DePasquale discussed the timeline of the submitted paperwork for the Change of Use project proposed at 8680 State Road. The following paperwork was submitted and recorded in the Town Clerk's office. Town Board will have a review of the proposed project on June 3, 2021 at 7:00pm. Supervisor DePasquale asked the Town Board to review the following paperwork and at the upcoming meeting have any questions or concerns ready for the developer. On June 10, 2021 the Town Board will have a final determination on the project.

Timeline of submitted paperwork for the proposed Dollar General at 8680 State Road.

November 9, 2020	Change of Use Application Submitted
November 12, 2020	Property Transfer Deed MPR Properties of WNY LLC to The Broadway Group
December 3, 2020	Resolution Regarding the Declaration as Lead Agency
January 4, 2021	EC Response to the Lead Agency
January 20, 2021	Traffic Study
January 21, 2021	Building Inspector Report
	Certificate of Zoning Compliance

January 22, 2021	Certificate of Zoning Compliance signed by CEO & TBG
January 30, 2021	GHD Engineering SEQR and SWPPP Comments
February 3, 2021	SEQR FEAF
February 5, 2021	TBG- Waste Management follow up letter
February 14, 2021	GHD Engineering Planning Board Document Review
March 4, 2021	TBG Follow up letter. Revised Civil Plans Revised Photometric Plan Revised Conceptual color rendering. Accident History Report Sign Details
March 13, 2021	GHD Engineering Review
March 22, 2021	ZBA Application
April 21, 2021	Planning Board Advisory Information Prior to Our Final Recommendation
April 29, 2021	ZBA Decision
April 30, 2021	Revised Site Plan
May 11, 2021	EB Recommendation
May 13, 2021	PB Final Advisory Recommendation
May 13, 2021	FEMA National Flood Hazard Layer Firmette

Letters submitted from concerned citizens.

3. Review of the addition of a “Hazardous Waste Pickup Program” to the Waste Management contract starting in the Fiscal Year of “2022”

Supervisor DePasquale stated that he met with Town Supervisors from Holland and Boston along with a representative from Waste Management about a Hazardous Waste Pickup Program. A variety of acceptable materials include Automotive products: Antifreeze, motor oil, oil filters, brake fluid, transmission fluid, cleaners, upholstery cleaner, polishes, fuels and waxes Batteries: Household and vehicle Household chemicals: Carpet and upholstery cleaners, tile and shower cleaners, drain cleaners, cleaning compounds and rust removers Household items: Hobby glue, nail polish removers, and more Electronics: Televisions, desktop computers, laptops, tablets, monitors, mouse, keyboards, mp3 players, DVD players, gaming consoles, CD/tape players, VCRs, cell phones, desktop printer, scanner, fax machines, microwaves, CD rom and related cords Mercury containing items: Compact Fluorescent Lamp (CFL), straight fluorescent tubes, thermometers and thermostats Paint products: Latex and oil based paint, spray paint, paint thinner, artist paint, stain, stripper, caulk, sealer, wood stain and wood preservative Garden chemicals: Fertilizer, herbicide, pesticide and insecticide Swimming pool chemicals: Pool acid, stabilizer and chlorine Sharps: Syringes, needles and lancets3.

The program would consist of calling up Waste Management for a tag to be attached or a bag to put the item in to be picked up at a specific date and time. The program would be yearly with a cost of \$24.00 a year per unit.

Town Board discussed the yearly Hazardous Waste Collection verses the Hazardous Waste Pickup Program. Town Board will take the month to review the program and revisit the material next month Town Board meeting.

#### RESOLUTIONS

Supervisor DePasquale read the following:

TOWN OF COLDEN  
COLDEN, N.Y. 14033  
RESOLUTION #2021 - 03  
TOWN OF COLDEN COMPREHENSIVE PLAN CONSULTANT  
SERVICE CONTRACT

WHEREAS, In the early 2020 the Town of Colden reviewed bids for the engineering of a Master Plan Update for the Town

WHEREAS the Colden Town Board reviewed the submitted bids and by a unanimous board vote chose to contract with CPL Consulting for this project for the sum of \$49,914.00

WHEREAS the Covid Pandemic severely affected the Towns ability to conduct the update and the project was put on temporary hold.

WHEREAS, the Town can have virtual meetings and several restrictions due to Covid are being lifted giving the Town Board the Confidence to now lift the temporary hold and enter the approved contract to begin the master plan update.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Colden, Town Board accepts the contract with CPL Consulting authorizes the Town Supervisor to Sign the Contract for services related to the Town of Colden's Master plan Update.

Duly adopted this 13<sup>th</sup> day of May 2021, by the following vote.

MOTION made by Councilwoman Zurbrick and seconded by Councilman Arcara,

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

#### BUDGET TRANSFERS

None

#### TOWN CLERK REPORT

Town Clerk Kerlin reported that requests were made for the use of Kummer Park Shelter:  
Cub Scout Pack 583  
June 13, 2021, from noon to dusk

Potter Family  
June 20, 2021, from 1pm – 8pm

#### Approve the use of Kummer Park

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved the requests for the use of Kummer Park Shelter from Cub Scout Pack 583 June 13, 2021, from noon to dusk and the Potter Family June 20, 2021, from 1pm – 8pm.

The primary election will take place on June 22, 2021, polls will be open from 6am to 9pm.  
Will check on early voting.

#### SUPERVISOR’S REPORT

Supervisor DePasquale reported monies were turned into the town when the VFW in town closed. The funds will be used this year to cover the costs of plastic grave markers for the veterans that are buried in the Colden and Maltby Cemetery as well as a few smaller cemeteries throughout town.

An email was received on the” Guide for District Spending” the funds towns will receive related to Covid. The 50page restrictions make it difficult to decipher how to apply the funds. An upcoming meeting will be held to plan for the funds.



PAY BILLS

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

General Fund Warrant Voucher #2021 117 to #2021 -168	\$ 29,854.90
Highway Fund Abstract Voucher #2021-53 to #2021-65	\$ 20,476.80
Water District Voucher #2021-19 to #2021-25	\$ 8,515.39
Lighting District Voucher #2021-07 to #2021-08	\$ 1,290.57
Refuse Fund Voucher #2021-05	\$ 22,032.83

PRIVILEGE OF THE FLOOR

No comment

ADJOURN

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously adjourned the meeting at 8:50pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk