

TB Mtg September 9, 2021
REGULAR TOWN BOARD MEETING
VIA – Go To Meeting at Colden Town Hall & Virtual

MEETING CALLED TO ORDER AT 7:01pm

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR GEORGE ZYBERT AND SALLY SCHNELLMANN. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

ALSO

PRESENT: Planning Board Chairman Walt Kammer
Bldg. Insp/Code Enf. Officer John Kotlarsz
Asst. Bldg. Insp/Fire Insp. Thomas Dzuilko
Highway Superintendent Paul Clarkson
Town Clerk Christina Kerlin
Approximately 7 Residents

MINUTES:

MOTION made by Councilman Pietraszek and seconded by Councilman Arcara and unanimously approved the minutes of the August 19, 2021, Town Board Workshop meeting and the August 19, 2021 Town Board Regular meeting as presented.

PUBLIC HEARING:

1. SUP (Tower), NYSEG 9144 Center Street – Town Code Chapter 96

Supervisor DePasquale asked the Town Board if they received a packet from Town Clerk Kerlin on the NYSEG Tower at 9144 Center Street to expand the tower to around 350ft., Town Board response “yes”.

Application was received on May 12, 2021.

Environmental Board reviewed the SEQR on 6/20/2021 at 7:00pm

Planning Board reviewed the plans on 6/15/2021 at 7:00pm

Building Inspector report submitted on 5/27/2021

Town Engineer’s report submitted on 8/13/2021

Copies of check/Letter from Murray Law Firm and Executive Summary (NYSEG Public Utility Communications Facility) also submitted

Review of the Full Environmental Assessment Form Part 1:

*Page 3. C-4 Change has been made to Holland School District not Springville Griffith Institute. Tax Assessor has made that correction on the tax roll and property card.

*Page 13. E.3. h. ii. Answer is “No”

Part 2 and Part 3 were reviewed with no changes.

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved that this project will result in no, significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared.

Accordingly, this negative declaration is issued.

Public Hearing Comments Open at 7:37pm

“No” Comments or Questions

Public Hearing Closed at 7:38pm

Public Hearing Closed

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved to close the Public Hearing Comments for NYSEG Tower at 9144 Center Street.

Planning Board recommendation was received on 9/8/2021 and read.

Supervisor DePasquale stated that the tower has been at that location, and it is the size of the tower that will change. There was a prior bond with the past permit that was held. The removal bond for this project would be held with the building permit when issued.

Benjamin Bothello was asked if the conditions so far sounded fair and acceptable. Response was “yes”.

Supervisor DePasquale read the following conditions for the Special Use Permit.

The Planning Board has identified the following conditions, restrictions and provisions, as important considerations for the Town Board’s potential approval of the applicant’s Special Use Permit under §96- 3.A (Collocated/Existing-Structure Antenna) and 96-4 (Tower Special Permit; Application).

1. Due consideration and deliberation, including consultations with our two Town Engineers during the interaction period, stressed the safety aspects of the tower replacement with great attention to the impact of the height and the change in design.
2. After review, engineering consultations, and review of Applicant PE Sealed Submissions, the parcel lot line safety setback requirements, based upon the PE’s 100’ Radius Fall-Zone analysis, constrains the debris field on the NYSEG parcel. But the Applicant’s sealed site plan did NOT SPECIFICALLY SHOW that 100’ radius circle on the drawing. Therefore, as part of the Building Permit Submissions the applicant’s final site plan MUST SHOW the 100’ radius fall-zone to confirm that failure mode debris within that 100’ radius circle will all be constrained to the parcel owned by NYSEG. A Planning Board member, based on rough scaling of the drawing, feels that minor adjustments to

the current SUP Site Plan might be needed in an east-west direction. That matter can be resolved during the building permit process submissions but should be a firm condition for Building Permit Issuance by the CEO's.

3. On NYSEG's final submitted Building Permit Drawings, NYSEG's engineers MUST confirm the 100' radius circle remains on their property. The Planning Board recommends conditional approval of the SUP with that confirmation certified in the Building Permit Package. If this condition is not met, then the building permit should not be approved or issued by the Code Enforcement Officers subsequent to this SUP's approval action.
4. The overall condition of the parcel's project 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. Presently the condition of the perimeter fencing around the southwest guy wire anchor point is unacceptable, and the new free-standing tower's compound fence should be maintained to a high standard.
5. Editorial Post-PB-Meeting Comment: There has been a request by an adjacent landowner who was living on his parcel during the period when the last Tower Replacement of this facility took place. He has indicated to the PB Chairman that after the last site upgrade the contractor retained by NYSEG did NOT PROPERLY keep a functional Port-a-Potty or Johnny-On-The-Spot available for the workers during all construction phases. This resulted in rather excessive "human waste and debris" which ended up on his parcel.

There was discussion on the fall zone on the site plan not showing a circle area to where the fall zone would be marked on the plan. The fall zone area will be clearly marked on the new site plan that would be turned into the CEOs for the Building Permit. Timeline was also discussed with Ben saying that the project would probably not begin until spring or summer of 2022 and securing the funding for the project.

Approve NYSEG Tower-9144 Center Street - Special Use Permit

MOTION made by Councilman Pietraszek and seconded by Councilman Arcara to approve the NYSEG Tower expansion with the 5 (Five) recommended conditions read above.

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

**2. SUP Solar PV System – Benjamin Sayers 9769-1 Partridge Road
Town Code 107-4 & 107-7**

Supervisor DePasquale stated that this permit started under the Unified Solar System with a 25kw and with the Special Use Permit will add another 7kw for residential use not commercial.

Solar PV System/Benjamin Sayers 9769-1 Partridge Road application was received on July 29, 2021

Environmental Board reviewed the SEQR on 8/3/2021 at 7:00pm

Planning Board reviewed the plans on 8/17/2021 at 7:00pm

Building Inspector report submitted on 7/29/2021

Letter of Intent

Project Site Map

Electrical Plan

Review of the Short Environmental Assessment Form Part 1,
Part 2 and Part 3 were reviewed with no changes or questions.

Planning Board recommendation submitted on 9/8/2021

MOTION made by Councilman Arcara and seconded by Councilwoman Zurbrick to approve that this project will result in no, significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

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

Public Hearing Comments Open at 8:13pm

“No” Comments or Questions

Public Hearing Closed at 8:15pm

Supervisor DePasquale read the following conditions for the Special Use Permit:

Planning Board Recommended Conditions for SUP Approval: The Planning Board has identified the following conditions, restrictions and provisions, if any, as important for the approval of the applicant's Special Use Permit under §107-4.B(5) and 107-5.C. The project is also consistent with all boundary line setbacks, parcel placement, and other factors applicable in Ag-zoning for a Private Ground Mounted Solar PV installation greater than 25KW DC Capacity. No conditions are identified by the Planning Board on this action other than the Applicant's continued compliance with the following general operational considerations:

1. All NYS DEC regulations must be met and not violated for all activities on the property for the term of the Special Use Permit. We are not presently aware of any issues with DEC but that compliance should be monitored and situations identified should any future complaints or incidents be reported for this applicant's parcel.
2. The overall condition of the parcel's project 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.
3. Since the project under this SUP is a NYSEG grid-connected Net-Metered arrangement, should any power grid reliability issues be identified by NYSEG related to this project, they must be corrected in an expedited manner to ensure integrity of Colden's power delivery grid for our citizens.

Decommissioning is not required for residential. No questions from the Town Board.

Approve Solar PV System/Benjamin Sayers-9769-1 Partridge Road- Special Use Permit
MOTION made by Councilman Arcara and seconded by Councilman Pietraszek to approve the Solar PV System with the 3 (Three) recommended conditions read above.

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

COMMITTEE REPORTS

BUILDING REPORT

No report

CODE ENFORCEMENT OFFICER REPORT

Report for the month of August 2021 – Bldg. Insp/Code Enf. Officer, John Kotlarsz reported that there were:

- 18 Building permits Issued
- 1 New Dwelling Permit Issued(Dollar General)
- 1 (Temporary)Certificate of Occupancy
- 14 Certificates of Compliance
- 1 Order to Remedy Violation
- 2 Court Appearance
- 4 Fire inspections
- 6 Phone Complaints
- 1 Building Reported Unsafe

CEO John Kotlarsz has taken 3 trips to the Dollar General site today for inspections, concrete will be poured the next few days and every day they are testing steel and concrete as well as soil density tests, reports will follow on all testing.

COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported that the Cherry Picker will hold a sale starting today and will be going on Friday, Saturday, and Sunday from 10am – 4pm, proceeds to benefit the Bread of Life Outreach Center. Colden Arts Festival will take place on September 11th and 12th. The PTA will hold a ceremony at 4pm behind the gazebo where they have designated a memorial garden and benches along with a sign that will be uncovered in memory of staff members from Colden Elementary School. The Colden Fire Company will hold a 911 Service up at Kummer Park a band will start at 5pm with a 911 memorial service at 7:45 with fireworks to follow.

Bread of Life Outreach and Gabe's on the Hill Hours:

Tuesday, 10am – 5pm

Wednesday, 2pm – 7pm

Friday, 10am – 6pm

Saturday, 9am – 2pm

Food Pantry Hours:

Thursday, 3pm – 6pm

Saturday, 9am – 12pm

Farmers Market

Starts Saturday in May and runs through October from 9am – 1pm
Food Truck give away takes place the 4th Thursday of the month at the Colden Fire Hall from 1:30 – 3:30

Household Hazardous Waste & Electronics Recycling

Saturday, September 18th from 8am – 12pm, Pre-Registration at 941-5022

Community “Yard” Sale at the Colden Fire Company

8448 Gutekunst

Saturday, October 2nd

9am – 3pm

Indoor space (1 table \$15 or 2 tables \$20)

Outdoor space (bring your own table and/or tent-2 tables max) \$5 each

You must take home what you do not sell. To reserve a spot, please call 474-2532

DOG CONTROL OFFICER REPORT

Councilman Arcara read the following DCO report for August 1, 2021 – August 31, 2021.

Call about a raccoon by Kissing Bridge, referred to DEC

Call about a dog running loose at Kissing Bridge, drove over there did not find any dog.

Call received about a woman who had to go to the hospital and dog was left at home, sheriff also received the call and they took the dog to a boarding facility.

Call received about a dog missing, dog returned on its own.

Call received from a woman at the Springville Auction reporting a dog left in the car, referred to Concord DCO.

ENVIRONMENTAL BOARD REPORT

No report

HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that the highway department has been busy ditching, mowing, and cleaning culverts. Working on a crossover pipe on Blanchard Road, and a washout on Bleistein Road culvert. Evaluating culvert on Heath Road, Town of Boston is going to share their loader for the repair of the culvert.

Parks are in great shape.

Caterpillar loader is paid off and is eligible for a trade in and upgrade to a new loader at \$30,000.

Highway Superintendent Clarkson will supply the Town Board with the agreement for the upgrade and trade in information along with the purchase price.

Fire extinguishers in the trucks and highway buildings were inspected today.

Highway Superintendent Clarkson reported that the NYSAOTSOH Annual Conference, Education Symposium & EXPO Sponsors: Training will take place on September 28, 29, and 30th in Saratoga Springs which he will be attending.

INSURANCE REPORT

No report

LIBRARY REPORT

Supervisor DePasquale reported that checks for the West Falls and Boston Library were approved and will assist in their library programs that are not funded by Erie County.

PERSONNEL & TRAINING REPORT

No report

PLANNING BOARD REPORT

Planning Board Chairman Walt Kammer reported that the AFPP will be rescheduled due to staffing and coordination reasons. The upcoming Planning Board meeting will have a speaker from Erie Cattaraugus Trails and Go Bike with a presentation on the Rails to Trail system.

WATER REPORT

Councilman Pietraszek reported at the present time water consumption billed to ECWA for the prior month was 2,089,000. gallons at a cost of \$5,849.20 + \$278.37 = \$6,127.57 expenditure.
-8844 Woodview Road rekindled fire on 8/17 used 17,5000-gal water at a cost of \$50.00(ECWA pricing)

-Water Operator Greg Adams will be asking Highway Superintendent Paul Clarkson for some shared services to dig up at the park for a possible leak.

-Radio rebuilt kits arrived to resolve our 10yr battery life span. At present time we have 7 radios needed to swap out. New and rebuilt have been starting replacement.

-Minimal flushing at ends thus far.

-Talked with NYRWA, they tested Park leg and leg in front of Buffam house, believe leaks found, waiting on senior tester to evaluate before tearing up sidewalk

-Will send relevy letters out for payment on September 20th so payment can be made by October 25th prior to November 1st billing and relevy

-Chapter 105 (Water application & fees are being finalized for the October meeting for approval.

YOUTH/ADULT RECREATION REPORT

No report

OLD BUSINESS

Waste Management “At your Doorstep Hazardous Waste Pick-up Program”

Supervisor DePasquale explained that this is a new program being offered and that the program would work in conjunction with the towns of Holland and Boston. The three towns would all have to agree, and the program would start January 2022. The Town Board would have to approve to participate in the program now pending the other towns agreeing and the cost would be established at the budget workshop for the year 2022. The cost the town applies to the Hazardous Waste Recycling Day event would be applied to the new program to offset the cost to the homeowner that pays for refuse collection. The cost for the program would run around \$25 per household around \$2.16 a month extra. Again, the monies that are used for the one-day Recycling Day Event would be applied to offset the cost. The homeowner would call to receive a bag or tag that would be used for the item to be recycled and you would be able to call throughout the year and not have to wait for the one-day Recycling Event.

Approve “At your Doorstep Hazardous Waste Pick-up Program”

MOTION made by Councilman Arcara and seconded by Councilman Pietraszek and unanimously approved to enter into the “At your Doorstep Hazardous Waste Pick-up Program” pending on all towns agreeing to participate in the program.

NEW BUSINESS

None

RESOLUTIONS

None

BUDGET TRANSFERS

None

TOWN CLERK REPORT

Town Clerk Kerlin reported that following:

Approve to Advertise Public Hearing for CDBG and the Budget Workshop

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved to advertise the 2022 Budget workshop for October 7, 2021 at 6:00pm and the CDBG Public Hearing for October 14, 2021 at 7:00pm.

NYS DEC Free Fishing Day is September 25, 2021

Boy Scout Troup 583 has signed up again to use the Senior Center on Tuesday evenings from 6:30pm-9:00pm. Town Clerk will let cleaner Amy Brautlacht beware of the request.

SUPERVISOR’S REPORT

Supervisor DePasquale reported that the upcoming concert would be the last of the Concert Series for this summer.

Budget requests have been handed in and the process will begin for next year’s budget.

PAY BILLS

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

General Fund Warrant Voucher #2021-315 to #2021 -341	\$ 13,973.02
Highway Fund Abstract Voucher #2021-119 to #2021-130	\$ 8,340.44
Water District Voucher #2021-50 to #2021-56	\$ 7,117.99
Lighting District Voucher #2021-16	\$ 1,288.85
Refuse Fund Voucher #2021-08	\$ 21,364.53

PRIVILEGE OF THE FLOOR

Linda Kotlarsz asked the Town Board if they were looking into opting-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses from locating within the town. Town Board discussed opting in or out, if the town does not opt out the town is automatically put in and cannot opt out. If the town opts out now, they have one chance to opt in after the fact. Town Attorney will be contacted to write up legislation for opting out and wording for public hearing notice.

Approve Public Hearing

MOTION made by Councilman Arcara and seconded by Councilwoman Zurbrick and unanimously approved to set a Public Hearing for October 14, 2021 at 7:00pm to either opt out or in allowing adult use cannabis retail dispensaries

ADJOURN

MOTION made by Councilman Arcara and seconded by Councilman Pietraszek and unanimously adjourned the meeting at 9:17pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk