

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

MEETING CALLED TO ORDER AT 7:07pm

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE IN MEMORY OF KENNETH HEILER, JUNE PYNE AND JOYCE STRAUSS 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
Planning Board Chairman Walt Kammer
Town Clerk Christina Kerlin
Approximately 6 Residents

MINUTES:

MOTION made by Councilman Pietraszek and seconded by Councilman Arcara and unanimously approved the minutes of the November 4, 2021, Town Board Regular meeting as presented.

COMMITTEE REPORTS

BUILDING REPORT

Councilman Arcara reported that two quotes were received for the re-roof of the garage up at the town park, there were other companies that were contacted and were too busy with jobs. The roof is in need of repair before the winter weather hits hard.

Sahlems Roofing

Roofing	\$5,945.
Wood Face Board	450.
Soffit/Facia	1,700.
Plywood	680.
Cost not to exceed	\$9,000.

Top Notch Construction

Material for Garage & Labor	\$6,300.
Reinstall gutters w/new hidden hangers	900.
Additional plywood 6-8 sheets \$110.	880.

After some discussion the Town Board decided to go with Sahlems roofing.

Approval of Park Garage Re-Roof

MOTION made by Councilman Arcara and seconded by Councilman Hrycik and unanimously approved Sahlems Roofing for the replacement of the roof on the garage at the Town Park, at a cost not to exceed \$9,000.

CODE ENFORCEMENT OFFICER REPORT

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

- 12 Building permits Issued
- 1 New Dwelling Permit
- 1 Certificate of Occupancy
- 12 Certificates of Compliance
- 1 Fire inspections
- 2 Change of Use
- Planning Board meeting (Rails to Trails)

Colden CEO's John Kotlarsz and Thomas Dzuilko will be helping at the Town of Concord with Shared Services when needed for their Town building department.

Continuing to work on a resolution for a house on Lower East Hill Road that is condemned due to floor collapsing in the house. Contact will be made with owner to see what their plans are for the dwelling.

The building department is looking to add two additional fees for the Town of Colden Building Codes. Foundation repair /drainage and the other for 50% or more of windows replaced in your home at a cost of \$75. Per building permit. The codes are part of the NYS Division of Codes requirements already.

Approve Additional Fees for Town of Colden Building Code

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved to add two additional fees to the Town of Colden Building Codes, Foundation Repair/Drainage \$75.00 fee and 50% or more of Windows Replaced in a Home \$75.00 fee.

Approve Grace Period for Penalties for 2 Additional Fees for Town of Colden Building Code
MOTION made by Councilwoman Zurbrick and seconded by Councilman Arcara and unanimously approved a grace period for penalties for the following two added fees in the Colden building Codes for Foundation Repair/Drainage \$75.00 fee and 50% or more of Windows Replaced in a Home \$75.00 fee.

COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported that the following:

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

Tuesday, 10am – 5pm

Wednesday, 1pm – 5pm

Thursday, 3pm – 6pm

Friday, 3pm – 6pm

Saturday, 9am – 12pm

Food Pantry Hours:

Thursday, 3pm – 6pm

Saturday, 9am – 12pm

Mobile Food Truck

No truck Nov and Dec. Start back up in January.

Tree Lighting event that took place December 3rd was very nice and the families seemed to enjoy the activities.

Colden Fire Company will be holding a “Drive Through Santa Event” on Saturday December 11th from 5pm to 7pm.

Councilwoman Zurbrick conveyed her “Thanks” to Councilman Arcara for his dedication and willingness as a Councilman for the town. It has been a pleasure and honor to work along side Dave for these many years on the Town Board and she will miss him and she wishes him all the best in his next endeavors.

DOG CONTROL OFFICER REPORT

Councilman Arcara read the following DCO report for November 1, 2021 – November 30, 2021. There were numerous complaints of barking dogs and dogs not staying on their own property this month. A report of a pair of huskies that were on the loose for a bit but made their way home. A message received from a guy wanting to get rid of his puppies, tried contacting him but he never returned any calls back to the DCO.

ENVIRONMENTAL BOARD REPORT

No report

HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that he has received three quotes for a Temper Compactor which was budgeted for this year. Paul stated that the one from Tri-County would work the best for what he would need it for, and they have it in stock.

Tri-County	\$2,550.00
Gator Equipment	2,130.00
Rusert Equipment LLC	2,163.75

Approval of Temper Compactor

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved to purchase a Temper Compactor from Tri-County Supply at a cost of \$2,550.00.

Paul stated that the town trucks are all set for plowing this year and the salt barn is full so when it begins to snow the highway department is prepared. There were quite a few trees down in town with the last windstorm, so the highway department has been working on tree and brush cleanup. Notice has been placed in the Springville Journal for plowing snow across the roadway. Residents need to understand that it is illegal to plow snow across the roadway, there are piles left in the roadway which can cause problems for motorists driving in the wintertime.

INSURANCE REPORT

Councilwoman Zurbrick reported that Afflac (supplement insurance) will be having open enrollment coming up in January-February 2022 if there are any employees wishing to sign up for the program, see Tammy.

LIBRARY REPORT

Councilman Hrycik reported that the Boston Library reminds people that they have a survey going on and would like to hear from residents on services that are offered. West Falls Library has a cooking program starting January 11, 2022, you can check it out online. Both libraries have virtual story hours and activities listed on their websites so be sure to check them out.

PERSONNEL & TRAINING REPORT

Councilwoman Zurbrick reported that there are still a couple of people who have not completed the mandatory training.

PLANNING BOARD REPORT

Councilman Hrycik reported the following Planning Board Actions:

*11/11/21-12/9/21- Continued coordination with the Comprehensive Plan Consultant and the Agriculture & Farmland Protection Plan Consultant to prepare for the Upcoming 1Dec21 Public Feedback Session#1.

*11/11/21 10AM – Meeting at Town Hall with Supervisor DePasquale, PB Chairman, and Rick LeFeber/Deb Fenn of ECRT for the purpose of the Supervisor advising ECRT as to specific Colden Citizen concerns and worries about the pending ECRT implementation. Also discussed was the Colden Change of Use process and the subsequent requirements for coordination with the Colden Code Enforcement Officers for structure building permits and the Colden requirements for Design Professional created design drawings and site plans.

*11/11/21 Evening – Chairman meeting with Code Enforcement Officers to review pending Change of Use Applications and other code questions needing coordination.

*11/12/21 – Chairman supplied the ECRT staff, via email, the various procedural items and code section references dealing with the permitting for ECRT implementation of the Colden Segment of the trail.

*11/16/21 – Planning Board November 2021 Regular Meeting. Main topic was a presentation by Ashley Smith of GoBike-Buffalo dealing with the Colden Segment of the larger scope Southern Tier Trail (STT) design and plans with emphasis on the Colden portion.

*11/27/21 – Arranged for receipt of STT display board for the upcoming 1Dec21 Comp Plan & AFPP Plan public education and comment session #1.

*12/1/21 Afternoon and Evening – Setup infrastructure at Colden Fire Hall for the Public Comment Session #1 covering the Colden Comprehensive Plan Update and the new Colden Agriculture & Farmland Protection Plan. After preparations the meeting commenced at 6:30PM with introductory presentations by the Planning Board and by Colden's consultants CPL (for Comp Plan) and WWS Planning (for AFPP). Following the formal presentations, individual "breakout sessions" were started which allowed the approximately 60 attendees to present their ideas, concerns, likes and dislikes about future activity in Colden in accordance with the scope of the Comp and AFPP development. There will be additional public comment sessions in the future.

*12/3/21 1PM – Review for completeness two citizen Change of Use applications and determine that they are complete and non-piecemeal. The applications were then released to the Environmental Board for SEQR processing and to the Planning Board and CEO's for processing of the Change of Use and for the associated Site Plan Review per Colden Zoning.

*12/9/21 6PM – Assist Supervisor for preparation of Virtual TB Workshop meeting, and attend workshop on behalf of Planning Board and setup infrastructure for the virtual sessions this evening.

* 12/9/21 6PM – Assist Supervisor for preparation of Virtual TB December meeting, and attend meeting on behalf of Planning Board.

WATER REPORT

Councilman Pietraszek reported at the present time water consumption billed to ECWA for the prior month was 1,862,000. gallons at a cost of \$5,213.60 + \$278.37 = \$5,491.97 expenditure.

*A potential water leak on Park Street was dug up and no leak found, there are still questions about that water line that runs up Park Street. A leak was found on State Road towards the south end of the water district. The water line where the leak was is also near a gas line which may be causing a problem with the lines eroding. Anodes were being added to the lines as a precaution.

*Rebuild of meters will take place for ¾ meter and 1” meters once parts are received.

*Hydrant markers are being replaced

*Chlorine is up in the cold weather lines are being flushed.

A letter will be sent to customers in the Water District explaining the upcoming increases for the quarterly water bill and additional fee for Capital surcharge to the water customer quarterly bill to keep the system viable.

YOUTH/ADULT RECREATION REPORT

Asst. Recreation Director Carrie DePasquale reported:

The annual Christmas ornament making, and tree lighting was well attended. About 30 children made ornaments, and about 60-70 total people attended the tree lighting. Everyone had a great time.

Part 2 of the pottery class was held on December 8. More pottery classes are being planned for the spring. The class was very successful and look forward to holding more classes.

Snowman paint night went well the class was well attended and everyone had a great time.

Quotes were obtained for soccer nets:

Laux Sporting Goods 2 nets cost per \$2,395.95 = \$4,791.90

Spartan Athletic Co. 2 nets cost per \$2,010.95 with shipping \$580.00 = \$4,601.83

Quotes were received from Epic Sports and Anthem Sports there was no guarantee that the nets would be available.

Approve Soccer Net Purchase

MOTION made by Councilwoman Zurbrick and seconded by Councilman Arcara and unanimously approved the purchase of soccer nets from Laux Sporting Goods at a cost of \$4,791.90 and includes shipping.

OLD BUSINESS

None

NEW BUSINESS
None

RESOLUTIONS

Supervisor DePasquale read the following Resolutions into record:

**RESOLUTION #2021-12
TO APPROVE AGREEMENT FOR
HIGHWAY SHARING SERVICES**

WHEREAS, The Town of Colden has participated in the annual Highway Shared Services Agreement, and

WHEREAS, a Highway Shared Services agreement has been proposed which would be Binding without necessity of annual approval, and

WHEREAS, such Agreement does provide each municipality to revoke its participation in the Agreement therefore providing a termination of the Agreement,

NOW THEREFORE, be it

RESOLVED: the Town of Colden town Board does hereby agree to enter into the Inter-Municipal agreement set forth in the Highway Shared Service Agreement attached hereto as Exhibit A, and be it further

RESOLVED, that the Supervisor is authorized to enter into the Agreement on behalf of the Town, and be it further

RESOLVED, the Town Clerk is directed to provide a certified copy of the Agreement to the Erie County Association of Highway Superintendents.

Duly adopted this 9th day of December, 2021, by the following vote.

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

RESOLUTION #2021-14
RESOLUTION FOR CAPITAL SURCHARGE

WHEREAS, the Town of Colden Water District No. 1 initiated service to the residents of the Hamlet in the year 2006 which the district has operated for 15 years, and

WHEREAS, there are presently 215 customers receiving water with the unlikeliness of many additional customers, and

WHEREAS, the water system has aged over the period of time with expenses increasing such as radio units which are reaching the end of their life, and

WHEREAS, the Town Board has enlisted the services of Fisher Associates, P.E., L.S., P.C., to review increased capital costs in the operation of the water district, and

WHEREAS, the report determined the immediate costs of the following items:

a. Integrated E-Cover Radios	6 @ 264.00 each
b. Rebuild Meters (in house)	2 @ 50.00 each
c. Valve Box Replacement (1 per year)	100.00 per year
d. Leak Repair (2 repairs annually; 4,000.00 per repair)	8,000.00 per year
e. Refurbish Reducing Valves	
2” in January	2,000.00
8” in August	4,350.00
Divide by 5-year cycle	11,054.00 per year,

and

WHEREAS, the report proposes a district capital surcharge of \$12.85 per quarter per customer to cover capital costs.

NOW, THEREFORE, be it

RESOLVED, the Town Board on behalf of the Colden Water District No. 1 does hereby accept the recommendations of Fisher Associates, P.E., L.S., P.C., to establish a quarterly charge as a district capital surcharge for long term maintenance; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish the approval of the quarterly capital surcharge of \$12.85 on the Town of Colden website and in the Springville Journal.

Duly adopted this 9th day of December, 2021, by the following vote.

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

RESOLUTION #2021-13
RESOLUTION APPROVING ADJUSTMENT IN WATER FEES

WHEREAS, the Town of Colden Water District No. 1 provides potable water to the residents of the water district, and

WHEREAS, Chapter 105 of the Codes of the Town of Colden provides various provisions for the determination of application and related fees, and

WHEREAS, Section 105-19 authorizes the Town Board by Resolution to determine fees relevant to the service line inspection fee, and

WHEREAS, the Town Board has carefully reviewed the referenced fees with a determination that adjustments are required due to increased expenses.

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Colden does hereby authorize the following fees effective February 1, 2022:

1. Section 109-19 Service Line Inspection Fee: \$200.00 per service line.
2. Section 105-32 District Billing as follows:
 - a. Minimum quarterly charge of \$44.00 including 4,000 gallons of water.
 - b. Each additional 1,000 gallons of water \$4.70.
 - c. Erie County Water Authority (ECWA) infrastructure quarterly service charge of \$5.00 and can be adjusted as required, based on ECWA charges, and be it further

RESOLVED, that the Town Clerk is hereby directed to publish the increased fees on the Town website and in the Springville Journal.

Duly adopted this 9th day of December, 2021, by the following vote.

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 an advertisement needs to be placed for the 2022 Organizational meeting to be held in January.

Approve to Advertise 2022 Organizational Meeting

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved to hold the 2022 Organizational meeting on Thursday, January 6, 2022, at 6:00p.m. and Regular January meeting to follow at 7:00p.m.

Interviews for Planning Board member and ZBA Member will be held on Thursday, December 30, 2021, starting at 6:00p.m.

Local Law #01-2021 for Opt-out of Cannabis Retail Dispensary Licenses and On-Site Consumption Licenses was received and filed by the NYS Department of State, Division of State Records and Law Bureau on December 2, 2021. The law can also be found on the Town of Colden Codes on the webpage listed under “New Laws”.

SUPERVISOR’S REPORT

Supervisor DePasquale reported that replies were received from Erie County on a “Speed Reduction” for Center Street and a “Speed Reduction and Sight Distance Evaluation” for Route 240 between Gutekunst Road and Park Street. Both reports are attached to the minutes for review. There was discussion on a possible four-way stop at the center of town where the bridges come together, it could be more of a sight line problem to be looked at with the bridges.

The following resolution was read into record:

RESOLUTION

HONORING Honorable David J. Arcara, COLDEN TOWN COUNCILMAN

WHEREAS Honorable David J. Arcara is completing his 12th year as a Town of Colden Councilman

WHEREAS, Honorable David J. Arcara has served the residents of the Town of Colden with integrity and fairness for over 13 years both as an elected official and a member of the Colden Parks Department, and

WHEREAS we believe as the Town Councilman you protected the best interest of the Town you love, as well as always representing the residents of the Town of Colden.

WHEREAS Honorable David J. Arcara will be missed on the Town Board but will still be seen around Town doing his good deeds and reaching out to people who need help, and

NOW, THEREFORE BE IT RESOLVED, the Town of Colden wishes our friend “Dave” and his wife, Kathy, a long and happy life together and the best in all their future endeavors.

BE IT FURTHER RESOLVED, the Colden Town Board does hereby present to Honorable David J. Arcara this certificate of public recognition and extend to him our deepest appreciation for his distinguished service to the Town of Colden.

Duly adopted this 9th day of December 2021, by the following vote:

Vote: Councilman Jesse Hrycik -Yes
Councilman Gerald Pietraszek – Yes
Councilwoman Patricia Zurbrick - Yes
Supervisor James DePasquale - Yes

Supervisor DePasquale wished everyone a “Merry Christmas and Happy Holiday Season”

PAY BILLS

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

General Fund Warrant Voucher #2021-420 to #2021-464	\$ 20,329.99
Highway Fund Abstract Voucher #2021-161 to #2021-177	\$ 17,043.43
Water District Voucher #2021-67 to #2021-74	\$ 12,148.96
Lighting District Voucher #2021-20 to #2021-22	\$ 3,013.23
Refuse Fund Voucher #2021-11	\$ 21,129.39

PRIVILEGE OF THE FLOOR

Councilman Hrycik brought up the subject of a mask mandate resolution which doesn't support Erie County's decision on mask wearing, other towns have supported going against Erie County. There was discussion about residents having a choice with the 1st amendment, and the Town Board really governs the town and should leave the choice up to the discretion of the residents and businesses choosing which way they want to go with a mask mandate.

ADJOURN

MOTION made by Councilwoman Zurbrick and seconded by Councilman Arcara and unanimously adjourned the meeting at 8:32pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk