

TB Mtg February 10, 2022
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 ELIZABETH LOUNSBURY AND DAVID LUKASIK FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

PRESENT: Councilman Dennis Robinson
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 7 Residents

REGULAR TOWN BOARD MEETING

MINUTES:

MOTION made by Councilman Pietraszek and seconded by Councilman Robinson and unanimously approved the minutes for the 2022 Org. Meeting and Town Board regular meeting held on January 6, 2022 as presented.

PUBLIC HEARING – Nikki & Charles Kuznicki 8350 Irish Road
Special Use Permit – Dog Kennel
Code Sections- 108-124B 1-3 & Section 36-21 Kennel License

Supervisor DePasquale asked the Town Board if they reviewed the following material submitted for the Special Use Permit. Town Board stated “Yes”.

Letter of Intent and rough sketch of property indicating building and use of property.
Building Inspector Report
Certificate of Zoning Compliance
Form 239-M from Erie County Division of Planning received with no recommendation.
Town matter.
Environmental Board Recommendation signed by Chairman Craig Bouquin 1-11-2022

Planning Board Recommendation signed by Chairman Walter Kammer on behalf of the Town of Colden Planning Board 1-18-2022
Form 239-M from Erie County Division of Planning received with no recommendation.
Town matter.

Public Hearing opened at 7:04pm

Supervisor DePasquale stated that this Public Hearing is for a resident requesting a dog kennel permit because they have five dogs, and the town code states more than three dogs requires a SUP for a dog kennel. Asked if there were any questions or comments from the audience:

Kellie Shanley stated that she was hesitant to sign Nikki's letter for her dog kennel, because their dog did come over to her yard and killed two of her chickens. She is worried that if all of the dogs did get out, they would have a pack mentality and not sure what they would be capable of doing to other animals or people.

Nikki Kuznicki asked Supervisor DePasquale if she could address the concerns of Kellie. Supervisor DePasquale stated that yes, she can but to address the Town Board not Kellie.

Nikki stated that yes, her dog did get out by accident and did go over to Kellie's she is very sorry for what her dog did. The dog is young and new to the house, and they are working with her with the invisible fencing. The dog has come along way with training on the fence it was an accident, and she understands why Kellie is apprehensive about her dogs. Since than they have a battery backup alarm on the fencing system and GPS collars for the dogs. Their dogs are not aggressive, nor do they bark a lot. The dogs are not left outside if no one is home. They are down to four dogs one dog is know staying at her daughter's house. They do not plan on getting any more dogs.

Supervisor DePasquale stated that the permit will be amended to four dogs instead of five. Town Board will take time to review all paperwork and address stipulations on the Special Use Permit and readdress at the March Town Board meeting.

Public hearing closed at 7:14pm

COMMITTEE REPORTS

BUILDING REPORT

No report

CODE ENFORCEMENT OFFICER REPORT

Report for the month of January 2022 – Bldg. Insp/Code Enf. Officer, John Kotlarsz reported that there were:

- 5 Building permits issued
- 1 New Dwelling Permit Issued
- 1 Existing Single Building becoming a Double
- 28 Certificates of Compliance
- 6 Fire Inspection
- 8 Hours of School

There was discussion on the following properties:

Jean Childs - Lower East Hill Road

Supervisor DePasquale will contact the Town Attorney to see about possible starting the procedure for a dangerous structure. Multipool attempts have been made by the Code Enforcement office to contact the owner to see what she plans on doing to the house with no response from owner, the house is in a very dilapidated state

The former Glenwood Church at the corner of Route 240 and Mill Street was sold, and owners would like to convert the dwelling into a single-family home. Owners are working with Code Enforcement and will update when all matters are resolved with health department as well as town codes being met.

Lukowski Home – Bleistein Road

Family is working on cleanup of property and home; Code Enforcement is staying in touch with the family as they continue the process.

Solly House - Blanchard Road

Family is working on clean up and house removal, the cost of cleaning up the property is slowing them down.

Code Enforcement is looking at switching the codes program, they are staying with Williamson Law for now on a free trial basis for the remainder of this year. After some research with other vendors a choice will be made prior to the budget hearing in October.

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

The mobile Food Truck has started back up and is every fourth Thursday of the month starting at 1:30pm at the Colden Fire Hall on Gutekunst Road.

COVID tests kits are available through any Erie County Public Library you can also check with your insurance carrier on COVID tests being covered through your insurance.

Connect Life is in the process of scheduling a Blood Drive once a month at the Colden Fire Hall throughout the year, Daneen Vincent is helping to set that up with Connect Life and the Colden Fire Company.

Supervisor DePasquale stated that Erie County has provided the town with N95 masks as well as COVID test kits that will be available at the Town Hall during business hours while supplies last.

DOG CONTROL OFFICER REPORT

Councilman Robinson reported that he was in contact today with DCO Shannon Miller. She reported two calls for the month of January one of the calls was very strange and was unable to contact the caller. A kennel has been ordered for placement at her house in case a dog needs to be housed at her home.

ENVIRONMENTAL BOARD REPORT

Councilman Pietraszek reported that the Environmental Board reviewed the SEQR for a Change of Use for High Point Nursery on Center Street. The EB found no negative impact on the Change of Use. Planning Board will hear the matter at their upcoming meeting for February.

HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that roads are heaving bad there is a lot of movement, and he will evaluate the roads closely when spring arrives.

The snowblower blew and the spare one was put on but with that said the town should have a backup for the one that is on there now.

Approve Purchase of Snowblower

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved the purchase of a 60” John Deere Heavy Duty Snow Blower from Land Pro Equipment under state bid (NYS Landscaping Grounds PC68131 (PG XN CG 22) at a cost of \$4174.62.

Town Board discussed the removal of snow on the sidewalks in the hamlet. If the town is removing the snow than the town assumes the responsibility of clearing the sidewalks. With that said there was some buildup of ice in some areas on the sidewalks with the snow melt and freezing up again. After some discussion on the town purchasing a hopper for salt use on the sidewalks the town board will hold off the purchase and just have Kalei monitor trouble areas for now and throw down some salt-ice melt where there is a problem area.

Highway Superintendent Clarkson brought a quote to the Town Board for the purchase of tools for the highway garage, the tools they have now are very dated and need to be upgraded. He presented the Town Board with a quote from Snap On Tools to enter into an agreement for the purchase of new tools and toolboxes at a cost of \$22,594.19 which included the replacement of tools when needed. Town Board asked for a complete list of tools and toolboxes that would be purchased and will readdress at the March Town Board meeting after review of the list.

GPS in Town Trucks

Supervisor DePasquale stated that the town trucks have GPS systems for use if there is a major problem or emergency, not for monitoring the highway departments day to day workings. With that said the new trucks need to be updated and linked to the system. Highway Superintendent Clarkson will work with Councilwoman Zurbrick to make sure all trucks are up to date with the GPS systems and working properly.

INSURANCE REPORT

Councilman Robinson reported that employees received information on Aflac enrollment, the highway department will be meeting with a representative from Aflac next week.

LIBRARY REPORT

Councilman Hrycik reported that the Boston Library sent a “Thank you” to the town for their yearly donation.

Check out the website for the West Falls/Colden Library and Boston Library for updated events and Storytime’s along with various rentals of games, virtual activities and other events posted.

PERSONNEL & TRAINING REPORT

No report

PLANNING BOARD REPORT

Councilman Hrycik reported that the Planning Board has been working on the following along with various other future actions.

- Coordinate Ag Data Statement for High Point LLC CoU; and then Coordination with Nard's Attorney & Engineer on site plan problems on revised drawing for flag lot parking setbacks.
- Planning Board Regular Meeting, Offhaus/Kuzniki (SUP)
- PB Publishes Zak (CoU) and Offhaus SUP Advisory Recommendations
- Special Planning Board Meeting, Comp Plan Status Review and Presentation, issue GTM files

WATER REPORT

Councilman Pietraszek reported that:

- At present time consumption billed by ECWA for prior month 1,241,000gal at a cost of \$3,549.32 + \$284=\$3,833.72 expenditure
- Letters were sent to all water customers about the price changes that will occur with the February billing.
- All RPZ were tested and passed in 2021
- Working on the annual AWQR report for mailing out in May

There was discussion on hiring an independent engineer to look at the increasing amounts of water purchased, and water billed. The data reports show a significant difference in the water that is billed to the town verses the usage. Councilman Pietraszek will meet with the water department and figure out a resolution to what is shown on the flow charts and graphs and what step to take moving forward with resolving this issue.

YOUTH/ADULT RECREATION REPORT

Recreation Director Kip Palmateer reported that soccer registration has begun. The official day to register, and for those new to our league with questions, will be March 5, 2022, at the town hall from 9:00-11:00. Registration forms will be going out through Colden Elementary school.

The next Pottery class will be March 30th & April 6th. It's a 2-part class. Cost is \$25, and that covers both classes.

We are in the process of changing the recreation Facebook page to a private group. We are doing this for safety reasons, as the current page is followed by people none of us know. The new page will have questions for participants to answer, that proves they are following us for the right reasons.

Supervisor DePasquale stated that a newsletter will be going out with a new format change to have information viewed separately.

There was discussion on resurfacing of the tennis and basketball courts as well as adding a pickleball court. The highway department will look at improving the drainage in the park by the courts.

OLD BUSINESS

None

NEW BUSINESS - CHANGE OF USE:

Michelle Zak 8490 State Rd Colden
Home Occupation as Dog Grooming Service

Supervisor DePasquale stated that the following was completed:

Letter of Intent and rough sketch of property indicating building and use of property.
Building Inspector Report
Certificate of Zoning Compliance
Form 239-M from Erie County Division of Planning received with no recommendation.
Town matter.
Environmental Board Recommendation signed by Chairman Craig Bouquin 12-7-2021
Planning Board Recommendation signed by Chairman Walter Kammer on behalf of the
Town of Colden Planning Board 12-21-2021
Form 239-M from Erie County Division of Planning received with no recommendation.
Town matter.

SEQR form submitted and signed by Environmental Board Chairman Craig Bouquin on
December 7, 2021 and that the proposed action will not result in any significant adverse
environmental impacts. No negative impact.

Approve Part 3 – SEQR Form

Motion made by Councilman Hrycik and Seconded by Councilwoman Zurbrick and
unanimously approved Part three of the SEQR form signed by Supervisor DePasquale as
lead Agency.

Supervisor DePasquale asked if the Town Board had any questions or comments. None

Approve Change of Use

MOTION made by Councilman Robinson and seconded by Councilman Pietraszek to approve
the Change of Use for a Dog Grooming Home Business at 8490 State Road.

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

RESOLUTIONS

TOWN OF COLDEN
COLDEN N.Y. 14033
RESOLUTION #2022-01
RESOLUTION OF SUPPORT
NYS SENATE BILL S7602.

Supervisor DePasquale read the following resolution:

Whereas the Colden Town Board acknowledges the importance of parents and donor-conceived persons knowing the medical, educational, and criminal felony conviction history of individuals who have donated reproductive tissue to a reproductive tissue bank for the purposes of an artificial insemination or assisted reproductive technology procedure and disseminating this history information to a recipient and donor-conceived person upon request, if any; and,

Whereas the Colden Town Board further acknowledges knowing the medical, educational, and criminal felony conviction history of a donor will provide recipients with the necessary information to make informed decisions regarding the process of artificial insemination or assisted reproductive technology procedure and for donor conceived persons to obtain essential medical information, which may reveal any genetic or mental health disorders; and,

Whereas, the Colden Town Board finds that reproductive tissue banks, including semen banks, oocyte donation programs and embryo banks have a duty to collect and verify medical, educational and criminal felony conviction history information provided by donors on donors self-reported medical, educational and criminal felony conviction histories and during the donor screening processes and to keep detailed records of such for use by recipients and donor-conceived persons, if any, prior to a procedure and in the future,

Therefore, be it resolved, the Colden Town Board fully supports the passage of NYS Senate Bill S7602, sponsored by Senator Patrick M. Gallivan, and supports further efforts to insure both parents and donor conceived persons have access to verified medical, educational, and criminal felony conviction histories for all donors.

Duly adopted this 10th day of February, 2022 by the following vote.

| | |
|--------------|--------------------------------------|
| On the Vote: | Councilman Dennis Robinson - 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 the 2022 Town & County Tax bills were mailed out today and are due March 15th with no penalty if you do not receive your bill contact the Town Clerk's office.

NYSDEC is offering Free Fishing Days, February 19th and 20th for all NYS residents.

Erie County Soil & Water 2022 Conservation Tree & Shrub Seedling Program is taking place order by March 4th and Pick up is April 23rd. Order forms available at the Town Hall and www.ecswcd.org.

Town Clerk Kerlin asked to place a Public Hearing Notice in the Springville Journal for construction bids for the Colden Senior Center HVAC Improvements.

SUPERVISOR'S REPORT

Supervisor DePasquale reported that funding has been secured for three new furnaces at the Colden Senior Center. The Town needs to advertise for bids on the construction project with CB Brown taking the lead with approving the project and overseeing the completion of the HVAC Improvements.

Approve Advertisement of Seeking Bids for HVAC Improvements at the Senior Center
MOTION made by Councilman Robinson and seconded by Councilman Pietraszek and unanimously approved to send and advertise in the Springville Journal and notifying minority and woman owned business enterprises of seeking construction bids for HVAC improvements at the Colden Senior Center.

Supervisor DePasquale shared that a postcard was received at the Town Clerk’s office with a positive response to the new program being offered through Waste Management “At your Door Service” As the weather improves more homes will probably start using this new program being offered at the convenience of the homeowner instead of waiting for the yearly recycling day event once a year.

NYS DOT notified the town about the redo of Route 240 from Ellicott Road in West Falls to Boston Colden Road in Colden. Supervisor DePasquale will be attending a meeting on the upcoming project to take place this year.

PAY BILLS

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

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| General Fund Warrant Voucher #2021-494 to #2021-457 | \$ 18,292.11 |
| Highway Fund Abstract Voucher #2021-190 to #2021-191 | \$ 587.60 |
| Water District Voucher #2021-80 to #2021-82 | \$ 291.43 |
| Lighting District Voucher #2021-24 to #2021-25 | \$ 1,685.20 |
| General Fund Warrant Voucher #2022-17 to #2022-58 | \$ 27,646.40 |
| Highway Fund Abstract Voucher #2022-04 to #2022-21 | \$ 32,003.88 |
| Water District Voucher #2022-02 to #2022-06 | \$ 4,195.38 |
| Lighting District Voucher #2022-01 | \$ 1,361.00 |
| Refuse District Voucher #2022-01 | \$ 25,044.39 |

PRIVILEGE OF THE FLOOR

No comments

ADJOURN

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously adjourned the meeting at 8:57m.

Respectfully submitted,

Christina M. Kerlin
Town Clerk