

TB Mtg April 14, 2022
REGULAR TOWN BOARD MEETING
VIA – Go To Meeting at Colden Town Hall & Virtual

MEETING CALLED TO ORDER AT 7:10PM

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR JAMES ABRAM FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

PRESENT: Councilman Dennis Robinson
Councilman Jesse Hrycik
Councilwoman Patricia Zurbrick
Councilman Gerald Pietraszek
Supervisor James DePasquale

ALSO

PRESENT: Bldg. Insp/Code Enf. Officer John Kotlarsz
Planning Board Chairman Walter Kammer
Town Clerk Christina Kerlin
Approximately 7 Residents

REGULAR TOWN BOARD MEETING

MINUTES:

MOTION made by Councilman Robinson and seconded by Councilwoman Zurbrick and unanimously approved the minutes for the regular Town Board meeting held on March 10, 2022.

AMEND MEETING - OLD BUSINESS

Change of Use - High Point of Erie County, LLC
9168 Center Street
Christmas Tree Farm

Supervisor DePasquale stated that at the last Town Board meeting the Change of Use for the Christmas Tree Farm on Center Street was addressed. CEO John Kotlarsz asked to inspect the property prior to the approval of the Change of Use. John was able to meet up at the property and was satisfied with the overall inspection on site. Supervisor DePasquale stated that the Change of Use has no gun club associated with this property. The Change of use was reviewed prior with some basic stipulations added. Town Board has reviewed the Change of Use Permit and had no questions.

Supervisor DePasquale read the following:

CHANGE OF USE PERMIT

Pursuant to Article XXI of the Zoning Code of the Town of Colden, a Change of Use Permit is hereby granted by the Town Board of the Town of Colden in accordance with the following:

APPLICANT: High Point of Erie County, LLC

PREMISES: 9168 Center Street, Holland, NY 14080

CODE: Article X, 108-36 (13)

USE: Christmas Tree Farming

Additional conditions and safeguards are deemed necessary by the Town Board to implement the purpose and intent of the Change of Use Permit. This permit is contingent and subject to the following:

1. Code Requirements: Full compliance with all sections of the Colden Code as presently codified or as may be amended from time to time.
2. Application and Planning Board: Subject to all plans and specifications submitted with the application, recommendations of the Planning Board and additional conditions and terms as approved by the Town Board.

3. Violation: Any violation of the provisions of the Permit or any other applicable law, code, rule or regulation of any government or department shall subject this Permit to suspension or revocation in the discretion of the Town Board.
4. Amendment: Any amendment or modification to this Change of Use Permit is subject to approval by the Town Board.

This permit is contingent and subject to the following Special Conditions:

The land is presently a “vacant/fallow” parcel. The new proposed Tree Farming Use is permitted in the underlying Ag zoning, subject to a Change of Use request per §108-108.

- The Change of Use is conditional upon compliance with the scope presented in the Applicant’s formal “Forestry Stewardship Management Plan”, dated 1/21/21, as prepared by a NYS DEC Forester. It is required that the landowners will follow that management plan going forward over the 10-year period represented by the Plan to establish the tree farming enterprise.
- This parcel is a good location for this type of “farm oriented” action. It is located near other substantial Ag & Farm activities of various forms. The use, and area of such use, is consistent with Zoning and with the existing Colden Master Plan which encourages such use. No conversion of existing Ag-land to other purposes will be done without Town approval.
- Consistent with any Town Board action on this application, the Code Enforcement has issued a “Certificate of Zoning Compliance” (as required under §108-108), to confirm that this proposed change of use complies with the provisions of Chapter 108 of the Town Code.
- The principle and accessory buildings can only be used to support the Tree Farm Enterprise.
- If the Tree farm ceases to exist, the accessory building will be removed at the applicants cost unless a principal residence is built.
- No excessive noise shall be created by applicant while using the land.

ACKNOWLEDGMENT: The undersigned as applicant for this Change of Use Permit does hereby acknowledge receipt of a copy of this Permit and agrees and accepts the provisions herein. The applicant further acknowledges that a violation or breach of any covenants, provisions or conditions of this Change of Use Permit will result in suspension or revocation of this Change of Use Permit. The undersigned agrees to all terms and provisions of this Change of Use Permit as herein stated or as hereafter may be amended.

DATED: _____, 2022 By: _____ Applicant

DATED: _____, 2022 By: _____ Applicant

ACKNOWLEDGED AND APPROVED AS TO FORM AND SUBSTANCE.

DATED: _____, 2022 _____
JAMES DEPASQUALE, Supervisor
Town of Colden

Supervisor DePasquale asked the applicants and lawyer if they understood the Change of Use permit and had any questions. Attorney and owners of the property agreed with the Change of Use and had no questions. Final permit will be drawn up for signatures.

Approve Change of Use – Highpoint Tree Farm, LLC

MOTION made by Councilman Pietraszek and Seconded by Councilman Robinson to approve the Change of Use for Highpoint Tree Farm, LLC. at 9168 Center Street:

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

COMMITTEE REPORTS

BUILDING REPORT

Councilman Robinson reported that a bid opening is coming up tomorrow for the 2022 CDBG Senior Center Furnace/HVAC project at 10:00am.

-At the left front entrance to the Town Hall there is a Narcan Station set up if you do have to use it let Councilman Robinson or the Supervisor's office know so that the station can be refilled.

CODE ENFORCEMENT OFFICER REPORT

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

- 5 Building Permits Issued
- 1 Certificate of Occupancy
- 10 Certificates of Compliance
- Meet with High Point LLC
- 1 Court Appearance
- 1 Fire Inspection
- 2 Phone Complaints
- 8 Hours of Schooling

CEO have been busy with inspections on projects and have plans for two new houses that are being reviewed at this time for approval.

There was discussion on Jean Childs house on Lower East Hill Road the house is caving in on the foundation and will probably end up falling on itself in time. The process has been very lengthy to try to get a hold of her to send her an Order to Remedy and to see what her plans are, the property is showing \$56,000. Owed in back taxes.

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 NYS.gov
Masks are available still at Town Hall during business hours.

Connect Life

Connect Life along with the Colden Fire Company will be holding blood drive June 12th more info to come at the May Town Board meeting

Seniors

Seniors will be meeting on May 24th at noon at the Senior Center
Bring yourself and a drink, and a meal will be provided free. RSVP by May 17th at 716 941-3237

BOLO Fundraiser Batavia Downs

Monday, May 2nd, Cost \$35 per person and are available during business hours at Bread of Life/Gabe's on the Hill. Bus departs at 9:30am return 4:30pm

Old Country Presents-Nashville Show Trip

Councilwoman Zurbrick stated for the record that David Kloiber has organized a Nashville Show trip 6 days and 5 nights Monday-Saturday, October 24-29 depart Colden at 8am, Cost is \$655.
Check the website for details on both trips.

Colden Fire Company

Easter Egg Hunt April 16th starts at 11:00am

Recruitment – Open House April 23rd from 9:00am – 2:00pm

Chicken Bar b Que May 8th starting at 11:00am till sold out. Cost \$14.00

DOG CONTROL OFFICER REPORT

Councilman Robinson reported that DCO Shannon Miller has been fielding several calls this month Toms beagle got out and was gone for the night and returned the next day. A court appearance was given to Michael for his dog being unlicensed and at large. He has licensed the dog and was told to keep his dog on a leash. A mail out dog census form was prepared for a May mailing, the clerk will send it out to the Town Board for review.

Approve Dog Census for the Month of May

Motion made by Councilman Robinson and seconded by Supervisor DePasquale and unanimously approved a dog census by mail in the month of May.

ENVIRONMENTAL BOARD REPORT

No meeting

HIGHWAY REPORT & PARKS

Councilman Robinson reported that he stopped by the highway garage and checked out the new Snap on Tools and toolboxes that were delivered today. Robinson was very impressed and thought that it increased the moral for the highway workers. The highway department is redoing there toolroom and identifying the old tools that are still serviceable to them and some were made for specific jobs, the remainder will be moved to the parks building for use.

Approve the Reveal GPS

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved the move for the GPS in the town trucks to Reveal. The Prostaff with Reveal will install the new systems in the trucks. None of the systems should be removed or altered by any employees.

INSURANCE REPORT

Councilman Robinson reported that eligible employees were given information on the cost of health insurance and options along with the cost that would be incurred by employees depending on the choice they make. Town Board will meet prior to the May 12th meeting at 6pm to review the increase in the insurance and determine what the town would provide and what employees would contribute to the insurance premium.

LIBRARY REPORT

Councilman Hrycik reported that at the West Falls – Colden Community Library received a donation of two paintings that were given in memory of Shirley Loveless from the Loveless family. The paintings were done by Violet Michalek who painted the woods surrounding Shirley’s home.

Boston Library is starting crafts you make at home, you pick up the project and make at home while watching a video.

Both libraries continue their various weekly and monthly activities check the library websites for updates.

PERSONNEL & TRAINING REPORT

Councilwoman Zurbrick reported that she will coordinate with Tammy on the annual training with Comp Alliance possibly to be completed online like last year.

PLANNING BOARD REPORT

Councilman Hrycik reported that the Planning Board has been working on a lot of items. Coordinating with CPL on the Comp Plan and WWS with the Agricultural Farmland Protection Plan. As well as the survey for both being online and in the newsletter. Walt is encouraging everyone in town to complete both surveys they are very important to the outcome of the Comprehensive Plan.

Ongoing action items with the Change of Use for Nardolillo Tree Service and site plan review for the SBA Tower/T-Mobile.

WATER REPORT

Councilman Pietraszek reported that:

- At present time consumption billed by ECWA for prior month 1,058,000 gals. at a cost of \$3,152.84 + \$296=\$3,449.30 expenditure
- AWQR report is finished and mailed to water customers
- Dollar General has still not updated paperwork, bills continue to go The Broadway Group
- Issue with account A2045 sale and closing, posting shows sold in November after billing shows Feb. Williamson helped correct the issue. Seller has not paid closing and last bill, cost will rollover to Tulip Corp. New owner said he would pay the outstanding balance. If Tulip pays possibly subtract closing cost to Tulip Corp and apply meter deposit return to prior payment.
- Talked with a representative from Ti Sales to resolve Neptune/Williamson issues on why meter readings have an extra zero on some water readings.
- Chlorine levels are good
- The overflow alarm and pipe will be inspected; the alarm may not be working, and the pipe has some damage due to ice from this winter Water Operator Greg Adams will check.

Councilman Pietraszek met with Town Attorney Ron Bennett, along with Water Operator Greg Adams on the meter flow problem up on Lower East Hill Road. Town Attorney Bennett did meet with Erie County Water Authority about the meter problem, and it seems that the 2” meter should have a flow of 40gallons a minute if more water flows through that triggers the 6” meter. The problem may be that the 2” meter switches at 12gallons a minute, possibly due to a screen that may be partially blocked. ECWA will pull the screen and clean it off and see if they may be where the problem is. Not sure when this will take place.

YOUTH/ADULT RECREATION REPORT

Recreation Director Kip Palmateer reported that soccer registration deadline has been extended to April 15th, a coaches meeting will take place asap after the 15th. Summer program registration has begun, forms are online, they have been mailed out in the newsletter and may be picked up at the Town Hall. The second adult pottery class was a huge success again. The class was held on March 30th and April 6th.

RESOLUTIONS

Supervisor DePasquale read the following resolution into record.

TOWN OF COLDEN
COLDEN N.Y. 14033
RESOLUTION #2022-03
SUPPORT FOR UKRAINE

WHEREAS, Russia is currently engaged in a full scale invasion of and the occupation of portions of the sovereign country of Ukraine, and

WHEREAS, these acts of war have not been provoked by the sovereign country of Ukraine, and

WHEREAS, these acts of war unequivocally have no justification under established international law,

WHEREAS, Russia appears to have intentionally targeted and attacked innocent civilians and residential areas for destruction, and

WHEREAS, the Town of Colden reaffirms its belief that all human beings have inalienable rights, as expressed in the Declaration of Independence and the United States Constitution, and recognizes the invasion of another nation state is condemned by the Charter of the United Nations,

THEREFORE, BE IT RESOLVED, that the Town of Colden condemns these acts of war by Russia, its violations of international law, its unwillingness to exercise non-violent means to address and resolve any disputes or grievances with other sovereign nations, and its barbaric attack on innocent civilians, and

BE IT FURTHER RESOLVED, that the Town of Colden implores the leaders of the United States and all other countries to take greater steps to assist Ukraine to defend itself and stop the Russian invasion and occupation,

BE IT FURTHER RESOLVED, that the Town of Colden, implores the United Nations to hold accountable and punish Russia and all other states or individuals who assist Russia in any way, including the establishment of a war crimes tribunal, and

BE IT FURTHER RESOLVED, that the Town of Colden supports and stands in solidarity with the country and people of Ukraine, will continue to offer its prayers, and will continue to implore the United States to take greater steps to assist Ukraine on defending itself and ending the Russian invasion and occupation.

MOTION made by Councilman Pietraszek and seconded by Councilman Robinson and:

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 NYS Burn Ban continues and runs through May 14th.

-2022 NYS DEC Fishing guides just came out today, if interested stop by the Town Clerk's office.

-27th Annual Local Government Conference at Houghton College is taking place on Thursday, June 9th If anyone on the various boards, eligible employee's and elected persons are interested forms are in the Town Clerk's office and will be emailed out as well.

Request received for the use of Town Park Shelter - Potter Family

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved the request of the Potter Family for the use of Kummer Town Park on June 19, 2022 from 1pm-9pm.

SUPERVISOR'S REPORT

Supervisor DePasquale reported that the Town Board received a letter from "The Colden Festival Committee" requesting the following:

In Kind Support

- Overnight security Saturday night
- Constable on site Saturday and Sunday
- Port a potties
- No Parking Signs along Rt. 240 in town
- Use of chairs from the Senior Center

Town Highway department putting up and taking down festival banners on telephone poles.

The use of Town Hall

- The Town Hall for breaks and restrooms
- The Town Hall Parking lot
- The Town gazebo and grassy area
- Kummer Park for parking
- Garbage cans and bags
- Trash pickup

Financial Support

Last year 2021 you made the commitment of a set dollar number and no higher, with receipts to show. You contributed a total of \$1,685.00. That included:

- Insurance
- Horse drawn Historical tour
- Other misc. costs

Approve Request from Colden Festival Committee

MOTION made by Councilman Robinson and seconded by Councilman Hrycyk and unanimously approved the above requested items from the Colden Festival Committee.

Rails to Trails

Jack Bouquin has contacted the Town Board about two upcoming meetings for Rails to Trails coming through West Falls the first meeting is April 18th at the West Falls Fire Hall and April 27th at Town of Aurora Town Board meeting.

Supervisor DePasquale stated that the Town of Colden has a resolution in place for Non-Support of Rails to Trails.

Purchase of Easter Candy to Colden Fire Company

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycyk and unanimously approved \$500.00 towards the cost of easter candy purchased for the April 16th Easter Egg Hunt at the Colden Fire Hall on Gutekunst Road receipts will be submitted.

PAY BILLS

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

General Fund Warrant Voucher #2022-92 to #2022-141	\$487,838.88
Highway Fund Abstract Voucher #2022-22 to #2022-37	\$ 22,902.15

Water District Voucher #2022-10 to #2022-16	\$ 5,528.06
Lighting District Voucher #2022-04 to #2022-05	\$ 1,731.74
Refuse District Voucher #2022-03	\$ 25,126.80

PRIVILEGE OF THE FLOOR

No comments

ADJOURN

MOTION made by Councilman Hrycik and seconded by Councilman Robinson and unanimously adjourned the meeting at 8:27pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk