

TB Mtg July 7, 2022  
REGULAR TOWN BOARD MEETING  
VIA – Go To Meeting at Colden Town Hall & Virtual

MEETING CALLED TO ORDER AT 7:00PM

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR PATRICIA SHELLEY 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  
Bldg. Insp/Code Enf Officer Thomas Dzuilko  
Highway Superintendent Paul Clarkson  
Planning Board Chairman Walter Kammer  
Town Clerk Christina Kerlin  
Approximately 7 Residents

REGULAR TOWN BOARD MEETING

PUBLIC HEARING: Brody Hacker – 7715 Bleistein Road  
SUP – Auto Repair  
Code Section 108

Public Hearing opened at 7:02pm

Supervisor DePasquale stated that the Special Use Permit was received on April 18, 2022, and the following paperwork was submitted with the application.

- Letter of Intent
- Sketch/survey and plans
- \$25.00 fee collected
- Building Inspector report submitted and signed by John Kotlarsz

- Petition of residents in 500' and 1250' with 13 letters of no objection were submitted, and 8 letters were received from residents with objections.
- Environmental Board SEQR Part 1 & 2 completed
- SEQR Part 2 read and Town Board excepted answers from the Environmental Board
- SEQR Part 3 Approval

MOTION made by Councilwoman Zurbrick and seconded by Councilman Robinson and unanimously approved to have Supervisor DePasquale sign part three of the SEQR form as the Lead Agency for the Town of Colden with there being no significant negative environmental impact.

- Erie County Site Plan was received and determined to be of local concern
- Planning Board Final Advisory Report the 10 recommendations were read

All documents are on file in the Town Clerk's office for review.  
Public Hearing opened at 7:20pm  
Supervisor DePasquale asked for any Public Comments.

Brody Hacker addressed the Town Board explaining that he has a full-time job. He would like to do what he enjoys working on cars building cars, 4 wheelers, boats, chainsaws, and any equipment. He wants to better his life doing what he likes.

Councilman Robinson asked if he would be doing collision and or painting on cars.

Brody Hacker stated "no".

Councilwoman Zurbrick asked what the hours would be for people coming to the shop and noise level.

Brody stated again that he has a fulltime job so he would have to do it after work or on the weekends for customers till 9:00pm then after that he would work on his own or friends' projects. Brody stated that, when possible, he would close the doors to the garage when working on cars.

Councilman Pietraszek stated that with past permits the daytime hours were stated and no Sunday work hours.

Supervisor DePasquale stated that you should respect the privacy of your neighbors with the noise level while they are setting in their own homes. Their quality of life should not change because of what you would like for your life.

Question was asked how many vehicles you would have at one time to be worked on.

Brody stated that if he received five one day, he would take them and work on them as soon he could and as fast as he could to turn them out.

The following residents were at tonight's meeting to voice their concerns Mark & Marilyn Watson, Elizabeth Kalke, Mike Sluce.

Noise level of the impact tools and the revving of engines be it boats, cars, four wheelers, and the applicant's own vehicle.

The days and hours that work would be going on to repair the vehicles.

The traffic on the road has already been impacted and the business has not even been approved. there are parts delivery vehicles, wreckers and tow trucks dropping off vehicles.

Concerns of petroleum leaking on the ground and smells of gas and oil.

Frustrated and not happy to have a business next door and on the dead-end road and what that does to the resale of the homes in that area.

Concerned about losing the peace and quiet and the character of the country life even walking down the street will not be safe with the added traffic.

The hours of operation going on if he is working on vehicles till 9pm then his own afterwards, when does it stop and on the weekends.

Would any of the Town Board members want this next door to you?

How can he be working on vehicles already if the permit has not been issued?

Public Hearing closed at 7:56pm

The Town Board agreed to table any decision tonight on the Special Use Permit to review the paperwork further and take in the comments that were made on the Auto Repair Shop and draft stipulations for the Auto Repair Shop.

#### MINUTES:

MOTION made by Councilman Robinson and seconded by Councilwoman Zurbrick and unanimously approved the minutes for the June 9, 2022, Regular Town Board meeting held at 7:00pm

#### COMMITTEE REPORTS

##### BUILDING REPORT

Councilman Robinson reported that the alarm system at the Town Hall will be upgraded quotes have been received from Johnson Controls, Complete Security, Amherst Alarm and Doyle. Some of the quotes will be revised to include more specific details with monitoring equipment.

#### CODE ENFORCEMENT OFFICER REPORT

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

- 14 Building Permits Issued
- 1 New Dwelling
- 6 Certificates of Compliance
- 1 Order to Remedy Violation
- 1 Court Appearance
- 3 Phone Complaints
- 11 Hours of School

CEO Dzuilko updated the Town Board on Zombie houses Tom has been working with Erie County on zombie properties in town, the list is getting smaller. Tom also brought up adding an additional permit for Home Alterations, after researching other towns there is a permit that is required for structural change in a home. The permit will be readdressed at the next Town Board meeting after specific language is written and fees determined.

#### COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported that the Fourth of July Celebration was very well attended there was such a great Family Atmosphere to the event. A big “Thank You” to the Colden Fire Company and the local vendors.

BOLO will host a Kids Day Event on July 9<sup>th</sup> from 10am to 1pm, Games & Fun for All Activities include duck pond, magnetic fishing, jump rope competition, obstacle course, etc.

#### 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

Mobile Food Truck is every fourth Thursday of the month starting at 1:30pm at the Colden Fire Hall on Gutekunst Road.

West Falls Fire Company

Food Truck Fridays are on June 17, July 8, and August 12<sup>th</sup> from 5pm – 8pm Maine Bite, Buffalo Ice Cream, Buffalo Tap House and Fat Bob’s Smokehouse.

Seniors

Seniors meet every second Thursday of the month starting at noon at the Colden Senior Center at 8811 State Road.

Old Country Presents-Nashville Show Trip

David Kloiber has organized a Nashville Show Trip for 6 days and 5 nights. Monday-Saturday, October 24-29 depart Colden at 8am, Cost is \$655.  
Check the town website for details.

Summer Concert Series

Upcoming bands for the summer concert series are Formula One Band on July 13th, Good Q Band on July 27<sup>th</sup> concerts start at 6:30pm till 9pm.

Tennis and Pickle Ball courts are complete so those are now open for play.  
The Disc Golf course first 9 holes are completed. There will be a disc golf basket located by the shelter for practice along with starting lessons up for children in the summer recreation program.

**DOG CONTROL OFFICER REPORT**

Councilman Robinson reported that there were several calls this month on dogs on the loose and barking dogs. A report of coyotes at the town park. A dog bite occurred and will be going to court, dog could potential be put down.

Annual Dog Kennel inspections took place and went well there are some permit holders who no longer qualify for the permits because they own 3 or less dogs but may still want to hold on to the permit in case, they add more dogs in the future. Town Clerk Kerlin will add a statement in their letter of approval asking if they would like to continue holding a dog kennel permit or dissolve the permit. There was one issue with one of the permit holders that will be turned over to the SPCA and Erie County Adult Services for a welfare check. Dennis enjoyed meeting with DCO Shannon Miller and getting to know her and what the job entails she is very passionate about the job.

Annual Special Use Inspections

Councilman Robinson and DCO Shannon Miller conducted Dog Kennel SUP inspections on June 29<sup>th</sup> and June 30<sup>th</sup>.

Supervisor DePasquale read the following Special Use Permits inspection reports.

Anthony & Nancy Wurzer

10663 Holland Glenwood Road

Number of Dogs: Number of Dogs: 3

Location of Kennel: No identified kennel

General Appearance of Kennels: Inhouse or on leash for all 3

Violation of Kennel Permit: None

Recommendation: None

Daryl & Jackie Gallagher

8753 Lower East Hill Road

Number of Dogs: Number of Dogs: 4

Location of Kennel: Upper deck, large, fenced area, paved, clean

General Appearance of Kennels: Good

Violation of Kennel Permit: None

Recommendation: None

Mark Leitzan

9883 Darien Road

Number of Dogs: Number of Dogs: 4

Location of Kennel: No Outdoor Kennel

General Appearance of Kennels: Grounds are clear

Violation of Kennel Permit: None

Recommendation: None

Daniel Geile

9210 Hayes Hollow Road

Number of Dogs: Number of Dogs: 1 (per Kip P.)

Location of Kennel:

General Appearance of Kennels:

Violation of Kennel Permit:

Recommendation: Contact owner, no need for kennel license.

Janis Kidd

8860 Phillips Road

Number of Dogs: Number of Dogs: 3

Location of Kennel: Rear of home, very large, well maintained

General Appearance of Kennels: Great

Violation of Kennel Permit: None

Recommendation: None

David & Allison Giambra  
9524 South Hill Road

Number of Dogs: Number of Dogs: 3  
Location of Kennel: Adjacent to garage and behind  
General Appearance of Kennels: Excellent  
Violation of Kennel Permit: None  
Recommendation: None

Lynn Khadiagala  
8145 Burr Road

Number of Dogs: Number of Dogs: 3  
Location of Kennel: Behind home  
General Appearance of Kennels: Fenced in large open area  
Violation of Kennel Permit: None  
Recommendation: None

Nikki & Charles Kuznicki  
8350 Irish Road

Number of Dogs: Number of Dogs: 4  
Location of Kennel: Pet Stop electric fence  
General Appearance of Kennels: Grounds clean of obstructions  
Violation of Kennel Permit: None  
Recommendation: None

Diane Kolotylo-Farish  
10025 Partridge Road

Number of Dogs: Number of Dogs: 3  
Location of Kennel:  
General Appearance of Kennels: Very poor, home has feces all over, urine all over,  
multiple animals, unkept, poor conditions  
Violation of Kennel Permit:  
Recommendation: referral to SPCA for welfare check. Adult protective services.  
“Hold Off” approval until a report from SPCA and or Adult services.

Approve Yearly Dog Kennel Special Use Permits

MOTION made Councilman Robinson and seconded by Councilman Hrycik and unanimously approved the following Dog Kennel Special Use Permits for September 30, 2022, to September 30, 2023, and to “Hold Off” on the Dog Kennel Permit for Diane Kolotylo Farish.

Anthony & Nancy Wurzer,  
Lynn Khadiagala,

Daryl & Jackie Gallagher,  
Nikki & Charles Kuznicki,  
Mark Leitzan,  
Janice Kidd,  
Daniel Geile,  
David & Allison Giambra

Dog census letter has been well received there has been an overwhelming response from residents returning the letter.

#### ENVIRONMENTAL BOARD REPORT

No report

#### HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that they are working on preparing roads to be CHIP sealed and everything is on schedule for Tuesday. Shoulder work in Seneca Brook is completed. Paul reached out to Erie County to have an area on Heath Road to be Hydro-Seeded. Mowing and ditching is taking place. Truck #3 had a radiator replaced.

There is a parcel of land on Murray Hill that may eventually have to be addressed in the future due to a house being built on the part that is not plowed in the winter. The parcel is up net to the Roberts residence.

Highway Superintendent Clarkson “Thanked” the Town Board and stated his appreciation with working with this Town Board. The Town Board “Congratulated Paul” and wished him well on his retirement.

#### INSURANCE REPORT

Councilman Robinson reported that April Hartloff met with employees again on the choices for health insurance, there should be no problem if an employee would like to switch their insurance from the current Blue Cross Blue Shield to Independent Health, the deadline to notify Tammy is coming up soon.

#### LIBRARY REPORT

Councilman Hrycik reported that the Boston Library is holding a fundraising event on Thursday, July 21<sup>st</sup> from 5-8 at the Boston Lions Shelter. They will have an Art/Craft market, Hot dogs, square dancing, kids’ activities.



West Falls/Colden Library will be holding the following events:

Harry Potter Owl

Join us at the library for a program featuring 3 live animal ambassadors from Hawk Creek Wildlife Center. Meet three fascinating owls firsthand and hear the lore and legend of these mysterious creatures.

This program is geared for ages 3rd grade through adult. Registration is required by July 20th. Space is limited. No charge.

Presentation on The Impact of Women in the National Parks

Leah, a park ranger at Joshua Tree and Sequoia National Park, will discuss the impact of women in the National Parks and provide information on how to plan a visit to a National Park. Space is limited. Register by July 22nd. Register by calling 652-5544.

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

**PERSONNEL & TRAINING REPORT**

Councilwoman Zurbrick reported that Highway Superintendent Clarkson is retiring and read a letter that was submitted to Town Clerk Kerlin on June 10, 2022.

The following resolution was read in recognition of service for Paul Clarkson:

**RESOLUTION  
IN RECOGNITION FOR SERVICE  
GIVEN BY PAUL J. CLARKSON**

WHEREAS, Paul J. Clarkson began his employment with the Town of Colden Highway Department as Superintendent of Highway on July 31, 2012,

WHEREAS, Superintendent Paul J. Clarkson has chosen July 11, 2022 for the date of his retirement,

WHEREAS, the Colden Town Board believes that as our Highway Superintendent, Paul J. Clarkson, has protected & had the best interest of his employees & the Town of Colden in all his endeavors.

WHEREAS, the Colden Town Board acknowledges Superintendent Paul J. Clarkson has given countless hours serving our community during various situations in bitter cold and extreme heat during general maintenance, floods, storms & reaching out to people who are in need and

NOW, THEREFORE BE IT RESOLVED, that the Colden Town Board expresses their appreciation for the 10 years of service given to the Town of Colden by Superintendent Paul J. Clarkson.

BE IT FURTHER RESOLVED, that the Colden Town Board does hereby congratulate Paul J. Clarkson and wishes him a happy retirement & all the best in his new adventures.

Duly adopted this 7<sup>th</sup> day of July 2022, by the following vote:

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

Leonard Wohlhueter submitted a letter of interest to the Town Board on June 15, 2022, to fill the vacancy of the Colden Highway Superintendent and asking for a leave of absence from his position as MEO.

The following resolution was read:

**TOWN OF COLDEN  
COLDEN, NEW YORK  
REOLUTION# 2022-08**

**GRANT LEAVE OF ABSENCE TO LEONARD WOHLHUETER**

WHEREAS, Leonard Wohlhueter is presently an employee of the Town of Colden Highway Department and has been so employed for 18 years, and

WHEREAS, THE Town Board has approved the appointment of said Leonard Wohlhueter as Town Superintendent of Highways to fill the vacancy created by the resignation of Paul Clarkson, and

Whereas, Leonard Wohlhueter has requested the Town to consider granting him a leave of absence from his present position with the Town of Colden Highway Department for one (1) year effective July 11, 2022,

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby grant the request of Leonard Wohlhueter for a leave of absence as an employee of the Town of Colden Highway Department for one (1) year commencing on July 11, 2022, and be it further

Resolved, that a certified copy of this Resolution shall be forwarded to the Erie County Department of Personnel.

Duly adopted this 7<sup>th</sup> day of July, 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

Appoint Leonard Wohlhueter to Fill Vacancy of Highway Superintendent

MOTION made by Councilman Hrycik and seconded by Councilwoman Zurbrick to appoint Leonard Wohlhueter to fill the vacancy of Highway Superintendent until December 31, 2022.

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

PLANNING BOARD REPORT

Councilman Hrycik reported that Planning Board Chairman Walt Kammer submitted the recommendation on behalf of the Planning Board for a Special Use Permit application for Brody Hacker on Bleistein Road wanting to open an Auto Repair Shop. The June meeting was cancelled because lack of a quorum.

Annual Special Use Inspection – Paul Cohn

CEO John Kotlarsz stated that he went up to Paul Cohn house on Center Street to reinspect the Anti Climbing device on the windmill and found that it had been secured.

Paul Cohn

8213 Center Street

- Type of Special Use Permit – Wind Turbine
- General Appearance – Good, Anti-Climb device was secured.  
General area is good.
- Conformity to SUP -
- Recommendations – None

Approve Yearly Special Use Permit - Windmill Paul Cohn, 8213 Center Street

Motion made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved the following Special Use Permit for the year beginning September 30, 2022 – September 30, 2023.

**WATER REPORT**

Councilman Pietraszek reported that:

- At present time consumption billed by ECWA for prior month 1,419,000 gals. at a cost of \$4,228.62 + \$296=\$4,525.08 expenditure
- Dollar General has requested updated paperwork, to have them get billing vs Broadway Group. Paperwork not received yet
- Water Operator Greg Adams continues to replace meters with new Neptune 900 v4 integrated units. Greg is also running an inventory of the meters and finding that a most meters are 5/8 X 3/4.
- Marcus sent price on 5/8 x 3/4 vs 3/4 izes, seems 5/8 x 3/4 are most popular
- Minimal line flushing needed this year yet. Pits all pumped and secure.
- Filling station is being used by one person, other inquires noted.
- PZ checks are started for this 2022 year
- Williamson Law is having software administration looking into why some entries in water are placed into sewer and then need an adjustment to correct issue.
- New price on Neptune 5/8\*3/4 is \$273.22 (up \$79.17 in months)
- Midnight baseline amount is up, starting to check for any possible leaks.
- Chlorine residuals are good.

Continuing to work with Erie County to have them work on the problem with the meters on Lower east Hill.

**YOUTH/ADULT RECREATION REPORT**

Recreation Director Kip Palmateer reported that the field trip to YMCA Camp Tahigua on June 24<sup>th</sup> was very nice and all who attended had a great time. There was a great number of sign-ups for summer camp, tennis, swim and field trips. It is good to see people getting back to activities again.

Next field trip is to Allegany State Park on July 13<sup>th</sup>. Children will be attending a guided “creek critters” hike and also exploring “Thunder Rocks”.

Approve Summer Recreation Employee

MOTION made by Councilwoman Zurbrick and seconded by Councilman Robinson and unanimously approved Jack Sobkowiak for the summer recreation program at minimum wage.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**RESOLUTION**

None

**BUDGET TRANSFERS**

None

**TOWN CLERK REPORT**

Town Clerk Kerlin reported that the NYS Hunting license will go on sale starting August 1<sup>st</sup>. The 2022 Town & County Tax collection for the town is over and the outstanding taxes have been turned over to Erie County.

Approve August Town Board Meeting

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved to change the date of the Regular Town Board meeting for Thursday, August 11, 2022 to be held on Thursday, August 4, 2022 at 7:00pm.

**SUPERVISOR’S REPORT**

Supervisor DePasquale reported that an email was received from Scott Kirby stating that he has completed nine of the eighteen baskets of the Disc Golf Course and the other nine baskets will be completed next year.

Tree clearing will continue for the remaining nine baskets, Scott is also working on a sign design for the course. A liability release form is being looked at for any volunteers that will be helping with the course as well.

John Kotlarsz was “Thanked” for all his help with the stage for the Fourth of July Celebration. John goes above and beyond helping in the Town of Colden, Jim stated that he cannot “Thank” him enough.

**PAY BILLS**

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

General Fund Warrant Voucher #2022-237 to #2022-294	\$ 36,671.51
Highway Fund Abstract Voucher #2022-77 to #2022-85	\$ 31,471.02
Water District Voucher #2022-28 to #2022-33	\$ 5,727.24
Lighting District Voucher #2022-09 to #2022-10	\$ 1,453.23
Refuse District Voucher #2022-06	\$ 25,007.05
CARES ACT #2022-03 to #2022-04	\$ 449.80

**PRIVILEGE OF THE FLOOR**

No Comment

**ADJOURN**

MOTION made by Councilman Pietraszek and seconded by Councilman Robinson and unanimously adjourned the meeting at 8:55pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk