

TB Wrkshp. Mtg Thursday, October 13, 2022
REGULAR TOWN BOARD WORKSHOP MEETING
COLDEN TOWN HALL VIA – Go To Meeting – 6:00pm

MEETING CALLED TO ORDER AT 6:08pm

PRESENT

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

ALSO PRESENT

Planning Board Chairman Walter Kammer
Town Clerk Christina M. Kerlin
Approximately 1 resident

**1. Review Change of Use
Deborah Tatko & Dakota Forgione
10969 Darien Road**

Supervisor DePasquale stated that this Change of Use is for the right of way at the driveway not the driveway itself. The right of way there is 33-foot from the center of the road.

-John Schenne P.E. prepared the SEQR for the applicants on July 21, 2022

-Environmental Board reviewed the SEQR on August 3, 2022

-Planning Board has met several times with the applicants on the Change of Use and prepared a recommendation to the Town Board which was received on October 12, 2022.

-Town Board read through the SEQR and will be prepared to sign if approved at tonight's meeting.

-Town Board reviewed the Planning Board recommendation along with referencing Appendix A technical drawing, that referred to the west end entrance, guiderail and a 40foot culvert which was approved by Erie County Highway. There was review of a "Town of Colden Non-Exclusive Emergency Access Easement" The Town Board discussed the agreement and the Town Board did not really see a reason for the town to enter into this agreement. The Town Highway will have nothing to do with the driveway and the fire department if called would be allowed access to the property with a 911 call activated. The Town Board had a lengthy discussion on why the Town would enter into an agreement, when maybe the agreement might be more for the Fire Company.

With that said if someone were to call 911 the Fire Company has the right to enter through properties if needing to respond to the emergency call. Supervisor DePasquale will met with

Town Attorney Bennett to discuss the agreement and come back to the Town Board with a new agreement if one is needed.

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2. Review Proposed Local Law – 2023 Tax Cap Override

Supervisor asked the Town Board if they reviewed the following Local Law and had any questions or comments. Town Board stated they had reviewed the Local Law and had no questions.

TOWN OF COLDEN

LOCAL LAW INTRO. NO. 01-2022

LOCAL LAW 01-2022

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c FOR THE “2023” BUDGET.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF COLDEN AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Colden, County of Erie pursuant to General Municipal Law Section 3-c, and to allow the Town of Colden, County of Erie to adopt a Town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year “2023” that requires a real property tax levy in excess of the Atax levy limit@ as defined by General Municipal Law Section 3-c.

The Town of Colden is concerned about uncertainties in the existing tax cap law, including how uncertain expenditures mandated by law and uncertain expenditures and revenues controlled by the county and state interact with the tax cap. The Town Board is obligated to prepare a responsible budget, which meets the Town=s mandated obligations and provides beneficial services, while minimizing the tax burden on Town citizens.

SECTION 2. AUTHORITY

This Local Law is adopted pursuant to Subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a Local Law approved by a vote of two-thirds (2/3) of the Town Board.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Colden, County of Erie is hereby authorized to adopt a budget for the fiscal year “2023” that requires a real property tax levy in excess of the limit specified in General Municipal Law Section 3-c.

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SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstances, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

Review Resolution:

3. Review Resolution

A RESOLUTION IN OPPOSITION TO SENATE BILL S.51001 AND ASSEMBLY A.41001 REGARDING NEW YORK STATE ACTIONS CONCEALED CARRY LAW AND RESTRICTING 2ND AMENDMENT RIGHTS

Supervisor asked the Town Board if they reviewed the following Resolution and had any questions or comments. Town Board stated they had reviewed the Resolution and had no questions.

WHEREAS, The Town of Colden has a long, proud tradition of staunchly supporting the 2 Amendment of the United States Constitution, and

WHEREAS, The Town of Colden supports and promotes safe and responsible gun ownership rights of residents across the State of New York, and

WHEREAS, in the wake of the evil, heinous actions against defenseless persons at Tops Market in Buffalo, the New York State Legislature, after that terrible tragedy seized the opportunity to rush through 10 new laws that are meant to erode the right of legal gun owners and punish the legal & legitimate businesses in the firearms industry, and

WHEREAS, shortly thereafter, the Bruen Opinion was handed down from the United States Supreme Court striking down the restrictive nature of laws limiting and pertaining to Pistol Permits in New York, and

WHEREAS, The New York State Senate and Assembly, in response to the Bruen Opinion, rushed to pass S.51001 & A.41001 during an Extraordinary Session that essentially gutted the

Second Amendment rights of citizens across New York State to carry their concealed firearm in public, and

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WHEREAS, the New York State Sheriffs' Association recognized, these new laws as "punitive licensing requirements that aim only to restrain and punish law-abiding citizens who wish to exercise their Second Amendment Rights", and

WHEREAS, as Town Board members in the Town of Colden, we take an oath of office to uphold the Constitution and this a clearly flagrant violation of the constitutional rights of our citizens, taking away their ability to protect themselves and their loved ones and creating a bureaucratic betrayal of the Law Abiding Citizens of New York State that ultimately seeks to disarm our residents, now therefore, be it

RESOLVED, that the Colden Town Board is committed to pursuing all legislative remedies, either alone or in concert with other like-minded municipalities, counties and organizations, to overturn this assault on our Constitutional rights and,

RESOLVED, that copies of this resolution be sent to all Erie County local governments with hope that we can join to overturn these wrong-headed laws.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Honorable Governor Kathy Hochul, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Senate Minority Leader Robert Ortt, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly William A. Barclay, and the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature, The Association of Towns, and New York State Conference of Mayors.

4. CDBG

Supervisor DePasquale stated that the at tonight's meeting the Town Board will hold a Public Hearing on the Community Development Block Grant, Town Clerk Kerlin advertised for the Public Hearing just never made it on the agenda.

MEETING ADJOURNED AT 6:53PM

Respectfully submitted,

Christina M. Kerlin
Town Clerk

DRAFT

DRAFT