

TB Mtg November 10, 2022
REGULAR TOWN BOARD MEETING
Colden Town Hall 7:00pm

MEETING CALLED TO ORDER AT 7:08PM

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR PAST AND PRESENT VETERANS FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

ALSO

PRESENT: Town Accountant Mark Adamchick
Planning Board Chairman Walter Kammer
Bldg. Insp/Code Enf Officer Thomas Dzuilko
Town Clerk Christina Kerlin
Approximately 7 Residents

MINUTES:

MOTION made by Councilman Robinson and seconded by Councilwoman Zurbrick and unanimously approved the minutes for the Town Board Workshop held on Thursday, October 6, 2022 at 6:00pm, the Town Board Workshop held on Thursday, November 13, 2022 at 6:00pm and the Regular Town Board meeting held on Thursday, November 13, 2022, at 7:00pm.

PUBLIC HEARING: 2023-Town Budget

Supervisor DePasquale opened the Public Hearing for the 2023 Town Budget. Town Board reviewed the budget at the workshop prior to the meeting and there was no increase to the budget except for the 2% increase in the refuse that is per contract. There were no comments from the Town Board or people in attendance. The town will be entering into a contract to bond 3 trucks for the Highway Department once the contract is agreed upon the 2023 budget will be modified to include the bonding of the 3 trucks.

Public Hearing was closed at 7:10pm.

Approval of 2023 Town Budget

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik to approve the 2023 Town of Budget,

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

OLD BUSINESS:

Change of Use: Deborah Tatko & Dakota Forgione
10969 Darien Road

Supervisor DePasquale read the following conditions for the Change of Use and stated that the Town Board reviewed the conditions at the workshop prior to the meeting.

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: Deborah Tatko &
Dakota Forgione

PREMISES: 10969 Darien Road

CODE: New York State Law Article 16-280-A (2)

USE: Construction of Shared Access Lane at above address

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.

Use is permitted in the underlying Ag zoning, subject to a Change of Use request as per § New York State Law Article 16-280-A (2)

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

- The Change of Use is conditional upon, any activities associated with the development governed by the potential Change of Use must be executed consistent with the general submitted site plan scope and use and future new construction must comply with all zoning setback/offset requirements specified by the Colden Code consistent with the approval of the Shared Use Private Roadway.
- **Any building Permit Applications for lots off the shared access road must also have a certified legal easement attached giving permanent rights to the private access lane.**

- Strict compliance with the details presented in Schenne & Associates drawings, sealed by a NYS Professional Engineer, with respect to the site plan details enumerated for the proposed shared access roadway. Strict compliance with all features annotated on Drawings C-1 and C-2 must be done, with special emphasis on the roadway width, surface, vehicle turnouts/turnaround features if required by NYS §511.2 {Driveways}, and all other design criteria noted. **Note: These are critical for First Responders and other Emergency conditions regarding residences who are party to the shared roadway. Address signs must be located at the entrance of the Shared access road at Darien Rd and at the entrance to each building lot of the shared access road to assist emergency responders in finding the location of a lot as quickly as possible.** Failure to comply would impact the CoU approval.
- All Erie County and Town (if applicable), environmental, wastewater, and runoff storm water requirements shall be met. As part of the Building Permit process for project implementation the Colden Code Enforcement Officers will review records as appropriate, with emphasis on County responses for well water and septic provisions and the design criteria which the Applicant's NYS licensed design professionals employ for the project(s).
- Overall condition of the parcel should be maintained in a manner consistent to protect the health, safety, lifestyle, in Colden and for the protection of nearby resident's enjoyment of, and welfare of, their land, and to maintain a safe and healthy environment for all animals present, and for citizen users of the adjacent town and county roads for walking, cycling, and other activities and purposes.
- **The applicant acknowledge that the change of use is for a private Shared access lane and the Town of Colden will not have any liability outside the public right away of Darien Rd. The Shared access lane will not be considered as a Town Rd now or in the future.**

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

Supervisor DePasquale asked Dakota and Deborah if they understood the conditions that were being stated and if they had any questions. Both stated that they agreed to the conditions and had no questions.

Approve Change of Use 10969 Darien Road

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved the Change of Use at 10969 Darien Road for construction of a Shared Access Lane with the above conditions.

NEW BUSINESS:

None

COMMITTEE REPORTS

BUILDING REPORT

Councilman Robinson reported that Johnson Controls has installed the new alarm system and there are 20 zones in the building, and all have been tested. On Election Day the system did go off and the panel showed a problem with a head in the basement under the hallway, turns out that a wire disconnected from the smoke head due to vibration from people walking down the hallway above the room that houses the smoke head.

- Verified NARCAN wall unit has not been used and is still in compliance.
- The Senior Center refrigerator was replaced with a new one from Lowes.
- A new metal roof has been completed on the old concession stand up at Kummer Park
- Holiday Craft/ Tree Lighting and Caroling will take place on December 9th starting at 6pm

CODE ENFORCEMENT OFFICER REPORT

Report for the month of October 2022 – Bldg. Insp/Code Enf. Officer, Tom Dzuilko reported that there were:

- 9 Building Permits Issued
- 3 New Dwelling
- 18 Certificates of Compliance
- 1 First Notice of Violation
- 1 Stop Work Order
- 1 Court Appearance -Cancelled
- 7 Fire Inspections
- 3 Phone Complaints
- 1 Building Department Denied

-8253 Boston Colden Road was sold at the foreclosure auction back in October have not heard what the plan is for the property

-2 Change of Use will be coming 8823 State Road and 9386 State Road information will be provided once submitted to the Town Clerk's office.

-A letter was received from Chris Sansone at 8826 State Road withdrawing his plans for a woodworking shop and mercantile. Letter filed at the Town Clerk and CEO offices.

Approve Special Use Permit Renewal – Buffalo Ski Club - Bridge

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved Special Use Permit renewal for Buffalo Ski Club – Bridge CEO reviewed the engineer report submitted on October 14, 2022, and confirmed the work was complete. Permit renewal will run from November 10, 2022, till September 30, 2023.

COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported the following:

Veterans Day Ceremony went very well, many Veterans came out and all past and present veterans were honored. Michael Willibey ended his 44-hour campout as well raising awareness of mental health issues for “The Battle Within Program” it is still not too late to donate. Supervisor DePasquale presented the Vietnam Veterans that were in attendance with a commendation award and pin. Jim became aware of the program through Patrick Murphy and Jim reached out to Senator Chris Jacobs office for the information to get started and worked very hard to find all the Veterans that served during the Vietnam Era.

Colden Fire Company Auxiliary

Holiday Gift Fair on November 13, 2022 from 11 – 3pm at the Colden Fair Hall, free admission, door prizes, basket raffle, food and small vendors.

Bread of Life Outreach will be holding their annual Tea and Fashion Show on November 19th, Doors open at 11:30

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

Tuesday, 10am – 5pm

Wednesday, 1pm – 5pm

Thursday, 3pm – 6pm

Friday, 10am – 6pm

Saturday, 9am – 2pm

Food Pantry Hours:

Thursday, 3pm – 5pm

Saturday, 9am – 11pm

DOG CONTROL OFFICER REPORT

Councilman Robinson reported that DCO Shannon Miller fielded a few calls one for an inquire on how many dogs are allowed before a kennel permit is needed, a call about a dead tree, and dogs being left at a residence unattended, the matter was resolved.

ENVIRONMENTAL BOARD REPORT

No report

HIGHWAY REPORT & PARKS

Supervisor DePasquale reported that the GPS has been installed in the last two remaining trucks and there was an issue with the dashboard on one of the trucks the company did come out to resolve the issue.

Approve 2023 Super Duty F-250XL

MOTION made by Councilman Robinson and seconded by Councilwoman Zurbrick and unanimously approved the order to purchase a 2023 F-Series SD F-250XL from Delacy Ford on state bid at a cost of \$54,220 with a \$10,000. Trade in.

INSURANCE REPORT

No report

LIBRARY REPORT

Councilman Hrycik reported that the Boston Library had a successful fundraising event to help with the upkeep of the building and programs

Check the Library Website for more activities:

West Falls Library Hours

Monday 6pm – 8pm

Tuesday 2pm – 4pm

Wednesday 6pm – 8pm

Thursday 10am – Noon (Story Hour 10:30am)

Friday 10am - Noon

Boston Library Hours

Monday 10am – 7pm

Tuesday 12pm – 8pm

Wednesday Closed

Thursday 10am – 7pm

Friday 12pm – 5pm

Saturday 10am – 2pm

PERSONNEL & TRAINING REPORT

Councilwoman Zurbrick reminded that the training for some employees still needs to be completed.

PLANNING BOARD REPORT

Councilman Hrycik reported that the Planning Board has been working with CPL and WWS Planning on the Comprehensive Plan and Farmland Protection Plan they have been reviewing findings and mapping from the last public meeting held.

WATER REPORT

Councilman Pietraszek reported that:

- At present time consumption billed by ECWA for prior month 1,248,000 gals. at a cost of \$3,719.04 + \$296.46=\$4,015.50 expenditure
- Williamson Law has almost fixed the sewer posting issue, interferes with the water program.
- Relevy complete and paperwork attached, copy sent to assessor
- November billing was sent out
- DIP done, 5 compounds were tested.

BUDGET TRANSFERS

None

TOWN CLERK REPORT

Town Clerk Kerlin reported that the New York State Department of state received Local Law 1-2022 in relation to the tax levy.

HEAP Outreach on site at BOLO December 15, 2022, 10am – 4:30pm.

Postage meter contract with Pitney Bowes is up at the end of this year, information was supplied to the Town Board from Pitney Bowes and Lineage.

SUPERVISOR’S REPORT

Supervisor DePasquale reported that complaints were received from a couple of residents on Supervisor Avenue of cars driving over the speed limit, Jim referred the complaints to the Sheriff’s office.

Jim spoke with Erie County Planning about the CDBG projects, and the required paperwork needed to be an earlier than anticipated. The Town Board approved the projects at the last meeting. With that said EC Planning stated that the towns score rating would qualify better next year for a project since a project was just completed this year. The Town Board will withdraw the project for the Senior Center entrance and will still proceed with Rural Transit Service. Over the summer information will be gathered for the redo of the Senior Center entrance and submitted for the CDBG for the following year.

Snowflake lights were received for the historical light poles, at the present time now all the historical lights in the hamlet will have a snowflake light for the holiday season.

Handicap accessible parking spots have been repainted in the front of the Town Hall as well as parking spots in the middle of the adjunct parking lot.

Town Hall parking lot will be oiled and stoned next year, and parking areas marked. The Senior Center parking lot will be repaired. The water department will be on sight because there is a possible leak under the parking lot.

PAY BILLS

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

General Fund Warrant Voucher #2022-434 to #2022-170	\$ 39,851.00
Highway Fund Abstract Voucher #2022-144 to #2022-143	\$ 23,806.19
Water District Voucher #2022-55 to #2022-62	\$ 6,768.35
Lighting District Voucher #2022-17 to #2022-18	\$ 1,951.40
Refuse District Voucher #2022-11	\$ 25,747.92
Cares Act Voucher #2022-9	\$ 186.61

PRIVILEGE OF THE FLOOR

Joan Montgomery asked if road lines could be painted on Heath Road to help with the night driving on the road. Supervisor DePasquale will contact Erie County Highway department Councilman Hrycik asked about the purchase of a man basket for the forks on the loader which would be very helpful with hanging of the flags, decorations and highway work with trimming trees and benefit the highway department in other areas and be OSHA compliance. Prices will be acquired, and the Town Board will review later.

Councilman Robinson “Thanked” Supervisor DePasquale for all the work that went into presenting proclamations and pins to Vietnam Veterans for their service since this is the 50th anniversary of the war.

ADJOURN

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously adjourned the meeting at 8:02pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk