

TB Mtg February 9, 2023  
REGULAR TOWN BOARD MEETING  
COLDEN TOWN HALL – February 9, 2023

MEETING CALLED TO ORDER AT 7:00PM  
SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE  
FOR NANCY ANN HAYHURST AND CAROLYN CROSBY AND THOUGHTS FOR  
POSTMASTER FRANK TAYLOR 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 Lee Wohlheuter  
Bldg. Insp/Code Enf. Officer John Kotlarsz  
Bldg. Insp/Fire Insp. Thomas Dzuilko  
Rec. Dir. Kip Palmateer  
Town Clerk Christina Kerlin  
Approximately 3 Residents

REGULAR TOWN BOARD MEETING

MINUTES:

MOTION made by Councilman Robinson and seconded by Councilman Hrycik and  
unanimously approved the minutes for the 2023 Organizational meeting and Regular Town  
Board meeting held on January 6, 2023 as presented.

OLD BUSINESS

Highway Garage Roof Quotes

Town Board discussed the following roof quotes for the highway garage:

Sahlems	\$61,440.00
Elmer W. Davis	\$64,500.00
Weaver Metal & Roofing	\$71,800.00
Action Roofing	\$58,500.00

Action Roofing (Alternate price with an upgrade of insulation cost added \$9,000.00)

The Town Board discussed the costs for the new rubber roof systems and decided to obtain some  
quotes for a trusses roof for the highway garage and see how the cost works for a new roof with  
trusses.

CEO's will consult with John Schenne to look at the structure as far as trusses being placed on  
the roof.

## NEW BUSINESS

### The New Law – Real Property Law 466-a Volunteer Fire Tax Exemption

Supervisor DePasquale stated that in December information was received to opt in for the New Law – Real Property Law 466-a Volunteer Fire Tax Exemption for a 10% discount on Town & County tax bill for members of a volunteer fire company. County legislature was voting today to except the law for the town you live in or the town you service. School districts will be looking into the law as well. Town Attorney Bennett will be writing up a Local Law for the Town of Colden to opt in as well.

## COMMITTEE REPORT

### BUILDING REPORT

Supervisor DePasquale stated that the new Vaspian phone system was installed at the Town Hall, and Highway garage. Councilman Robinson has been in contact with Spectrum for setting up WIFI at the Senior Ceneter. Councilman Robinson stated that he has contacted IT Nick Fodora to see about going in a different direction with the WIFI and using a platform system to have WIFI at the Senior Center.

### CODE ENFORCEMENT OFFICER REPORT

Report for the month of January 2023 – Bldg. Insp/Code Enf. Officer, John Kotlarsz reported that there were:

- 6 Building Permits Issued
- 1 New Dwelling Permit Issued(Blanchard Road)
- 10 Certificates of Compliance
- 1 Court Appearance
- 5 Fire Inspection
- 2 Phone Complaints
- 8 Hours of School

### 2022 Building Permits

132 permits  
16 New Dwellings

There was discussion on updating the fees and fines schedule for building permits and fines. Supervisor DePasquale will have his secretary Tammy Nuttle reach out to neighboring towns for comparable fees.

-Four historical lights were fixed in town all are now working.

-Two Orders to Remedy were sent out to residents on Lewis Road.

1 was for cow manure leaching and draining on the neighbors property and the 2<sup>nd</sup> for the placement of a small barn and acreage for horses

One has made contact and stated that the cows will only be housed at the residents until April 1<sup>st</sup>. A court appearance ticket will be sent so if the matter does not get remedied by April 1<sup>st</sup> the courts will correct the matter.

The other person reached out for a ZBA hearing which will be heard on February 16<sup>th</sup>.

#### COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported that the following:

##### Feed More Mobile Food Truck

Food Truck is available the 4<sup>th</sup> Thursday of the month, starting at 1:30pm till gone at the Colden Fire Hall.

##### 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

#### DOG CONTROL OFFICER REPORT

Councilman Robinson reported that DCO Shannon Miller received a call from a resident on Lewis Road about her neighbor's dog barking at her and coming to close to her, the lady reached out to the Sheriffs department. Shannon followed up with the dog owner who stated that there was a problem with the electric collar and that it would never happen again.

A lady on Woodview Drive called to complain about her neighbor's dog coming on her property, neighbor was contacted to keep their dog on their property.

Erie County Health department called to update phone number for Colden DCO if needed.

#### ENVIRONMENTAL BOARD REPORT

Councilman Pietraszek reported that the Environmental Board reviewed a SEQR for a colocation request from AT&T for the tower at Buffalo Ski Club. The Change of Use will be coming before the Town Board for approval of the SEQR as Lead Agency.

##### Murray Hill Road

Erie County Soil and Water contracted J. Bognar Construction who performed the work to shore up the creek bed and redirect the water away from the creek bed, rip rap and trees were placed along the shoreline for a temporary fix until spring when the creek bed will be reassessed for repair. On Murray Hill Road barriers were placed and signage for limited traffic on the road.

### HIGHWAY REPORT & PARKS

Highway Superintendent Wohlhueter stated that the shop office and bathroom have been updated.

Starting to go over all the highway vehicles for preventative maintenance on them in between plowing roadways during these winter months.

There was a major problem with the gas pumps. Pump Doctor was out and overrode the system but it is outdated and will need to be replaced.

Looking at what other towns use for systems and state bid costs, the problem is there is not a lot if any other service out there for the gas pumps. A hard quote will be obtained for the replacement of the system.

### INSURANCE REPORT

No report

### LIBRARY REPORT

Councilman Hrycik reported that the Boston Library Winter Reading Challenge is still going on until Tuesday, February 28<sup>th</sup>. There is also the ability to download E-Books on their website.

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

No report

### PLANNING BOARD REPORT

Councilman Hrycik reported that the Planning Board has an upcoming meeting for the Comprehensive Plan and AFPP.

#### WATER REPORT

Councilman Pietraszek reported that at the present time consumption billed by Erie County Water Authority for the prior month is 125,400 gallons at a cost of \$4,962.38 + \$307.13 = \$5,269.51 expenditure.

\*ECWA water cost \$3.21/Thousand

\*Infrastructure charge will increase from \$296.46 to \$307.13

\*Williamson Law is still working on the payment posting the issue is it records in sewer and not water account.

\*Water Operator Greg Adams is replacing poles by the fire hydrants that have broken.

\*Water breaks happened at the Buffum House and Trailer park during the cold spell, both have been fixed

\*DOH-4204 filed with ECWA

\*Checking on account #A0845 wter usage issue, letter has been sent out to resident.

#### YOUTH/ADULT RECREATION REPORT

Recreation Director Kip Palmateer reported that the following information has been posted on the Town's website page and Colden recreation page:

\*Nutrition Coaching Class coming in March

\*Defensive Driving class on March 29<sup>th</sup> from 6pm – 10:30pm at the Colden Senior Center

\*Yoga class to start in May

\*Music for babies/toddlers' class is being planned for March/April

\*Soccer registration is now open. Forms are at the Town Hall

\*Cornhole game nights are being planned for teens, those interested should contact the town hall or recreation department

\*Pottery Class will be taking place again more information coming soon

#### RESOLUTIONS

The following resolutions were read by Supervisor DePasquale:

**TOWN OF COLDEN  
COLDEN N.Y. 14033  
RESOLUTION #2023-01**

**Enhancing the Response for Town Residents during their time of  
Emergency**

**WHEREAS** the Town of Colden acknowledges a shortage of Volunteer first responders during the daytime hours for the Colden Fire District.

**WHEREAS** the Colden Town Board acknowledges that employees of the Town who are trained First Responders for the Colden Fire District

**WHEREAS** the Colden Town Board and the Highway Superintendent are willing to allow those employees who are trained First Responders, to be detached to the Colden Fire District and respond to emergency calls when **available** during work hours,

**WHEREAS**, during the detached assignment the employees will be covered for all liabilities by the Colden Fire District,

**WHEREAS** there will be no loss of wages or incentives incurred by the employee by either the Town or the Fire District

**WHEREAS** the Colden Fire District formally accepts the stipulations of this Resolution and provided a Letter of acceptance that is attached to this resolution,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Colden, Town Board formally accepts this policy to enhance the ability of the Colden Fire District to protect and serve our Residents during their time of need.

Duly adopted this 9<sup>th</sup> day of February, 2023, 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

**TOWN OF COLDEN  
COLDEN N.Y. 14033  
RESOLUTION #2023-02**

**Re: Opposition to the Proposed Ban on Natural Gas Heating and Appliances  
in New York State**

**WHEREAS**, Governor Hochul’s state-of-the-state address contained a proposal to “...end the sale of new fossil powered heating equipment by 2030 by calling for construction of – all new construction needs to be zero emission – starting in 2025 for small buildings and 2028 for large buildings,”; and

**WHEREAS**, President Biden and the White House have come out against any prohibition of gas stoves; and

**WHEREAS**, the State’s proposal is intended to help address climate change, but could create a burden for our region’s working-class residents; and

**WHEREAS**, a ban on natural gas appliances and water heaters is not feasible for Western New York with harsh winter weather and exposed electrical infrastructure. Appliances used to heat water and cook food need to work during power outages especially during times of inclement weather; and

**WHEREAS**, this past December saw a blizzard rip through the Buffalo Metro Area leaving tens of thousands of residents stuck in their home without power, many for several days. Gas appliances, fed by more resilient infrastructure, allowed those residents to heat their homes, boil water, and safely cook their food for the days needed to clear the roads and restore electricity. Nearly four dozen people died during this storm, many more would have suffered if they had to rely on our power grid for cooking and emergency heating; and

**WHEREAS**, what is more, alternatives to natural gas-powered heating have yet to be proven reliable as a sole-source heating system in cold-weather climates; and

**WHEREAS**, electrical appliances have more moving parts and are expensive to maintain and repair, mandating their purchase is an unnecessary burden we are placing on families across New York State at a time when the cost of living has significantly outpaced wage growth; and

**WHEREAS**, currently, due to market conditions and technology limitations, most electric appliances are less efficient and absent improvements in electricity efficiencies and the electrical infrastructure grid, would likely cause increases in energy costs; and

**WHEREAS**, as we have seen with California’s recent push to make everything electric, improperly planned energy transitions can lead to an increased strain on a state’s electrical grid, leading to black outs and rationing, which is especially dangerous with the winter weather we experience; and

**WHEREAS**, the costs to transition the state’s energy infrastructure grid should go through a more thorough review to understand how this will impact the energy production and distribution system as a whole, as well as the impact on residential energy systems, before any action is taken.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Colden hereby urges Governor Hochul and the New York State Legislature to pause in their rush and to fully examine the real life impact their decisions will have for all New Yorkers, especially those least able to afford them; and, be it further

**RESOLVED**, that certified copies of this resolution be forwarded to Governor Hochul’s Office, the Western New York Delegation to the New York State Senate and Assembly, and any other party deemed necessary and proper.

Duly adopted this 9<sup>th</sup> day of February, 2023, 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

**TOWN OF COLDEN  
COLDEN N.Y. 14033  
RESOLUTION #2023-03**

**Intermunicipal Agreement between the Town of Colden and Erie County**

WHEREAS, Erie County in 2020 established the Office of Agriculture to address the loss of farmland, improve the viability of farming, and assist rural municipalities with planning for agriculture; and

WHEREAS, in furtherance of its aforesaid governmental functions, the County desires to aid the Town with continuing preparation of an Agriculture and Farmland Protection Plan to better address agricultural land use planning and protection within the Town; and

WHEREAS, the Town of Colden has applied for and been awarded grant funds from the County; and

WHEREAS, the Erie County Legislature allocated funding for this Agreement via resolution Comm. 20E-8 passed on December 15, 2022; and



WHEREAS, on February 9th, 2023, the Town of Colden hereby adopts a resolution agreeing to accept the grant funding and enter into an Intermunicipal Agreement for supporting Colden’s furtherance of activities related to Agricultural and Farmland Protection within the Town; and

WHEREAS, the Town Board desires to continue the process of acquiring the funds to complete the Town of Colden Municipal Agricultural and Farmland Protection Plan.

THEREFORE, BE IT RESOLVED, that the Town Board authorizes and submits an executed Intermunicipal Agreement between the Town of Colden and Erie County, and requests \$13,720 in grant funding to support ongoing work related to the Town of Colden’s Agricultural and Farmland Protection Plan

BE IT FURTHER RESOLVED that the Town Board authorizes the Supervisor to sign all documents and agreements related to the Erie County Agricultural Planning Grant initiative.

RESOLVED, that James P. DePasquale, as Supervisor of the Town of Colden, is hereby authorized and directed to file the Intermunicipal Agreement from Erie County, in an amount of \$13,720 of approved funding and upon execution of said request execute the duties and tasks as defined in the said Intermunicipal Agreement.

Duly adopted this 9<sup>th</sup> day of February, 2023, 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 2023 Town and county Tax bills will be sent out this coming Monday February 13<sup>th</sup>, and are due by March 15<sup>th</sup>.

\*Erie County Soil & Water “Conservation Tree/Shrub Seedling Program has begun order forms are on the table in the foyer or at Erie County website. Order by March 3<sup>rd</sup>-Pickup April 22<sup>nd</sup>.

**SUPERVISOR’S REPORT**

Supervisor DePasquale reported that a letter was received from National Fuel regarding a hydro test on an existing well line on the north west side of Kummer Park.

Holly Taylor and Elaine Mitchell teachers at Colden Elementary school who students collected money for a Memory Garden that was placed behind the town gazebo, will be turning over \$655.00 to the Town of Colden to be used to purchase a windchime/whirly sculpture.

**PAY BILLS**

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

General Fund Warrant Voucher #2022-566 to #2022-584	\$ 10,176.02
Highway Fund Abstract Voucher #2022-201 to #2022-208	\$ 97,285.83
Water District Voucher #2022-71 to #2022-74	\$ 342.68
Lighting District Voucher #2022-23 to #2022-24	\$ 3,977.06
Refuse Fund Voucher #2022-14	\$ 749.23
CARES ACT #2022 -10	\$ 30,430.00
General Fund Warrant Voucher #2023-22 to #2023-61	\$ 28,593.89
Highway Fund Abstract Voucher #2023-03 to #2023-20	\$ 20,925.19
Water District Voucher #2023-01 to #2023-05	\$ 5,486.00
Lighting District Voucher #2023-01	\$ 1,660.05
Refuse Fund Voucher #2023-01	\$ 25,816.34

**PRIVILEGE OF THE FLOOR**

No comment

**ADJOURN**

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously adjourned the meeting at 7:20pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk