

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

MEETING CALLED TO ORDER AT 7:05PM  
SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE  
FOR EILEEN GELLATLY, NANCY SCHAFFER AND ROBIN HEINTZ AND THOUGHTS  
FOR BUFFALO FIREFIGHTER JASON ARNO WHO DIED IN A STRUCTURE FIRE  
FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

ALSO

PRESENT: Highway Superintendent Lee Wohlheuter  
Bldg. Insp/Fire Insp. Thomas Dzuilko  
Rec. Dir. Kip Palmateer  
Town Clerk Christina Kerlin  
Approximately 4 Residents

REGULAR TOWN BOARD MEETING

MINUTES:

MOTION made by Councilman Pietraszek and seconded by Councilwoman Zurbrick and  
unanimously approved the minutes for the Regular Town Board meeting held on Thursday,  
February 9, at 7:00pm at the Colden Town Hall.

OLD BUSINESS

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

Supervisor DePasquale stated that in April the Town Board will hold a Public Hearing on the  
following New Law – Real Property Law 466-a Volunteer Fire Tax Exemption for a  
10% discount on your tax bill.

**TOWN OF COLDEN**

**LOCAL LAW INTRO. 01-2023**

**LOCAL LAW NO. 01-2023**

**A LOCAL LAW TO AMEND LOCAL LAW 1-2023**

**KNOWN AS “CODES OF THE TOWN OF COLDEN,”  
ADOPTED BY THE TOWN BOARD ON APRIL 13, 2023  
BY AMENDING CHAPTER 95, TAXATION, TO PROVIDE THE PROVISIONS  
OF REAL PROPERTY TAX LAW §466-A, GRANTING A TAX EXEMPTION**

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 amend Chapter 95, Taxation, to include the provisions of Real Property Tax Law §466-C in granting a tax exemption for volunteer firemen.

SECTION 2. AMENDMENTS.

Section 95-9 is amended to read as follows:

**§ 95-9. Legislative Intent.**

The purpose of this article is to provide a tax exemption on real property owned by members of volunteer companies as provided by real Property Tax Law §466-A.

Section 95-10 is amended to read as follows:

**§ 95-10. Qualifications; lifetime exemption for long-term service.**

In order to qualify for this exemption, the volunteer firemen must meet the following criteria:

- A. The volunteer firemen must be an enrolled and certified member of an incorporated volunteer fire company that provides services within the Town of Colden and has a minimum of two (2) years of service.
- B. The property receiving the benefit is located within the jurisdiction served by the incorporated fire department to which the volunteer belongs.
- C. The volunteer fireman resides in the Town of Colden and the property receiving the benefit is the primary residence of the individual and is used exclusively for residential purposes, and any portion of the property not used for residential purposes shall be subject to taxation.

- D. The applicant must be certified by the authority having jurisdiction for the volunteer fire company as an enrolled member of such company or service for at least two years. Said certification shall be in writing in the form of a letter from the current president of the volunteer fire company, on the stationary of the company which shall bear the seal of the fire company, and shall set forth the number of years the applicant has been a member of said company or service. Any applicant who has accrued more than twenty (20) years of active service and is so certified by the authority having jurisdiction for the volunteer fire company shall be granted an exemption of 10% for the remainder of his or her life or as long as his or her primary residence is located within the Town of Colden, Erie County.

Section 95-11 is amended to read as follows:

**§ 95-11. Grant of Lifetime Real Property Tax Exemption for Un-remarried Spouses of Volunteer Firefighters Whose Spouses Qualify under Section 2 of this Law or Whose Spouses Die in the Line-of-Duty.**

The Town of Colden hereby provides a real property tax exemption for life to the spouse of any volunteer firefighter who dies after accruing twenty (20) years of service or who dies in the line-of-duty pursuant to the policies contained in New York State RPTL §466-a (4). Provided, however, that the volunteer was already eligible for, and receiving, this benefit under this article as applicable.

Section 95-12 is amended to read as follows:

**§ 95-12. Amount of exemption; renewal.**

- A. An applicant shall be exempt from taxation to the extent of 10% of the assessed valuation of such property for the Town, part-Town and special district, but not including special assessments. However, such exemption shall in no event exceed \$3,000 multiplied by the latest state equalization rate for the assessment unit in which such property is located.
- B. No benefits shall be provided without a certification of eligibility filed with the Town of Colden Assessor as part of the Certificate of Eligibility and application for benefits described herein, the applicant must provide a letter of certification which includes the exact date enrolled and current active status on the Volunteer Fire Department letterhead together with proof of residency.

- C. Any volunteer having accrued the minimum years of service described in this Local Law as of the effective date of this law shall be eligible to apply for benefits described herein provided they meet all other eligibility requirements contained in this law.

SECTION 3. EFFECTIVE DATE.

This Local Law shall take effect in the next full tax year following filing with the Secretary of State.

Advertise Public Hearing for Real Property Law 466-a Volunteer Fire Tax Exemption

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved to have Town Clerk Kerlin advertise in the Springville Journal for a Public Hearing on the Real Property Law 466-a Volunteer Fire Tax Exemption. Public Hearing will take place on April 13, 2023 at 7:00pm at the Colden Town Hall.

NEW BUSINESS

AT&T Co-Location on SBA Tower 7414 State Road

Supervisor DePasquale stated that the Planning Board turned in their advisory recommendations on for the Colocation of AT&T on the SBA Tower on February 23, 2023. The Environmental Board reviewed the SEQR on February 7, 2023, and made some pen and ink changes to the SEQR. Supervisor DePasquale and Town Board reviewed the SEQR as the lead agency.

Approve the SEQR for AT&T Colocation

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved the SEQR for the AT&T Co-Location on the SBA Tower at 7414 State Road, and for Supervisor DePasquale to sign off as the Responsible Officer in Lead Agency.

COMMITTEE REPORT

BUILDING REPORT

No report

CODE ENFORCEMENT OFFICER REPORT

Report for the month of February 2023 – Bldg. Insp/Code Enf. Officer, Thomas Dzuilko reported that there were:

4 Building Permits Issued  
5 Certificates of Compliance  
1 Court Appearance  
3 Fire Inspection  
8 Hours of School

CEO Dzuilko reported that there is a code violation on Lewis Road with a resident having steers on the property, the gentlemen stated that he would be moving the steers by April 1<sup>st</sup>. A court appearance ticket was issued to the gentlemen for April 17<sup>th</sup> in case he does not move the steers. CEOs would like to stay on top of this matter before it gets out of hand.

Two new builds are moving along nicely, the house fire cleanup on Knapp Road is nearly complete.

Town Board and CEO Dzuilko discussed Jean Childs house on Lower East Hill, the house has been condemned and there has been no luck trying to get a hold of the owner. Tom is going to contact Kate Lockhart from WNY Law Center for some advice on what can be done to perform an emergency demo on the home to make the property safe.

Supervisor DePasquale stated for clarification that any complaints received from residents in town will need to fill out a complaint form before they are acted upon, no anonymous complaints will be excepted.

#### COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported that the following:

##### Free Lunch

BOLO holds a free lunch once month, check the website for details.

##### Feed More Mobile Food Truck

Feed More Food Truck Giveaway is available the 4<sup>th</sup> Thursday of the month, starting at 1:30pm till gone at the Colden Fire Hall. Residents will receive a variety of fresh fruits and vegetables along with non-perishable food items.

##### 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

Colden Fire Company Pancake Breakfast

Held at the Colden Fire Company, Sunday, March 19<sup>th</sup> starting at 8:00am.

Purchase of a Chest Compression System

Supervisor DePasquale reported that back at budget time funds were earmarked from the CARES ACT to purchase vital equipment for the Colden Fire Company. The funds will be released to purchase a Chest Compression System at a cost of \$23,349.97 which will benefit the public.

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved to release funds from the Cares Act for the purchase of a Stryker Chest Compression System at a cost of \$23,349.97 for the Colden Fire Company.

**DOG CONTROL OFFICER REPORT**

Supervisor DePasquale reported that a gentlemen called about a dog running past his outside camera very fast and was wondering if anyone had been missing a dog. A resident on Park Street called that he had his dog rehomed so there should not be any new problems with his dog in town. A woman called about a dog she found on State Road was advised to call Concord. Concord was looking for the dog. Shannon's neighbor called about a dog that showed up on her front porch, turned out it was a dog that has been missing for quite some time. Trappers were sent out from the owner of the dog to try and catch her. The dog was caught that night and reunited with the owner.

**ENVIRONMENTAL BOARD REPORT**

No report

**HIGHWAY REPORT & PARKS**

Highway Superintendent Wohlhueter reported that a letter was received from NYSDOT about the Mill Street bridge weight limit being reduced to 11 tons. NYSDOT stated it was the towns responsibility to post the weight limit reduction on the bridge, signs have been posted.

With spring on the horizon, the highway crews will begin maintenance on the trucks as the weather gets nicer.

There was a problem with the gas pump system and after researching companies for gas systems being used, they all come back to the Pump Doctor which is what the Town of Colden has used for their system. The Pump Doctor has always come out when repairs were needed in the past with no delays and the town has never had any issues with their service.

There was discussion on who uses the pumps within the town, highway, fire department, and Colden and Glenwood cemeteries. Which system would be best keyed, touch pad or manual and who to buy the system from. There are a few companies out there that install the systems, but they all go back to purchasing their systems through The Pump Doctor. There is an 8-week lead time on the purchase and installation.

Approve the Purchase of a Gasboy Fuel Management System from The Pump Doctor Inc.  
MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved the purchase of a Gasboy fuel management system and associated software from The Pump Doctor Inc., through the Sourcewell program under the Gilbarco contract #092920-GVR. The new reader system will be installed outside at the fueling island and a factory startup will be performed at a cost of \$17,368.31. All necessary personnel will be trained.

#### Highway Garage Roof

Supervisor DePasquale and or Highway Superintendent will meet up with John Schenne in regard to the highway garage roof to see what he comes up with for a trussed roof. Once the information becomes available it will be brought up to the Town Board for review.

Supervisor DePasquale stated that at budget time the Town Board decided to Bond for highway trucks. The town went through the process of bidding out for bonding. No bids were received and Jim did reach out to Five Star Bank, Evans Bank, and Bank of Holland the interest on bonding was extremely high. With that said he would like the Town Board to reconsider bonding the highway trucks and have the general fund loan the highway monies to purchase the trucks. The General reserves has enough money for the purchase and the highway could payback the general fund over a 3 year period with out having to raise taxes, and the town highway would save money by not bonding and paying back such a high interest rate. After some discussion the Town Board decided to withdraw the bonding of highway trucks and have the highway borrow funds from the general fund. A resolution for the general fund to loan money to the highway has been drawn up and will be read later on in the meeting under Resolutions.

#### Approve to Withdraw the Bond for Highway Trucks

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved to withdraw the bonding of highway trucks at this time and move forward in a different direction.

#### INSURANCE REPORT

No report

#### LIBRARY REPORT

Councilman Hrycik reported that the West Falls Library will hold a meet a Local Author Don Purdy to discuss the book “Thunder Snow” a book about working with the Buffalo Bills organization. Also, beginner Mandala Dot Art class and create a Welcome sign. Check the Library Website for times and date.

Boston Library is offering Pre School Time, Easter Bingo, Earth Day activities, St. Patrick’s Day Craft and a Lego Building Club. Check the Library Website for times and date.

#### 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 stated that the Planning Board met on February 21<sup>st</sup> and reviewed the Colocation application for a AT&T to go on the SBA Tower at Buffalo Ski Club. There was a meeting held on February 28<sup>th</sup> to update what has been going on to date with 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 1,493,000 gallons at a cost of \$4986.62 + \$332.04 = \$5318.66 expenditure.

\*ECWA water cost \$3.56/Thousand

\*Infrastructure charge will increase from \$307.13 to \$332.04

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

\*Had 2 people inquire about water usage at their homes, Ron showed the a data log of their use of water to help resolve the issue.

\*ECPL had problems with testing THN, resent new sample to secondary lab after being notified 14 days past due date usage. Results pending

\*Working on the yearly AWQR report

Meter was finally replaced up on Lower East Hill after the last letter went out to ECWA, the meter is reading well the town should start to notice a savings in the water usage billed. Water department will investigate a maintenance schedule on the meter.

An article was received about “Help for Small, Rural & Disadvantaged Communities to Access Water Infrastructure Funding. Gerry has been looking into this to see if there is any funding available for the Town Water District.

### YOUTH/ADULT RECREATION REPORT

Recreation Director Kip Palmateer reported that there will be a Defensive Driving Course Class on March 29<sup>th</sup>.

Yoga starts on May 10<sup>th</sup>

“Sweet Little Songbirds” family music class began on March 4<sup>th</sup>. The class runs for 8 sessions.

Soccer registration is now open, forms are at the Town Hall.

All information is posted on the town’s website and on the Colden Recreation Facebook page.

### RESOLUTIONS

The following resolution was read by Supervisor DePasquale:

## RESOLUTION

Modification of the 2023 Town of Colden Adopted Annual Budget  
General Fund

WHERE AS, Due to the high interest rates of Government Bonds, the Colden Town Board will use General Fund unappropriated fund balance to purchase the Highway Equipment approved for purchase in the “2023” budget. This would save the Town Residents from paying **\$119,356.96** in interest if we used Bonding.

WHERE AS, the Appropriated amount in the 2023 budget for line DA5130.2 was \$100,000.00 of which \$62,663.00 will be used towards the Three new Highway vehicles.

WHERE AS, The total cost of the Equipment approved for the year 2023 was \$312,663.00

WHERE AS, a shortage of \$250,000.00 remains at year end

WHERE AS, A total of \$250,000.00 will be transferred to the Highway DA 5130.2 from the General Fund Unappropriated balance as a loan to be paid back as follows:

Due To Due from Payment

Highway to General Fund: **“2024”- \$100,000.00**  
**“2025”- \$100,000.00**  
**“2026”- \$ 50,000.00**

NOW, THEREFORE BE IT RESOLVED, the Town Board of Colden modifies the 2023 General fund and Highway budget

BE IT FURTHER RESOLVED, the Colden Town Board does hereby

Duly adopted this Modification the 9<sup>th</sup> day of March 2023, by the following vote:

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik

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

BUDGET TRANSFERS

None

TOWN CLERK REPORT

Town Clerk Kerlin reported that the 2023 Town & County tax collection has been going well it has been a very busy time in the Town Clerk's office with the collection.

SUPERVISOR'S REPORT

Supervisor DePasquale reported that FEMA has contacted him and supplied him with a form to fill out for claim from the "December Storm" the form was received today.

With that said he will look it over fill it out and send back with hopes of reimbursement for the town.

Fire Company will hold their Annual Easter Egg Hunt on April 8<sup>th</sup> at 11:00am, the town provides a donation of funds for the candy, this year Councilman Pietraszek and Supervisor DePasquale will go to Walmart and purchase the candy on the credit card.

Approve Candy Purchase from Walmart

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved the purchase of \$500 dollars' worth of candy to be obtained through the use of the Walmart credit card.

A "Thank you" was extended to Jeff Souder for coming to tonight's meeting he represents Assemblyman DiPietro office and has attended before.

PAY BILLS

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

General Fund Warrant Voucher #2023-62 to #2023-97	\$ 19,145.47
Highway Fund Abstract Voucher #2023-21 to #2023-45	\$ 25,234.55
Water District Voucher #2023-06 to #2023-10	\$ 7,795.34
Lighting District Voucher #2023-02 to #2023-03	\$ 1,838.13
Refuse Fund Voucher #2023-02	\$ 26,389.22

PRIVILEGE OF THE FLOOR

No comment

ADJOURN

MOTION made by Councilman Hrycik and seconded by Councilwoman Zurbrick and unanimously adjourned the meeting at 8:00pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk