

TB Mtg April 13, 2023  
REGULAR TOWN BOARD MEETING  
COLDEN TOWN HALL – April 13, 2023

MEETING CALLED TO ORDER AT 7:05PM  
SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE  
FOR MARION BROWN, 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/ John Kotlarsz  
Bldg. Insp/Fire Insp. Thomas Dzuilko  
Asst.Rec. Dir. Carrie DePasquale  
Town Clerk Christina Kerlin  
Approximately 6 Residents

REGULAR TOWN BOARD MEETING

MINUTES:

MOTION made by Councilwoman Zurbrick and seconded by Councilman Robinson and  
unanimously approved the minutes for the Regular Town Board meeting held on Thursday,  
March 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 the following Public Hearing is for New Local Law – Real  
Property Law 466-a Volunteer Fire Tax Exemption for a 10% discount on your tax bill. This law  
is an upgrade and was advertised in the Springville Journal.

**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.

Questions that were asked for clarification are about how long do you have to be in the Fire Company to obtain the exemption and which Fire Company's would benefit from the exemption. The Colden Fire Company and West Falls Fire Company would be eligible in town, both serve a part in the Town of Colden. The Fire companies would verify and keep a record of the standings for each volunteer member attending 10% of fire calls and annual inspection. Only one fireman per household is eligible for this exemption on the tax bill, the other could use the exemption on their income tax.

Supervisor DePasquale read the following resolution adopting Local Law 01-2023:

**TOWN OF COLDEN  
COLDEN, N.Y. 14033  
RESOLUTION #2023 - 05  
TO ADOPT LOCAL LAW  
REGARDING TAXATION**

WHEREAS, Real Property Tax Law §466-a grants an increased tax exemption for volunteer firemen, and

WHEREAS, Local Law Intro. 1-2023 amends Chapter 59 of the Code of the Town of Colden in regard to tax exemptions, and

WHEREAS, qualifications for the tax exemption are a volunteer firemen enrolled and certified in the Town of Colden Fire Department having a minimum of two (2) years of service, and

WHEREAS, the tax exemption is extended to a widow of an un-remarried spouse of a volunteer fireman who has died after accruing twenty (20) years of service, and

WHEREAS, after careful review of the proposed provisions of the Taxation Law by the Town Board, finding it is in the best interests to provide such benefits to the volunteer firemen,

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Colden does hereby approve Local Law Intro. 1-2023 to take effect in the next full tax year following the filing of this Local Law with the Secretary of State; and be it further

RESOLVED, that the Town Clerk is hereby directed to file a certified copy of the Local Law with the Department of State, which Local Law shall become effective twenty (20) days after such filing.

Duly adopted this 13<sup>th</sup> day of April, 2023.

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek:

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

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 were approved at last month's meeting for the purchase a Chest Compression System which will benefit the public. The Town Board presented the Colden Fire Company with the Stryker Chest Compression System, in attendance to except the system were EMT's Patrick Murphy and Charlie Hall.

NEW BUSINESS

None

## COMMITTEE REPORT

### BUILDING REPORT

Councilman Robinson reported that a new de-humidifier was purchased for the Town Hall basement and is up and running.

### CODE ENFORCEMENT OFFICER REPORT

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

- 8 Building Permits Issued
- 1 Building Permit Amended
- 7 Certificates of Compliance
- 3 Fire Inspection
- 6 Hours of School
- 3 Phone Complaints

Bldg. Insp/Code Enf. Officer, Tom Dzuilko reported that there are some open items and agendas they are working on in the building department. House on Darien Road has had some activity going on sheriffs were called in to check on the house. Tom will reach out to Kate Lockhart from WNYLAW for some possible property management.

### COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported that the following:

Third Public Meeting & Workshop for the Town of Colden Comprehensive Plan Update & Farmland Protection Plan, April 25, 2023, 6pm-8pm at the Colden Fire Hall.

### 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

House Number Sign Project

Councilman Robinson brought up that he would like the Town Board to consider a town wide house number sign program. He obtained information from the Town of Holland, and the town approved the plan and funded the program. The assessor's office provided a list of household and business addresses, and the Holland Fire Department installed the signs with help from the highway department. The cost would run about \$14.00 per parcel.

Approve House Number Sign Program

MOTION made by Supervisor DePasquale and second by Councilman Pietraszek and unanimously approved the House Number Sign Project at a cost of \$23,000. The project would benefit the whole town with funds coming from the CARES Act.

**DOG CONTROL OFFICER REPORT**

Councilman Robinson reported that Shannon received a call from Stephanie regarding her neighbor Jesse's dog on her property, Stephanie also reached out to Supervisor DePasquale to set up a meeting about this matter. A gentleman called about two dogs he was watching that got out, the dogs returned later on that day. Received a few calls about missing dogs out of town that were on the loose.

**ENVIRONMENTAL BOARD REPORT**

No report

**HIGHWAY REPORT & PARKS**

Highway Superintendent Wohlhueter reported that the new fuel system is about 4 weeks out from being started. Park bathrooms will be opened in a couple weeks. Soccer fields have been striped. It has been nice with the new employee and his mechanic skills to help with working on the town vehicles, it has saved the town money being able to work on the town vehicles in house rather than sending them out for repair.

Would like approval for Ben Sullivan and Ben Einarsson for summer help at the highway.

Approve Summer Help

MOTION made by Supervisor DePasquale and seconded by Councilman Robinson and unanimously approved Ben Sullivan and Ben Einarsson for summer help in the highway department at a rate of \$17.00 an hour.

#### INSURANCE REPORT

No report

#### LIBRARY REPORT

Councilman Hrycik reported that the West Falls Library will hold be holding a rock paint class. The West Falls Library Board also is asking the Town Board for an increase with the annual donation the town gives. The west Falls Library is not associated with the Erie County Library system.

Boston Library will be coming out with their annual report.

#### 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 did not meet, they do have the Town of Colden Comprehensive Plan Update & Farmland Protection Plan, April 25, 2023, 6pm-8pm at the Colden Fire Hall.

#### WATER REPORT

Councilman Pietraszek reported that at the present time consumption billed by Erie County Water Authority for the prior month is 1,205,000 gallons at a cost of \$4024.70 + \$332.04 = \$4356.74 expenditure.

\*ECWA water cost \$3.34/Thousand

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



- \*Rebecca Wightman replaced Jim Buell at Erie County Health Department
- \*Greg has started replacing old meters with new T-10 data loggers. Plan is to have all replaced in 3 years.
- \*Greg will be taking over checking U-Dig responses.

#### YOUTH/ADULT RECREATION REPORT

Asst. Recreation Director Carrie DePasquale reported the following:

Soccer registration has ended. There was a coach meeting. Teams were picked, and shirts were ordered. The season will start the second week of May, weather permitting.

Would like to approve the following soccer referees at minimum wage:

Ethan Hallett  
Ty Ruhland  
Jordan Azfranski  
Hunter Runser

We would like to approve the following employees for recreation at minimum wage:

Abigail Mary  
Brooke Sellers  
McKayla Ruhland  
Lauren Smith  
Lilly Smith  
James Wohlhueter  
Lily Beaudoin  
Sophia Domster  
Julius Orduna  
Jack Sobkowiak

Recreation is planning an increase in fees for our summer program, as well as a "residents only" registration period, prior to opening it to the general public. This information will be ready for the May board meeting.

#### Approve Soccer Referees and Summer Recreation Employees

MOTION made by Councilwoman Zurbrick and seconded by Supervisor DePasquale and unanimously approved the above employees for recreation at a rate of \$14.42.

Pottery Class starts on April 19<sup>th</sup>.  
Sweet Songbirds has 3 more classes.  
Yoga begins on May 5<sup>th</sup> for 5 weeks.

RESOLUTION

Supervisor DePasquale read the following Resolution:

TOWN OF COLDEN  
COLDEN N.Y. 14033  
RESOLUTION #2023-06

MODIFICATION OF THE 2022 TOWN OF COLDEN ADOPTED ANNUAL BUDGET  
LIGHTING DISTRICT FUND

WHERE AS, the appropriated amount in the 2022 budget for line SL5182.4 was \$18,000.00

WHERE AS, overage in the Lighting District was \$3,046.27

WHERE AS, the total cost of Lighting for the year 2022 was \$21,046.27

WHERE AS a shortage of \$3,046.27 remains at the year end.

WHERE AS, a total of \$3,046.27 will be appropriated from the Lighting District fund balance.

NOW, THEREFORE BE IT RESOLVED, the Town Board of Colden modifies the 2022 Lighting District Budget.

BE IT FURTHER RESOLVED, the Colden Town Board does hereby

Duly adopted this 13<sup>th</sup> day of April, 2023.

MOTION made by Councilman Pietraszek and seconded by Councilman Robinson:

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

BUDGET TRANSFERS

Supervisor DePasquale read the following budget transfers.

Highway Fund

From: DA5110.4 General Repairs	\$44,091.97
To: DA5110.41 Fuels	\$12,430.03
To: DA5130.4 Machinery Contr.	\$31,661.94

General Fund:

From A1220.2 Supervisor Equipment	\$390.01
To: A1410.4 Town Clerk Equipment	\$390.01
From: A1650.4 Comp Web	\$9,757.84
To: A1620.4 Building	\$9,757.84
From A1440.4 Engineering	\$5,045.51
To: A1620.4 Building	\$5,045.51
From: A8020.4 Planning	\$12,882.13
To: A5010.4 Highway Contr.	\$4,774.93
To: A7110.4 Parks	\$8,107.20
From: A7310.4 Adult	\$1,126.50
To: A7310.4 Youth Contr.	\$1,125.50
From: A7620.4 Senior Contr.	\$1751.14
To: A7510.4 Celebrations	
From: A9060.8 Med Ins.	\$36.52
To: A9055.8 Dis Ins	\$36.52
From: A1110.11Justice PS	\$18.00
To: A1220.11Supervisor Secretary	\$ 9.00
To: A1440.11 Deputy Town Clerk	\$ 9.00
From: A8090.1Environmental	\$460.51
To: A8020.1Planning	\$460.51

MOTION made by Councilman Pietraszek and second by Councilman Robinson and unanimously approved the above Highway Fund and General Fund budget transfers.

TOWN CLERK REPORT

Town Clerk Kerlin reported that the NYS DEC Burn Ban is still in effect through May 15<sup>th</sup>.

SUPERVISOR’S REPORT

Supervisor DePasquale reported that he has been filling out paperwork for FEMA reimbursement for Murray Hill Road slide. Mark Gaston from Erie County Soil & Water is working on a design plan to fix the problem on Murray Hill.

There was a complaint received about excessive mowing in the park, Supervisor DePasquale stated to the complaint that the parks girl mows the lawn when needed and when the weather allows.

PAY BILLS

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

General Fund Warrant Voucher #2023-98 to #2023-145	\$459,135.02
Highway Fund Abstract Voucher #2023-46 to #2023-64	\$ 19,293.25
Water District Voucher #2023-11 to #2023-17	\$ 4,684.66
Lighting District Voucher #2023-04 to #2023-05	\$ 1,771.36
Refuse Fund Voucher #2023-03	\$ 26,697.78
CARES ACT Voucher #2023-01	\$ 22,351.47

PRIVILEGE OF THE FLOOR

Supervisor DePasquale introduced EC Legislature Jim Malczewski from District #10 and his Assistant Dominic Musilli who were in attendance this evening.

ADJOURN

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously adjourned the meeting at 7:52pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk