

TB Mtg June 8, 2023
REGULAR TOWN BOARD MEETING
COLDEN TOWN HALL – June 8, 2023

MEETING CALLED TO ORDER AT 7:00PM
SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE,
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
Planning Board Chairman Walter Kammer
Town Clerk Christina Kerlin
Approximately 12 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, May 11, at 7:00pm at the Colden Town Hall.

REQUEST TO BE ON THE AGENDA

Mark Wolfing – Support for Election Audit

Mark addressed the Town Board about a resolution created by the New York Citizens Audit group for the audit of the New York State 2022 General Election. Mark provided handouts and a resolution for the Town Board to review. Mark asked if the Town Board would take the time to review the resolution and consider passing the resolution at the next Town Board meeting. If there are any questions do not hesitate to reach out to him.

Brian Dankert - NYSDOT

Brian Dankert provided a slide show to the Town Board about the Reconstruction of Davis Road/State Road, starting in the hamlet of West Falls, 6.57 miles to the Town of Colden. The reconstruction would include drainage, curbs, culverts, upgrade of pavement and driveway entrance, ADA sidewalks in the hamlet of West Falls and a Bicycle Lane. The project would not start until Spring of 2024 and completed in the fall of 2025. The project would go in Phases so as not to shut down the road. NYSDOT will work with the Town with any concerns that need to be addressed in any areas that may need attention.

Supervisor called a recess at 7:43pm meeting reopened at 7:50pm

OLD BUSINESS

8769 Lower East Hill Road – Order to Remedy

Supervisor DePasquale stated that the building inspectors have sent additional letters to the homeowner on the need for repair of the building which included a brief description of the property showing that the building is unsafe and dangerous, along with an order for the property to be made safe and secured. The Order to Remedy will be to make the property and buildings repaired or removed within 90 days. After which, the town will file a claim through Erie County to have the house demolished and the costs would be incurred by the owners. The owner has reached out to the building inspectors to say that she wants her home but is now refusing to talk with them.

MOTION made by Councilman Hrycik and seconded by Councilman Robimson and unanimously approved to have the Building Inspectors send a letter stating all facts of what needs to take place to have the property and house secured and safe. Giving the homeowner the required amount of time to remedy the property. And if not adhered to contact will be made to Erie County to have the house removed and costs to be incurred by the owner. Town Clerk Kerlin will place legal posting in the Springville Journal.

NEW BUSINESS

None

PUBLIC HEARING:

Supervisor DePasquale stated that the following two items were inadvertently placed under Public Hearing neither item requires a public hearing.

Co-Location -Verizon, Center Street

Supervisor DePasquale stated that the Planning Board turned in their advisory recommendations on for the Colocation of Verizon. The Environmental Board reviewed the SEQR and signed off. Supervisor DePasquale and Town Board reviewed the SEQR as the lead agency.

Approve the SEQR for Verizon Colocation

MOTION made by Councilman Pietraszek and seconded by Councilwoman Zurbrick and unanimously approved the SEQR for Verizon on the Channel 4 Tower, and Supervisor DePasquale to sign off as the Responsible Officer in Lead Agency.

Approve the Colocation of Verizon

MOTION made by Councilman Hrycik and seconded by Councilman Robinson and unanimously approved the Colocation for Verizon on the Channel 4 Tower.

Change of Use - Bruce Mohney & Victor Mohney 7517 Lewis Road

Supervisor DePasquale stated that Bruce Mohney has submitted paperwork for a Change of Use for an Excavation/Site Work – Welding – Fabricating – Equipment Repair at 7517 Lewis Road.

The following was received:

Application for Certificate of Zoning

Zoning Referral from Erie County determination at a Local level

Positive recommendation from Planning Board

Negative Declaration from the Environmental Board

After review of the SEQR a change was made on page 1 for the total acreage to be physically disturbed was .5 acres was changed to 1200 square feet.

Part 2 was found to be no to little change by the Environmental Board

Approve SEQR for Change of Use – Bruce Mohney and Victor Mohney 7517 Lewis Road

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved the SEQR for the Change of Use for Bruce Mohney & Victor Mohney at 7517 Lewis Road, and Supervisor DePasquale to sign off as the Responsible Officer as Lead Agency.

Supervisor DePasquale read the following Change of Use permit:

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: Bruce Mohney
Victor Mohney

PREMISES: 7517 Lewis Rd , Holland, NY 14080

CODE: Article X, 108-36 (21)

USE: Excavation/Site Work- Welding- Fabricating-Equipment Repair

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 per §108-108. Consistent with any Town Board action on this application, the Code Enforcement has issued a “Certificate of Zoning Compliance” (as required under §108-108), to confirm that this proposed change of use complies with the provisions of Chapter 108 of the Town Code.

- This permit is contingent and subject to the following Special Conditions:

- This parcel is a good location for this type of “Family run Business”. It is located near other substantial Ag & Farm activities of various forms. The use, and area of such use, is consistent with Zoning and with the existing Colden Master Plan which encourages such use. No conversion of existing Ag-land to other purposes will be done without Town approval.
- Hours of operation will not affect the nearby residents and their quality of life.
- No excessive noise shall be created by applicant while using the land.

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: _____, 2023 By: _____ Applicant

DATED: _____, 2023 By: _____ Applicant

ACKNOWLEDGED AND APPROVED AS TO FORM AND SUBSTANCE.

DATED: _____, 2023 _____

JAMES DEPASQUALE, Supervisor
Town of Colden

Supervisor DePasquale asked Bruce and Victor if they had any questions on the permit and if they agreed with the terms of the permit. Bruce and Victor had no questions and agreed with the terms.

Approve Change of Use – Bruce Mohny and Victor Mohny 7517 Lewis Road

MOTION made by Councilman Robinson and seconded by Councilwoman Zurbrick and unanimously approved the Change of Use for Bruce Mohny and Victor Mohny at 7517 Lewis Road for an Excavation/Site Work – Welding – Fabricating – Equipment Repair Business as agreed to the terms read in the Change of Use permit.

COMMITTEE REPORT

BUILDING REPORT

No report

CODE ENFORCEMENT OFFICER REPORT

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

- 8 Building Permits Issued
- 4 Certificates of Compliance
- 1 Court Appearance
- 2 Fire Inspection
- 3 Hours of School
- 3 Phone Complaints
- 1 Building Reported to Town Board as Unsafe
- 1 Building Permit Denied

Annual Special Use Inspections

Supervisor DePasquale read the following Special Use Permits inspection reports that were completed on June 3, 2023.

Frank Hrycik
8698 Lower East Hill Road

- Type of Special Use Permit – Junkyard Permit
- Inventory of Vehicles – 23 + old camper + 2 tractors
- General Appearance – Decent
- Fencing & Shrubs Good
- Disposition of Oil – Controlled
- Recommendations – As in previous years, recommend to owner to consolidate material lying in various areas
(Remove Walter Hrycik.s name from Permit)

Alfred Kaefer
Falls Road

- Type of Special Use Permit – Gravel Pit
- General Appearance – Good, Pit is operating. More woods have been cleared out on west side of the site. Borrow area confined to west side of pit.
- Conformity to SUP – Good
- Recommendations – None

SBA Communications Corp.
7414 State Road

- Type of Special Use Permit – Tower
- General Appearance – Tower is good. Scrap is accumulating near the tower parking area.
- Conformity to SUP – Good
- Recommendations- Remove excess scrap.

David Kloiber
Kloiber Auto Recycling
10349 Darien Road

- Type of Special Use Permit – Junkyard Permit
- Inventory of Vehicles – 168 + 91 Approximately 8 motor homes
- General Appearance – Good, Good stock of crushed vehicles ready to go off site.
- Fencing or shrubs – Good
- Disposition of Oil - Contained within shop
- Recommendations – None

Paul Cohn
8213 Center Street

- Type of Special Use Permit – Wind Turbine
- General Appearance – Good, climbing device is locked
- Conformity to SUP - Yes
- Recommendations – Question regarding general integrity of structure. Is there federal or often requirement for structural inspection?

Approve Yearly Special Use Permits

Motion made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved the following Special Use Permits for the year beginning September 30, 2023 – September 30, 2024.

Frank Hrycik -Type of Special Use Permit – Junkyard Permit

Alfred Kaefer -Type of Special Use Permit – Gravel Pit

SBA Communications Corp.- Type of Special Use Permit – Tower

David Kloiber - Kloiber Auto Recycling -Type of Special Use Permit – Junkyard Permit

Paul Cohn -Type of Special Use Permit – Wind Turbine

Hold Off on the following until recommendations are completed and inspected.

Buffalo Ski Club -Type of Special Use Permit – Bridge Permit

SAIA Communications Tower -Type of Special Use Permit - Tower

The following will be completed for the next Town Board Meeting

Dr. Young Type of Special Use Permit - Tower

Gene Long – Type of Special Use permit – Retail Auto Dealer

Charles McMicken – Type of Special Use Permit – Retail Auto Dealer

Keith Van Lew – Type of Special Use Permit – Mechanical Service & Minor Collision & Resale

Bldg. Insp/Code Enf. Officer, Tom Dzuilko reported that with a lack of definition in the town code book for rubbish, the town prosecutor stated that it is hard to determine how to prosecute matters. Tom will check with other towns to see what they use for a definition for rubbish.

Complaint was received for a property on Bleistein Road, the owner has passed, and the family has been putting forth in effort to clean the property up. Tom will keep a check on the progress. Two complaints received on 7009 State Road, again the owner has passed, and someone has been fixing the place up not sure if they own the property will try to make contact and check to see who owns the property, to determine who to contact for remedy.

COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick “Thanked” Alice Dzuilko and the Colden Seniors and Colden Fire Auxiliary for helping with serving refreshments after the Memorial Day parade and ceremony.

-The first concert in the summer series starts this Wednesday, June 21st at 6:30pm at the Town Gazebo.

-Colden Car Show will be taking place on Saturday, August 19th more info to come.

-St. Paul’s Lutheran Church is having a Basket Raffle on June 21, 2023, at 6pm drawing at 7pm.

-Fourth of July celebration will take place on July 1st with a concert and refreshments being sold up at Kummer Park fireworks to follow the concert.

-Highway will be asked to help setup for the event as well as the Colden Fire Company participation.

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 4th Thursday of the month, starting at 1:00pm 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

DOG CONTROL OFFICER REPORT

Councilman Robinson reported that Shannon received a call about a raccoon on Stanfield Road. A resident called about a dog loose and the owner was notified about the leash law in town. A few calls from Springville referred them to the Springville DCO. Kennel Inspections will take place on June 15th between 3-6pm.

ENVIRONMENTAL BOARD REPORT

No meeting

HIGHWAY REPORT & PARKS

Highway Superintendent Wohlhueter reported that the new freightliner truck was received today from Valley Fab.

The new highway pick up truck will be coming in next week and it will be updated with all GPS and radios.

The surplus of Truck #7 needs to be arranged. With that said we must update are agreement with Auctions International.

Approve Auctions International Agreement

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik and unanimously approved to renew the Agreement with the Town of Colden and Auctions International and surplus Truck #7.

The new 1 ton Truck was delivered to Val Fab to be outfitted and should be received sometime at the end of summer.

The new gas pumps have been completed and working out well.

Oil and stoning will take place next week on town roads.

Culvert pipe has been ordered for the park culverts up in the frisbee golf area.

INSURANCE REPORT

Councilman Robinson stated that a check was received from Comp Alliance for a High-Performance rebate in the amount of \$2,782.00.

Approve Member Participation Agreement

MOTION made by Supervisor DePasquale and seconded by Councilman Pietraszek and unanimously approved to enter into the Comp Alliance Member Participation Agreement from 7/1/2023 to 6/30/25.

Health Insurance rates came out with costs increase. Copies will be given out to employees.

LIBRARY REPORT

Councilman Hrycik reported that the Boston Library has Preschool Story Hour going on. Check out the libraries Facebook page for events and happenings.

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

Supervisor DePasquale stated that at budget time last year the Town Board included a part time summer position for the park. With that he would like to make a motion to appoint Scott Kirby as the part time summer help up at the park.

Approve Summer Help

MOTION made by Councilwoman Zurbrick and seconded by Councilman Robinson and unanimously approved Scott Kirby for summer part time help at the park at a rate of \$17.00 per with no benefits.

PLANNING BOARD REPORT

Councilman Hrycik reported that the Planning Board attended the third public meeting & workshop for the Town Comprehensive Plan Update and Farmland Protection Plan. Held on Tuesday April 25th from 6:00 – 8:00pm. The Planning Board reviewed Jeff Gerde conversion of the Glenwood Church to a single-family residence, tabled for more information.

Bruce Mohney for excavation work, welding, and fabricating, recommendation given to Town Board.

WATER REPORT

Councilman Pietraszek reported that at the present time consumption billed by Erie County Water Authority for the prior month is 1,498,000 gallons at a cost of \$5003.32 + \$332.04 = \$5335.36 expenditure.

- *ECWA water cost \$3.56/Thousand
- *Williamson Law moving to cloud app, zoom presentation on June 8, 2023
- *Greg has started replacing old meters with new T-10 data loggers. Plan is to have all replaced in 3 years.
- *Greg has been checking on the U-Dig requests
- *Residuals are good and staying in range

YOUTH/ADULT RECREATION REPORT

Supervisor DePasquale reported that the Memorial Day parade went well there was a nice turnout of soccer players and families that marched in the parade. Soccer season will be finishing up next week. This was the first time in memory that no games had to be cancelled due to rain or wet fields, but we did have to cancel due to poor air quality from the Canada wildfires. Summer program registration is going as well as recent years. Deadline will be June 17th.

Approve Summer Help and Tennis Instructor

MOTION made by Councilwoman Zurbrick and seconded by Councilman Robinson and unanimously approved Ty Ruhland and Jordan Szfranski as summer help at minimum rate and John Georger as Tennis Instructor at a rate of \$17.91 an hour with no benefits.

RESOLUTION

None

BUDGET TRANSFERS

None

TOWN CLERK REPORT

Town Clerk Kerlin reported that the Real Property Tax Law 466-C Tax exemption for Volunteer Fireman was received and filed with New York State.

SUPERVISOR'S REPORT

Supervisor DePasquale reported that last year's fireworks display cost \$6,000.00 the cost for the same show will cost \$6,500.00 this year. He would like to increase it another \$500.00 for a total of \$7,000.00 this Fourth of July. There was some discussion about spending that much on a fireworks display.

Approve Firework's Display for 2023

MOTION made by Councilman Robinson and seconded Councilman Pietraszek for fireworks display at a cost of \$7,000.00 from Skylighters of WNY on July 1, 2023.

On the Vote: Councilman Dennis Robinson - Yes
Councilman Jesse Hrycik - Yes
Councilwoman Patricia Zurbrick - No
Councilman Gerald Pietraszek - Yes
Supervisor James DePasquale – Yes

Supervisor DePasquale stated that Erie County has also passed the Fireman Exemption Tax Law as well.

Postcard has been sent out with the Concert Series and information on the Fourth of July Celebration.

PAY BILLS

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

General Fund Warrant Voucher #2023-194to #2023-244	\$ 33,300.78
Highway Fund Abstract Voucher #2023-85 to #2023-104	\$ 48,897.68
Water District Voucher #2023-21 to #2023-24	\$ 5,761.83
Lighting District Voucher #2023-08 to #2023-09	\$ 1,575.73
Refuse Fund Voucher #2023-05	\$ 26,661.37

PRIVILEGE OF THE FLOOR

No Comment

ADJOURN

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously adjourned the meeting at 9:04pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk