

TB Mtg August 10, 2023
REGULAR TOWN BOARD MEETING
COLDEN TOWN HALL – August 10, 2023

MEETING CALLED TO ORDER AT 7:00PM
SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE
FOR SANDRA SENDOR, JOHN SAMPSON, AND EDWARD TRZCINSKI, FOLLOWED
BY THE PLEDGE OF ALLEGIANCE.

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

ALSO

PRESENT: Highway Superintendent Lee Wohlhueter
Bldg. Insp/ John Kotlarsz
Bldg. Insp/Fire Insp. Thomas Dzuilko
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 Regular Town Board meeting held on Thursday,
July 13, 2023, at 7:00pm at the Colden Town Hall.

REQUEST TO BE ON AGENDA

Supervisor DePasquale stated that Bob Pyne who resides at 8698 State Road requested to be on
the agenda for tonight's meeting to address the Town Board. His concern is the speeding
vehicles and motorcycles on Route 240 in the town and pedestrian safety. Bob stated that the
number of speeding vehicles on Route 240 is getting out of hand and the disregard people have
for pedestrians walking on Route 240. With the Dollar General being added there seems to be
more pedestrians than ever walking down the street in the center of town.

Supervisor DePasquale stated that he will reach out to the Erie County Sheriffs about increasing
patrols with some enhanced radar especially around the hours of 4pm to 7pm. Possibly the NY
State Police can help as well. Even if the Sheriffs or State Police can park a car around the area
of the Post Office to deter speeding.

Discussion went on about the speed that cars, trucks and especially the motorcycles lately are
going down the road with no regard to people walking on the sidewalks and crossing the street.
Bob "Thanked" the Town Board for taking the time to listen to his complaint and for taking
action to get some help with slowing down the speed in the that area of Route 240.

Approve Speed Study on Route 240

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik and unanimously approved to have a Speed Study performed on Route 240 from Gutekunst Road to Park Street.

OLD BUSINESS - Reconsider – 8769 Lower East Hill Road Order to Remedy.
Colden Code Chapter 31 Buildings, Unsafe

Supervisor DePasquale stated that under Old Business tonight the Town Board is reconsidering the process of the Public Hearing last month for 8769 Lower East Hill Road and that at the close of the public hearing last month the Town Attorney was notified. At which time a Notice of Pendency of Action was sent to Erie County Clerk.

RESOLUTION

Supervisor DePasquale read the following resolution into record:

**TOWN OF COLDEN
COLDEN N.Y. 14033
RESOLUTION #2023-11 TO DETERMINE.
UNSAFE AND DANGEROUS PROPERTY**

WHEREAS, the Town of Colden Building Department issued an Order to Remedy Violation dated March 3, 2022, alleging that the dwelling at 8769 Lower East Hill Road is in immediate danger of collapse of the structure which endangers life. The building was posted as unsafe and occupancy has been prohibited by the Code Enforcement Officer. Said Notice directed and ordered compliance with the law and remedy of the conditions mentioned herein on or before the 3rd day of April, 2022. A second notice of an Order to Remedy the Violation dated May 11, 2023 was mailed out to the owner of the premises. Said notice identified a violation of the New York State Property Maintenance Code existing on property located at 8769 Lower East Hill Road, SBL # 243.03-1-12, which stated that the Building Inspector found that the structure and premises has any and all of the conditions or defects as listed in the New York State Property Maintenance Code being considered dangerous, ordering full compliance with the Order to Remedy within thirty days of the date directed and ordered with failure to do so subjecting the property owners to a fine of not more than \$1,000.00 per day and imprisonment not to exceed more than one year or both, and

WHEREAS, the Town Board of the Town of Colden adopted a Resolution pursuant to Chapter 31 of the Codes of the Town of Colden that property located at 8769 Lower East Hill Road, Colden, New York titled to Ronald Childs and Jean M. Childs has been found to be dangerous and unsafe by the Town Building Inspector, and

WHEREAS, the Town Board has conducted a Public Hearing held on July 13, 2023 at 7:00 p.m. for a final determination to consider affirmation, modification or annulment of the Order of the Town Building Inspector that the property is dangerous and unsafe. In the event of default by the owners, an Order may be entered to include but is not limited to causing the structure to be removed and assessing the costs and expenses thereof for the proceeding and removal of the structure against the land on which the structure is located and institute a special proceeding against the owners to collect such costs pursuant to Section 78-b of the General Municipal Law, and

WHEREAS, the publisher of the Springville Journal, a public newspaper published weekly in the Town of Colden, published a Legal Notice of Unsafe and Dangerous Property commencing on June 22, 2023, and

WHEREAS, Thomas Dziulko, Code Enforcement Officer for the Town of Colden, submitted a statement to the Town Board referencing the date of March 3, 2022, being called upon from fire dispatch in regard to a house collapse. Upon arrival to 8769 Lower East Hill Road the owner, Miss Childs was seated on the curb near the front of the house. Miss. Childs explained to the Code Enforcement Officer that she stepped out for a minute, at that point she heard a noise which was the first floor of the home collapsing into the basement. The Code Enforcement Officer inspected the house and found that the whole first floor did collapse into the basement. The utilities were notified including NYSEG and the Town Water Department. The gas had been terminated at an earlier date. Caution tape was placed around the perimeter of the property. Thereafter, several attempts were made by the Code Enforcement Officer to locate

NEW BUSINESS

Review Bids for Demolition of 8769 Lower East Hill Road

Supervisor DePasquale reviewed the following bids received:

Regional Environmental Demolition Inc.	\$20,150.00
Arric Corporation	\$35,400.00
Epic Contracting Inc.	\$28,900.00

Approve the Bid for Demolition of 8769 Lower East Hill Road

MOTION made by Councilman Hrycik and seconded by Councilman Robinson and unanimously approved Regional Environmental Demolition Inc. at a cost of \$20,150.00, to remove the demolition and removal of the house at 8769 Lower East Hill Road.

Supervisor DePasquale directed the building inspectors to contact Regional to let them know that they were awarded the bid and to coordinate the timeline for removal of the house. Also at this time the Town Board approved Aurora Environmental LLC to monitor the air sampling and project monitor visual inspection of said premise at 8769 Lower East Hill Road.

Approve Aurora Environmental LLC

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik and unanimously approved Aurora Environmental LLC for air monitoring and project monitor visual inspection services at 8769 Lower East Hill Road. At an estimated cost of \$2,350.00 and assumes weekday work up to 8 hours on site and shall be additionally billed hourly at \$65.00 an hour after 8 hours onsite/workday or for work on weekends or holidays. Billing for actual days on site and samples analyzed at unit rate.

Review and Consideration of Hold Harmless Form

Supervisor DePasquale explained that at the Colden Fire Hall when someone wants to rent or use the hall, they must sign this Hold Harmless Form. He has incorporated the form to be used for the town for use when someone wants to request the shelter at Kummer Park. The Town Board was given the form prior to tonight's meeting for review.

Supervisor DePasquale read the following form:

Town of Colden - Hold Harmless Agreement

I wish to use the facility owned and/or maintained by the Town of Colden, henceforth referred to as the Kummer Park Pavilion, for the purpose of:

I understand that I will not be charged a fee for use, and that, in consideration for allowing me to use the Town Park Pavilion, The Town of Colden expects that I will be legally responsible for all that may occur relative to my activities, and that I will further hold The Town of Colden, or any

of it's members, agents or employees, harmless for all claims of any type that might result from my activities. Specifically, I understand:

1. The Town of Colden does not supervise my activities or the facilities in any fashion. The use of alcohol is prohibited in the park. I certify that all activities will be in full compliance with any local, state, and federal laws and regulations.
2. I cannot rely upon the Town of Colden for assurances, expressed or implied, that my activities will not cause harm to me or others. By allowing me to utilize the facility, The Town of Colden is also making no assurances whatsoever that no harm will come to me, my invitees, or my guests either by my activities, or by the facility itself. I am fully responsible for ensuring that the facility is adequate to engage in my activities. This will be my sole responsibility.
3. Not only do I agree to be legally responsible and defend, indemnify, and hold harmless The Town of Colden or any of it's members, agents or employees for any harm that may come to me, my fellow members, invitees or guests as a result, direct or indirect, of the activities, or as a result of the facilities, but in consideration of the use of the facility, I further agree to defend indemnify, and hold harmless Town of Colden or any of it's members, agents or employees, my invitees, or guests for any claims, including those resulting from alleged acts of negligence on any of their part.
5. It is my known intention to provide The Town of Colden, and any of their members, agents or employees, the broadest protection against lawsuits that are available.

I have read the above information, agree to it, and have had an opportunity to ask any questions I have. If I am signing on behalf of an organization, I certify that I am authorized to agree to the terms and conditions of that agreement on behalf of the organization, and the organization's members.

Town of Colden Representative
Signature & Date

Applicant Signature & Date

Approve Hold Harmless Agreement Form

MOTION made by Supervisor DePasquale and seconded by Councilman Robinson and unanimously approved the Hold Harmless Agreement form to used when requesting the shelter at Kummer Park.

COMMITTEE REPORT

BUILDING REPORT

No report

CODE ENFORCEMENT OFFICER REPORT

Report for the month of July 2023 – Bldg. Insp/ John Kotlarsz read the following report:

- 12 Building Permits Issued
- 1 Certificate of Occupancy
- 4 Certificates of Compliance
- 3 Order to Remedy
- 1 Court Appearance (No Show)
- 3 Fire Inspection
- 2 Phone Complaints

COMMUNITY DEVELOPMENT REPORT

Supervisor DePasquale reported the following events:

-Concert Summer Series at the Town Gazebo next concert will be on August 16th with South City taking the stage.

-Colden Car Show will be taking place on Saturday, August 19th at the Colden Fire Hall, Route 240 registration from 8am-Noon, Awards at 4pm. Food, Drinks, Vendors and basket raffles. Rain date August 20th.

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 stray dog on Holland Glenwood Road, the resident was able to contain dog overnight. Followed up with her in the morning and she still had the dog. The dog was housed for 2 weeks with Holland DCO and then housed in Colden for four days before being turned over to a rescue group in Springville.

A call received about a missing cat.

Received a call about a barking dog late in the night outside in a kennel. Owner stated that the dogs only bark when they see or hear something and there was no way it would have barked that long because he would have heard the dog. Advised complaint to record the next time.

A call about a golden retriever on Holland Glenwood Road, owner was found prior to calling her back.

A call was received from a resident in Crane ridge, referred them to the Springville DCO.

Free Rabies Vaccination clinic will take place on Saturday, September 9th from 8am – 1pm at the Erie County Training and Operations Center, 3359 Broadway, Cheektowaga NY Registration is required, call 716 961-6800 or visit the erie.gov website. Also one taking place Saturday, September 16th, Buffalo Public School #84, 462 Grider Street, Buffalo NY

ENVIRONMENTAL BOARD REPORT

No meeting

HIGHWAY REPORT & PARKS

Highway Superintendent Lee Wohlhueter reported that a resolution will be needed next month to amend the highway budget to include additional CHIPS funding that was increased for this year.

Summer work and road work continues.

The 2nd and final round of road mowing will tentatively begin within a few weeks.

Lee met with town engineer regarding Murray Hill and Mill Street bridge and he is in the process of putting together different options to discuss later.

Frisbee golf foundation pads for concrete have been built.

Anticipate the delivery of the new truck #4 in the next 45-60 days. Lee will be taking the old truck to be appraised for trade in value.

A letter was sent to Rails to Trails on the findings of the Mill Street bridge, now waiting on a response back from them.

INSURANCE REPORT

Councilman Robinson reported that April Hartloff will be coming out on Thursday, August 17th to review the updates to the health insurance with eligible employees. Dennis will be in attendance and lunch will be served as well.

LIBRARY REPORT

Councilman Hrycik read a letter of “Thanks” from the Boston Library for the donation received from the Town of Colden.
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

No report

PLANNING BOARD REPORT

No report

WATER REPORT

Supervisor DePasquale 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 \$5,223.76 + \$332.04 = \$5,555.80 expenditure.

*ECWA water cost \$3.55/Thousand

*Williamson Law moving to cloud app start date 2025. Prices will be available soon for budgeting.

*Continue to rebuild meters as we replace radios with T-10 radios.

*Ross valve repaired both pressure reducers on hill and behind Town Hall.

*A water line was shut off at north end of Gutekunst Road, it was believed to be hit by Erie County grass mowing, was not marked. Called Sergi in to dig up and repair, water back on.

YOUTH/ADULT RECREATION REPORT

Supervisor DePasquale stated that three bids were received for the concrete pads to be placed on the stone forms for frisbee golf:

J & H Concrete and Hardscapes LLC	\$15,552.00 (Donating all Labor)
J Pearce and Son, Inc.	\$35,600.00
Southtown's Concrete, Inc.	\$34,714.00

Supervisor DePasquale stated that he contacted J Pearce and Southtown's Concrete to let them know that J & H Concrete and Hardscapes had donated their labor and if they would want to donate labor as well. Before the quotes were reviewed both declined to donate their labor. With that noted and since J & H Concrete and Hardscapes are in town, he thinks it would be nice to go with a company located in town.

Approve Frisbee Golf Frisbee Golf Concrete Pads

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik and unanimously approved J & H Concrete and Hardscapes LLC at a cost of \$15,552.00, to pour 18 tee boxes 6feet by 12feet, 4 inches thick with wire mesh and 4500 PSI concrete. They will also be donating the labor at no cost.

BUDGET TRANSFERS

None

TOWN CLERK REPORT

Town Clerk Kerlin reported that hunting licenses have started to go on sale along with deer management permits.

SUPERVISOR'S REPORT

Supervisor DePasquale reported that he attended a bridge dedication on Saturday, August 5th, in the Town of Holland for the Kalinowski Brothers Memorial Bridge. The five brothers from Holland, John, Matthew, Chester, Alfred, and Leonard all served in the military, they all grew up on the family farm on route 16 in Holland. Supervisor DePasquale shared some words about Alfred Kalinowski at the event, Al was a Town Justice in the Town of Colden, others in attendance were Holland Supervisor Geoff Hack, Assemblyman David DiPietro, and Senator Patrick Gallivan along with several family members.

PAY BILLS

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

General Fund Warrant Voucher #2023-302 to #2023-357	\$ 23,202.07
Highway Fund Abstract Voucher #2023-130 to #2023-138	\$ 48,726.08
Water District Voucher #2023-30 to #2023-39	\$108,885.01
Lighting District Voucher #2023-12 to #2023-13	\$ 1,559.33
Refuse Fund Voucher #2023-07	\$ 26,071.36
Cares Act Voucher #2023-04 to #2023-08	\$ 7,297.72

PRIVILEGE OF THE FLOOR

No comment

ADJOURN

MOTION made by Councilman Hrycik and seconded by Supervisor DePasquale and unanimously adjourned the meeting at 8:35pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk