

TB Mtg September 14, 2023
REGULAR TOWN BOARD MEETING
COLDEN TOWN HALL – September 14, 2023

MEETING CALLED TO ORDER AT 7:00PM
SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE
FOR LISA KIRSCH, STEPHEN HORVATH, RICHARD COLLINS AND ALL VICTIMS OF
9-11-2001, 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 Wohlhueter
Bldg. Insp/Fire Insp. Thomas Dzuilko
Town Clerk Christina Kerlin
Approximately 4 Residents

REGULAR TOWN BOARD MEETING

MINUTES:

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik and
unanimously accepted the minutes for the Regular Town Board meeting held on Thursday,
August 10, 2023 at 7:00pm at the Colden Town Hall.

OLD BUSINESS - Speed Study Request for Route 240 from Gutekunst Road to Park Street
Supervisor DePasquale stated that a request for a speed study has been sent to the New York
State DOT for Route 240 from Gutekunst Road to Park Street, waiting on the results.

NEW BUSINESS – Address Sign Project

Supervisor DePasquale stated that Councilman Robinson is looking into a town wide house
number sign program. Talking with the Town of Holland on how they ran the program, the cost
of the program and who helped with the project. The funding of the project has been approved by
the Town Board with CARES Act monies.

COMMITTEE REPORT

BUILDING REPORT

Supervisor DePasquale reported that all the buildings are fine and were used over the weekend for the Colden Art Festival with no problems.

CODE ENFORCEMENT OFFICER REPORT

Report for the month of August 2023 – Bldg. Insp/ Tom Dzuilko read the following report:

- 13 Building Permits Issued
- 2 Certificate of Occupancy
- 9 Certificates of Compliance
- 1 Court Appearance
- 3 Fire Inspection
- 1 Phone Complaints
- 1 Building Reported to Town Board as Unsafe
(Baker House – State Road)

Approve Special Use Permit Renewal Buffalo Ski Club Bridge

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved the Special Use Permit renewal for Buffalo Ski Club Bridge effective September 30, 2023 to September 30, 2024.

Tom also gave updates on the following:

Jean Childs, 8769 Lower East Hill Road. Home demolition went well all has been removed and reports have been filed.

A fence was erected at 9834 State Road, the fence is right on the boundary line and is facing the wrong way the bad side faces the neighbor. There has been a neighbor dispute going on between the two residents. The neighbor who did not put the fence up was contacted and stated that he does not care that the fence is facing the wrong way, he just wants the neighbor to leave him alone.

A resident at 8736 Lower East Hill Road will be coming in for a Special Use Permit.

The issue with the cows on Lewis Road that has been ongoing in court was heard last Monday, the cows need to be housed elsewhere and the case will remain open for six months.

COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrck reported the following events:

Free Lunch

BOLO holds a free lunch once month with a guest speaker, 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

Councilwoman Zurbrick stated for the record a huge “Thank you” to the anonymous person who donated a cart and wagon to the Colden Fire Company Auxiliary for when they go to fire calls. It is going to be beneficial to the auxiliary.

DOG CONTROL OFFICER REPORT

Supervisor DePasquale read the following report from DCO Shannon Miller who received a call from a local adjuster about getting her side of the story on a dog bite incident on June 11th.

*Received a call from a gentleman who had a bat in the house, she gave him a phone number to call.

*A call was received about a neighbor's dog coming over and jumping in his pool while he had a party going on, when she called back the dog had returned home.

*A call was received from Channel 7 about the emu that had been wandering around town and he asked if I had any comment. She told him that she did not have any knowledge other than what has been said on social media.

ENVIRONMENTAL BOARD REPORT

Councilman Pietraszek reported that the Environmental Board reviewed the SEQR for the Town of Colden's Agriculture & Farmland Protection Plan. The Planning Board will review and send their recommendation to the Town Board.

HIGHWAY REPORT & PARKS

Highway Superintendent Lee Wohlhueter reported that he has taken delivery of the 2023 F450, Valley Fab did a great job outfitting the truck.

*Phase One of the Maltby Road reconstruction is under way. Tree removal has been done drainage and shoulder work is going on right now. Next will be reprofiling the road tentatively next week and chip sealing the following week and preparation of paving the road next year.

*Final round of road grass mowing is under way and anticipate completion by mid-October.

*A resolution will be introduced later at tonight's meeting to increase the Chips revenue.

*As far as the Parks the 18 tee pads are done and concreted in at the Frisbee Golf Course.

INSURANCE REPORT

Supervisor DePasquale stated that the new health insurance went into effect and there have been no problems.

LIBRARY REPORT

Councilman Hrycik reported that the following:

West Falls Library will hold a Refine Your Writing Class held on Friday, October 20, at 10:30 am.

* A Basic Defense Class will be held September 27th, at 6:30pm, No charge

Boston Library will hold a Lego Club on Tuesday, September 19th, October 24th, November 21st, December 19th. From 5:30pm – 7:00pm, registration required.

*Preschool story Hour will be starting up call for more info.

Check out the Library's 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

Councilman Pietraszek reported that at the present time consumption billed by Erie County Water Authority for the prior month is 1,671,000 gallons at a cost of \$5,581.14 + \$332.04 = \$5,913.18 expenditure.

*ECWA water cost \$3.54/Thousand

*Williamson Law moving to cloud app start date 2025. Prices will be available soon for budgeting. They will support desktop for 1-2 yrs. Yet.

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

*Lower East Hill demo completed, meter retrieved, water billed and paid

*Minimal flushing this year due to ECWA solving their chlorination of the lines.

*Ross valve repaired the main masters' valves on the hill. Need rebuilding about every 5 years.

YOUTH/ADULT RECREATION REPORT

Supervisor DePasquale reported that a Yoga Class will start on Wednesday's at 7pm from 10/11 – 11/15 the cost is \$65 for a 6-week session.

BUDGET TRANSFERS

None

RESOLUTION

Supervisor DePasquale read the following resolution:

**TOWN OF COLDEN
COLDEN N.Y. 14033
RESOLUTION #2023-#12**

**MODIFICATION OF THE 2023 TOWN OF COLDEN ADOPTED ANNUAL BUDGET
HIGHWAY FUND**

WHERE AS, the appropriated amount in the 2023 budget for line DA5112.4 was \$106,532.00.

WHERE AS, in increase was given to the NYS DOT CHIPS Program DA5112.4.

WHERE AS, the increase was not expected and not included in the 2023 budget.

WHERE AS, the total cost of Highway line DA5112.4 for the year 2023 was \$106,532.00

WHERE AS, \$8,684.00 additional revenue was added to the 2023-2024 NYS DOT CHIPS Program for the Town of Colden Highway Funds

WHERE AS, an additional 8,684.00 will be added to budget line DA5112.4 CHIPS

NOW, THEREFORE BE IT RESOLVED, the Town Board of Colden modifies the 2023 Highway Fund Budget.

BE IT FURTHER RESOLVED, the Colden Town Board does hereby.

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik,

On the Vote: Councilman Dennis Robinson - excused
Councilman Jesse Hrycik - yes
Councilwoman Patricia Zurbrick - yes
Councilman Gerald Pietraszek - yes
Supervisor James DePasquale – yes

TOWN CLERK REPORT

Town Clerk Kerlin asked for approval for Deputy Town Clerk Jusiak to run an ad for the Deputy Town Clerk position in 2024.

Approve Ad for Deputy Town Clerk Position

MOTION made Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved for Deputy Town Clerk Jusiak to advertise for a Deputy Town Clerk for the year 2024.

SUPERVISOR'S REPORT

Supervisor DePasquale reported that Town Clerk Kerlin will need to advertise for a public hearing for Local Law Tax Cap Override, the 2024 Town Budget Workshop and for the 2024 Community Development Block Grant.

Approve Public Hearing: Local Law 2023 - #01 to Override the Tax Cap

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved to advertise for a Public Hearing for Local Law 2023 - #01 to Override the Tax Cap for October 12, 2023, at 7:00pm at the Colden Town Hall.

Approve to advertise for the 2024 Town Budget Workshop and CDBG Projects

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik and unanimously approved to advertise a Town Board workshop for the 2024 Town Budget and to consider CDBG projects to take place on October 5, 2023, at 6pm at the Colden Town Hall,

Approve Public Hearing for CDBG Projects

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved to advertise a Public Hearing for Community Development Block Grants projects for 2024.

*Mill Street bridge update after talking with the Town Attorney he stated that it is the railroad's responsibility since they handed it over to Rails to Trails and we are now waiting for a response.

*The Colden Festival went well, and the turn was great there was around 57 vendors with good feedback from them as well. The Colden Fire Company participated as well selling hot dogs, sausage, and pop.

*Judge Schneider will be attending a training seminar out of town from October 1st through October 4th.

Supervisor DePasquale read the following:
PUBLIC NOTICE

**30-DAY PERIOD FOR INCLUSION OF
PREDOMINANTLY VIABLE AGRICULTURAL LANDS
INTO EXISTING AGRICULTURAL DISTRICTS**

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerks, Assessors, and Chief Elected Officials for distribution to interested landowners. The application is also available online at www.erie.gov/agenrollment.

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

CONTACT:

Sarah Gatti, Principal Planner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202
Phone: (716) 858-6014
Fax: (716) 858-7248
Email: agriculture@erie.gov

PAY BILLS

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

General Fund Warrant Voucher #2023-358 to #2023-400	\$ 52,646.39
Highway Fund Abstract Voucher #2023-139 to #2023-161	\$ 61,939.75
Water District Voucher #2023-40 to #2023-48	\$ 12,661.92
Lighting District Voucher #2023-14 to #2023-15	\$ 2,030.51
Refuse Fund Voucher #2023-08	\$ 26,609.26
Cares Act Voucher #2023-09 to #2023-10	\$ 16,070.74

PRIVILEGE OF THE FLOOR

Lisa Carr addressed the Town Board wondering if Rails to Trails is coming through Colden because she was contacted about mowing that will be started and fixing of the railbed. She is concerned about people going through her back yard, there has already been some thefts next door to her as well as down the road from her home.

Supervisor DePasquale stated that he was notified from Colden Elementary School about a project with rails to trails starting at Route 240 to the bridge on Boston Colden Road to the school. The project is funded by NYS Parks and Recreation. Which is separate from Erie County

Rails to Trails system. The Planning Board Chairman has been in contact with Erie County Rails to Trails about the process for which they would have to take with a Change of Use in the Town of Colden. The town does have 2 resolutions of non-support that still stand against Rails to Trails coming through town.

There was also discussion about the erosion on the creek behind the school and homes along the Cazenovia Creek throughout the town.

ADJOURN

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously adjourned the meeting at 8:37pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk