

TB Mtg October 12, 2023
REGULAR TOWN BOARD MEETING
COLDEN TOWN HALL – October 12, 2023

MEETING CALLED TO ORDER AT 7:02PM

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR JOAN M. LOEWKE, JANE WILDE, AND KEITH KENGOTT, 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
Deputy Town Clerk Deborah Jusiak
Approximately 5 Residents

REGULAR TOWN BOARD MEETING

MINUTES:

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved the minutes for the Regular Town Board meeting held on Thursday, September 14, 2023, at 7:00pm and the 2024 Budget Workshop on Thursday, October 5, 2023 at the Colden Town Hall.

OLD BUSINESS: None

NEW BUSINESS: None

PUBLIC HEARING:

1. 2024 CDBG GRANT FUNDING

Supervisor DePasquale opened the Public Hearing at 7:04p.m.

Supervisor DePasquale stated that the CDBG is strictly income based, and that the Senior Center building meets the parameter for which the criteria lists. The Town Board discussed at the budget workshop the following projects for the Senior Center a generator and replacing the accessible entrance and front steps as well as Rural Transit Van Service.

The Senior Center could benefit by having a generator if there was ever a need to have people gather for a time due to a disaster or emergency situation. Residents whose power might be out for a length of time during a terrible event that need power for their oxygen or some type of medical equipment or just to stay warm.

One comment was made by resident Joan Montgomery about having the center and sides of Heath Road striped. At night it is very difficult driving without the lines on the road.

Supervisor DePasquale stated that would not be something that would qualify for the CDBG.

Highway Superintendent Wohlheuter explained that the road is not striped due to how expensive it is along with the road is oiled and stoned therefore the lines would fade quickly with the oil and stoning.

Councilman Robinson will be meeting with a contractor on Monday, October 16th, to obtain a quote for a generator at the Senior Center.

Supervisor DePasquale closed the Public Hearing at 7:09p.m.

TOWN OF COLDEN
COLDEN, N.Y. 14033
RESOLUTION #2023
2024 COMMUNITY DEVELOPMENT GRANT FUNDS

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik, and to authorize Supervisor James P. DePasquale to sign, submit and execute a contract for the 2024 Erie County Development Grant Program for the following projects.

- 1) Generator for Senior Center, 8811 State Road, Colden, 14033
- 2) Replace the Accessible Entrance and Front Steps at Senior Center, 8811 State Road, Colden, 14033
- 3) Rural Transit Van Service

Duly adopted this 12th day of October 2023, by the following vote.

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

2. PROPOSED LOCAL LAW – 2024 TAX CAP OVERRIDE

Supervisor DePasquale opened the Public Hearing at 7:09p.m.

No Comments

Supervisor DePasquale stated that New York State brought the tax levy in about 6 years ago and 1.68% violates the tax cap. Our refuse contract goes up 2.5% a year which throws us over the cap, also our water district being as small as it is throws us as well. That is why we pass this now to stay financial secure.

Supervisor DePasquale read the following resolution.

**RESOLUTION APPROVING ADOPTION OF LOCAL LAW
IN RELATION TO THE TAX LEVY LIMIT**

WHEREAS, General Municipal Law Article 2, Section 3-c places a limit upon real property tax levies by local governments, and

WHEREAS, General Municipal Law Section 3-c(5) provides for a local government to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, provided the governing body of such local government first enacts, by a vote of two-thirds (2/3) of the total voting power of such body, a local law to override such limit for such coming fiscal year only, and

WHEREAS, the proposed budget is required to accurately appropriate funds in the operation of the Town with an unprecedented increase in costs such as highway salt, medical coverage, New York State pension costs and others, and

WHEREAS, it is required to adopt a Local Law to override the tax levy prescribed by General Municipal Law Section 3-c, and

WHEREAS, the Town has complied with the provisions of New York Municipal Home Rule Law regarding the requirements for adoption of the Local Law including a Public Hearing.

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby approve and enact Local Law 02-2023 providing for an override of the tax limit prescribed by General Municipal Law Section 3-c for the fiscal year 2024, and be it further

RESOLVED, the Town Clerk is hereby directed to immediately file the Local Law with the New York Secretary of State.

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik.

Duly adopted this 12th day of October, 2023 by the following vote.

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

CHANGE OF USE:

Jeff Gerde, 9386 State Road, Glenwood NY 14069

Supervisor DePasquale stated that Jeff Gerde put in for a Change of Use on March 7, 2023 at 9386 State Road changing a church over to a single family dwelling.

Erie County Site Plan came back with no action required determined to be of local concern.

SEQR form was filled out and the Environmental Board reviewed Part 2 and answered questions 1-11 with no, or small impact may occur, and signed by Linda Antkowiak.

Approve SEQR Form for Jeff Gerde, 9386 State Road

Motion made by Councilman Hrycik and seconded by Councilwoman Zurbrick and unanimously approved the SEQR form Part 3 to be signed by Supervisor DePasquale as the Responsible Officer in Lead Agency.

The Planning Board report came back with their findings regarding the application and all the questions they had for Mr. Gerde were answered over the course of a couple of meetings. All paperwork has been submitted.

Supervisor DePasquale asked Mr. Gerde if he planned to sale or rent out the single-family dwelling.

Mr. Gerde answered that he will be putting it up for sale.

Planning Board Chairman Walt Kammer basically stated that even thou it is in R-2 and a duplex is allowed with this piece of property the lot of record only allows for a single-family home and the Planning Board looked at the code and covered this quite well.

Mr Gerde thanked the Planning Board for all their help and efforts through the processes and helping him with this Change of Use.

There were no questions from the Buildings and Code department as well as from the Highway Superintendent.

Supervisor DePasquale asked Mr. Gerde if he understood all the conditions relating to the Change of Use being a single-family house.

Mr. Gerde stated that he understood and wanted to know if it was possible to have an Air BNB.

Supervisor DePasquale stated Yes, an Air BNB would be allowed there is nothing in the Town Code on Air BNB.

Councilwoman Zurbrick asked Mr. Gerde what he was going to do with the church doors.

Mr. Gerde replied that the doors came from the Wells Fargo Mansion, and they had no interest in having the doors back. There is a person in New Port, RI who might be interested in the doors. The doors would not be destroyed he stated that he would hang on to them until they were sold.

Supervisor DePasquale asked Mr. Gerde again if he could except the condition of the Change of Use that the church could only be changed to a single-family dwelling.

Approve Change of Use Jeff Gerde- 9386 State Road

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved the Change of Use for Jeff Gerde at 9386 State Road from a church to a single-family dwelling.

COMMITTEE REPORT

BUILDING REPORT

Supervisor DePasquale reported that Kayla will be working on the lights in the elevator at the Senior Center. Walt was “Thanked” for donating desks for the supervisor’s office and book shelves for the Senior center.

CODE ENFORCEMENT OFFICER REPORT

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

12 Building Permits Issued
1 Temporary Certificate of Occupancy
7 Certificates of Compliance
3 Fire Inspection
24 Hours of School John Kotlarsz

Tom also gave updates on the following:

The Commonwealth has been having a difficult time turning out certificates. The lag time is 8-10 months especially with pools installed and generators.

In rem auction was held by Erie County and some properties were turned back over to the owners.

A complaint was received about a house on Boston Colden Road, the house was up for In Rem auction and no bid was received. The owner of the home will be served an Order to Remedy from the Code Enforcement officer.

Shirley Baker's house was sold at the auction. The CEO's will keep a watch on that place to see if the new owners will be cleaning up the property.

A house on Bleistein Road that had a complaint a while back, the family has been chipping away cleaning up the property.

COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrck reported the following events:

Colden Fire Company Meat Raffle will take place on Saturday October 21, at 6pm the cost is \$5.00.

Mike Willibey will be camping out at Colden Veteran's Memorial Park the weekend of November 3rd with a ceremony on November 5th. The ceremony will be a huge event this year with the Grand Lodge from New York City attending this year from the Living Stone Masonic Lodge and a dedication of a bench being presented from The Battle Within Foundation. More info coming on the event. People are urged to come out for the event.

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

DOG CONTROL OFFICER REPORT

Supervisor DePasquale read the following report from DCO Shannon Miller who received a call about a dog tied up outside and the dog had been barking all day. Turns out it was from another town when calling her back she never answered.

A resident from Boston called to see if anyone reported picking up a Jack Russell Terrier.

A couple of calls received about missing cats.

ENVIRONMENTAL BOARD REPORT

No report

HIGHWAY REPORT & PARKS

Highway Superintendent Lee Wohlhueter reported the following:

*Road mowing will be wrapping up soon.

*Phase 1 of Maltby Road has been completed

*Highway Department patched up broken sidewalks on Boston Colden Road by the Colden Elementary School.

*Currently working on getting plow trucks harnessed up and ready for winter which includes any necessary repairs, preventative maintenance, and when completed they will be undercoated.

*Approval is needed for the seasonal closing of Murray Hill Road and the posting for not plowing snow across the road.

Approve the Seasonal Closing of Murray Hill Road and Notice of Snow on the Right of Way

Motion made by Supervisor DePasquale and seconded by Councilman Hrycik and unanimously approved for Town Clerk Kerlin to advertise in the Springville Journal for the seasonal closing of Murray Hill Road from 8958 Murray Hill Road, Jarek Anderson residence to 8743 Murray Hill Road, Tom & Michelle Roberts. Notice of Snow on the Right-of-Way and Property Owners Mailboxes.

*Approval to reorder Freightliner truck #6 because the original date being bumped putting the new model and chassis to a new year with an increase of \$3,435.00. Bringing the new price to \$153,829.00 with a new anticipated build date between January – March,

Approve to Withdraw the Purchase of a 2024 Freightliner

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved to withdraw the approval of the purchase the 2024 Freightliner that was approved on December 16, 2022.

Approve the Purchase of 2025 Freightliner 114SD

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved the purchase of a 2025 Freightliner 114SD Plus with an increase of \$3,435.00 from the previous approved purchase price \$150,394.00 for a total of \$153,829.00.

Councilwoman Zurbrick stated that what will stop the companies from doing this again to the purchase price of a new vehicle.

Highway Superintendent Wohlhueter stated that there are no guarantees, all towns are having the same problems.

Councilman Hrycik stated that even the private sector is having the same problems. The companies keep using Covid as a reason and that is not a good reason anymore as it was three years ago.

*Parks Report – The park is winding down and tentative winterization of bathrooms will be around November 1st.

Kalei will check on the lights all around outside at the Senior Center and the lights in the elevator.

*Scott Kirby sent an email to Supervisor DePasquale with an update from U-Disk for the month of September 32 players with 126 rounds and 56 visited the course. The sign that was stolen has been replaced and cemented into the ground.

INSURANCE REPORT

No report

LIBRARY REPORT

Councilman Hrycik reported that the following:

West Falls Library will hold a craft for making Halloween theme cards and a handmade Xmas tree.

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

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

Councilwoman Zurbrick reported that Planning Board Member Jaqueline May has submitted her resignation effective December 31, 2023. There is also an ad out for the Deputy Town Clerk position.

Accept Resignation

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved to accept the resignation letter from Jaqueline May from the Planning Board.

PLANNING BOARD REPORT

Councilman Hrycik reported that the Planning Board reviewed the Change of Use for Mr. Gerde at 9836 State Road and submitted a report to the Town Board. They have also met with Rotella Grant writers to brainstorm some projects for some grants for the town. A workshop will be planned to discuss projects for upcoming grants.

WATER REPORT

Councilman Pietraszek reported that at the present time consumption billed by Erie County Water Authority for the prior month is 1,501,000 gallons at a cost of \$5,013.34 + \$332.04 = \$5,345.38 expenditure.

*ECWA water cost \$3.56/Thousand

*Neptune moving to cloud app start of 2024. Price planned into budget; agreement signed for change in 2024 after billing.

*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 was here and repaired the main master valves on the hill. Need rebuilding about every 5 years due to wear and tear.

*Relevy letters sent to 33 accounts

*Letter from ECWA granting our request for waiver of asbestos monitoring thru December 31, 2032

YOUTH/ADULT RECREATION REPORT

Asst. Rec Director Carrie DePasquale reported that there is currently a yoga and sound bath program going on in adult recreation.

Rec would like approval to purchase a Gaga Ball Pit for the park. This is a very active and popular game with kids. Up to 24 kids can play at one time in the 20' size pit.

Approve Purchase of Gaga Ball Pit

MOTION made by Councilwoman Zurbrick and seconded by Supervisor DePasquale and unanimously approved the purchase of a 20' diameter Gaga Ball Pit at a cost of \$1,643.00 from Practice Sports.

There will be a Scavenger Hunt through the businesses in town and Trunk or Treat at the Colden Town Hall the event is October 28th from 1pm-5pm.

Rec dept will be purchasing corn hole boards for the rec department, they are planning a corn hole event at the senior center for teenagers. More info coming.

There was also discussion about combining the town's Christmas event and the Colden Fire Company Christmas event.

BUDGET TRANSFERS

None

RESOLUTION

Supervisor DePasquale reported that the Master Plan is being developed for future actions within the town. Therefore, the proposed project to prepare a Parks and Recreation Master Plan, which would enable the town to develop a strategy and identify future actions to improve and expand the Parks and Recreation plan for the Town of Colden. The proposed grant application involves the preparation of a Parks and Recreation Plan for the Town of Colden for future projects.

Approve the Application to be Signed and Submitted

MOTION made by Councilman Hrycik and seconded by Councilwoman Zurbrick to approve Supervisor DePasquale to sign and submit the Municipal Planning Grant Application for the Parks and Recreation Master Plan Grant.

Duly adopted this 12th day of October, 2023, by the following vote.

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

TOWN CLERK REPORT

Town Clerk Kerlin asked for approval to advertise the Public Hearing for the 2024 Preliminary Budget for the Town of Colden.

Approval to Advertise Public Hearing for 2024 Preliminary Town Budget

MOTION made by Supervisor DePasquale and seconded by Councilman Pietraszek and unanimously approved to have Town Clerk Kerlin advertise the Public Hearing for the 2024 Colden Town Preliminary Budget in the Springville Journal.

SUPERVISOR'S REPORT

Supervisor DePasquale reported that there were a couple of complaints that were submitted about speeding on Route 240 between Stanfield Road and Park Street. There was a speed study submitted and the results came back, and NYS Department of Transportation determined that they will not reduce the existing speed limit on NY 240 at this time. The letter is on file in the Town Clerk's office.

There were several complaint forms submitted to the Town Board about speeding on Hayes Hollow Road between Irish Road and Blanchard Road. A speed limit sign of 55MPH was just put up in that area and neighbors are concerned about the traffic speeding down the road with all the people that walk and ride bikes on that road.

Approve Speed Study on Hayes Hollow Road

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved to have Town Clerk Kerlin submit a speed study to Erie County for Hayes Hollow Road between Irish Road and Blanchard Road.

PAY BILLS

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

General Fund Warrant Voucher #2023-401 to #2023-433	\$ 13,933.66
Highway Fund Abstract Voucher #2023-162 to #2023-179	\$140,863.94
Water District Voucher #2023-49 to #2023-54	\$ 5,677.12
Lighting District Voucher #2023-16 to #2023-17	\$ 2,107.84
Refuse Fund Voucher #2023-09	\$ 26,854.26
Cares Act Voucher #2023-11	\$ 11,005.41

PRIVILEGE OF THE FLOOR

Lisa Carr from State Road asked if there were any updates on Rails to Trails coming through town. Her concern is the people that will not stay on the trail and there have already been thefts at some homes.

Supervisor DePasquale stated at this time the Colden Elementary School has a grant that they received from NYS Parks and Recreation that will open the trail from the school on Boston Colden Road down to the railroad corridor to State Road at Park Street. The purpose of the grant was for children to be able to ride a bike to school and use that trail to the school's bike path. The Town of Colden still has two resolutions of non-support for Rails to Trails within Colden. Also, the Erie County Rails to Trails Board and members are aware that the Town of Colden requires a Change of Use before they can open the trail. Which will let the town put restrictions and stipulations on the Rails to Trails. There was more discussion on the Rails to Trails and what or if could stop them from coming through with the trail.

ADJOURN

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

Respectfully submitted,

Christina M. Kerlin
Town Clerk