

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE IN MEMORY OF KATHLEEN REDMOND, HERBERT LOUNSBURY JR, FLORENCE OMPHALIUS, AND LEONARD PIJANOWSKI FOLLOWED BY THE PLEDGE OF ALLIEGIANCE

PRESENT

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

ALSO PRESENT

CEO Thomas Dziulko
Planning Board Chairman Walter Kammer
Highway Superintendent Lee Wohlhueter
Asst Recreation Director Carrie DePasquale
DCO Michelle Zak
Town Clerk Deborah Jusiak
Approximately 1 resident

MINUTES TO BE APPROVED

Councilwoman Zurbrick requested a vulgar asterisked comment be deleted from the Draft August 8, 2024, Town Board Meeting minutes. Supervisor DePasquale said upon conferring with the Town's attorney, statements made "**For the record**" pertain only to the Town Board's requests. He advised amending the minutes to remove the vulgar statement but having the comment be available upon request.

MOTION made by Councilwoman Zurbrick, seconded by Councilman Pietraszek, and unanimously approved the vulgar statement to be removed from the minutes but remain available upon request.

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved to accept the minutes as amended above from the Regular Town Board Meeting and Town Board Workshop held on August 8, 2024.

REQUEST TO BE ON THE AGENDA

Supervisor DePasquale introduced Vivian Jagoda of 9134 Blanchard to the Town Board. Vivian attended the meeting because she wanted to give public accolades to two departments of the Town. She commended the Highway Department on their quick and helpful replacement of her driveway culvert, citing their professionalism, high-quality work, and friendliness. She also praised Code

Enforcement's John Kotlarsz for his help with a construction project that was started at her home without a permit. She reported that he shut down her contractor until a permit was obtained, ensured Town standards were followed and confirmed utilities were marked prior to digging. She was grateful for his inspections and ensuring that she would not be taken advantage of by her contractor.

OLD BUSINESS

None

NEW BUSINESS

None

DEPARTMENT REPORTS

BUILDINGS

Supervisor DePasquale reported on the following building projects:

1. The highway roof project design was submitted to Nussbaumer & Clarke for review and will be put out for bid. Planning Board Chairman Kammer has been helping to coordinate this project.
2. Parks Worker Scott Kirby has submitted a plan for winterizing the Park Building. The project includes adding a wood stove and piping, installing a new window, and adding R30 insulation to the ceiling this year and installation of a concrete floor next year. Kirby's estimate for this year's work is approximately \$2,100. The Town Board discussed whether adding a wood stove would cause additional insurance liability, ensuring the new window is large enough to be an additional point of egress, flammable materials removal from the building when the wood stove is in use, and possibly installing a concrete floor this year so the wood stove won't need to be moved. Supervisor DePasquale stated the insurance company will accept a certified wood stove and recommended Kirby use extra insulated stove piping along the building's exterior. Kirby will provide the final costs of all the proposed improvements by receiving 3 estimates for the concrete floor. Supervisor DePasquale said the project costs will be paid from buildings contractual or capital outlay as a building improvement project. Councilwoman Zurbrick suggested the Board approve a "not-to-exceed" limit so Kirby can get started with the insulation.

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik, and unanimously approved a "not-to-exceed" limit of \$2,500 for the Parks Building improvement and getting 3 bids for a concrete floor so Kirby can begin the project.

3. Supervisor DePasquale read the minutes from the Community Development Block Grant (CDBG) Senior Center generator bid opening held at Town Hall on Wednesday, September 4, 2024, at 10:30:

PRESENT: Supervisor DePasquale
Councilman Robinson
Town Clerk Jusiak

Councilman Robinson opened the bids at 10:34 am

Bids were received from:

- COMMERCIAL POWER SYSTEMS – 48kW Commercial Generator Installed- \$57,248.00
- LAKESHORE EQUIPMENT – 48 kW Commercial Generator Installed - \$43,194.00
- FREY ELECTRIC – no bid

Councilman Robinson will report the results to the contractors and Principal Planner Marie Thornton of Erie County Dept of Planning and Environment.

Bid closing at 10:37 am

MOTION made by Councilwoman Zurbrick, seconded by Councilman Hrycik and unanimously approved to accept Lakeshore Equipment's bid of \$43,194.00 for a 48-kW generator, project to be paid by the Town and reimbursed by Erie County.

4. There is a large dead tree behind the Town Hall that needs to be removed. Supervisor DePasquale was going to get 3 bids to have it taken down, but Councilman Hrycik volunteered to have his business, Evergreen of WNY, take the tree down for free and suggested the Town Highway Department dispose of it. Highway Superintendent Wohlhueter said he would contact shared services for a grapple truck and Councilman Hrycik will coordinate the removal with Superintendent Wohlhueter.

CODE ENFORCEMENT REPORT

Report for the month of August 2024 – CEO Dziulko read the following report:

- 14 Building Permits Issued
- 9 Certificates of Compliance Issued
- 3 Fire Inspections

CEO Dziulko reported that there are some new builds and additions to begin shortly. He also reported that during an unplanned inspection on Holland Glenwood Rd, a large dog jumped on his car leaving scratch marks. Supervisor DePasquale said since the dog was defending his own property, the homeowner is not responsible and suggested CEO Dziulko speak with Keith Van Lew about having the scratches buffed out and coordinate payment with the Town.

COMMUNITY DEVELOPMENT

Councilwoman Zurbrick reported on the Concord Veterans Care Project opening on Main St. in Springville. A Grand Opening fundraiser at the Concord Fire Hall featuring a basket raffle, 50/50 and non-profit vendor fair is scheduled for Saturday, September 21, 2024, from 11 am – 5 pm. For more information contact Jessica Steele at 716-264-3516.

Councilwoman Zurbrick also reported on the successes of BOLO's 5k race and backpack program. She reported that BOLO's free Lunch and Learn has been cancelled for September but will resume on Monday, October 21, 2024, and Trunk-or-Treat at BOLO and at the Town Hall Parking Lot is tentatively scheduled for October 26, 2024. Non-perishable donations for the outdoor pantry at BOLO are needed, hearty soups, pastas and sauces are especially appreciated. She also asked that the following information to be added to the minutes:

Feed More Mobile Food Truck:

The Feed More Food Truck Giveaway will be held on the 4th Thursday each month at the Colden Fire Hall.

Gabe's on the Hill Hours:

Tuesday, 10am – 4pm

Wednesday, 10am – 4pm

Thursday, 2pm – 5pm

Friday, 10am – 4pm

Saturday, 9am – 2pm

Food Pantry Hours:

Thursday, 3pm – 5pm

Saturday, 9am – 11am

DOG CONTROL

8/13/24 3:34 pm DCO Zak received a phone call from residents of 9682 Heath Road about their neighbors' new dog that keeps wandering into their yard. Their own dogs get worked up when they see the dog in their yard and it's causing property damage. DCO Zak visited the neighbor and explained the Town Code for dogs-at-large and they promised to be more diligent with the dog. Zak explained the next step would be a formal complaint.

8/29/24 A resident on State Road called to ask how to handle her neighbor's dog coming into her yard. She wanted to deal with it on her own before involving dog control. DCO Zak told her to talk to her neighbor and explain the Town Code for dogs-at-large and if it continues, she can file a complaint. She will keep DCO Zak informed if it doesn't go well.

Supervisor DePasquale reported that the DCO Zak performed two Special Use Permit (SUP) Kennel Inspections:

1. Diane Farish of 10025 Patridge Rd A kennel reinspection was performed at 10025

Partridge Rd on September 4, 2024. The site did not pass inspection during the initial visit on July 22, 2024, so DCO Zak provided a list of tasks needed to pass inspection. Zak said upon reinspection, everything on the list was done and she approved the Kennel Inspection.

2. Melissa & Joe Wales of 8549 Blanchard Rd DCO Zak performed the Wales' Kennel Inspection on September 11, 2024. She reported finding a functioning electric fence and indoor kennels. She had no issues and approved the Kennel Inspection.

MOTION made by Councilman Hrycik and seconded by Councilwoman Zurbrick and unanimously voted to approve SUP Kennel Inspections for the Wales of 8549 Blanchard Rd and Diane Farish of 10025 Partridge Rd.

ENVIRONMENT

No report

HIGHWAY AND PARKS

Highway Superintendent Wohlhueter reported a complaint from a resident on Fairview Terrace regarding excessive speeding and the lack of signage on Supervisor Ave and Fairview Terrace. Supervisor Avenue doesn't have a posted limit and there is only one sign on Fairview Terrace. The Board determined that a speed study is needed on Town roads to establish enforceable speed limits.

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved a request for a Speed Study to be submitted for Supervisor Ave and Fairview Terrace.

Highway Superintendent Wohlhueter also reported the following:

Highway Report

- Fall road grass cutting and right of way clearing is underway
- Drainage work on Finch Road both above and underground is underway and estimated to be wrapped up in a couple weeks

Parks Report

- Golf work continues. Holes 10,11,12,13, and 17 are all in various stages of completion with major progress on each hole.
- Cleared and mowed 80% of the old logging roads and mowed along with the hiking trails
- Disc golf course usage continues with continued positive feedback.
- Remodeling and upgrades to the park building have also been underway with a plan in the future to make it more useful year-round.

Councilman Pietraszek reported a 6" deep hole/slide on Holland Glenwood Rd between Maltby Rd and Hayes Hollow Rd. Highway Superintendent Wohlhueter said he would alert the Erie County Highway Department.

INSURANCE

No report

LIBRARY

Councilman Hrycik reported the following:

- The West Falls Colden Community Library is attempting to remain despite continued construction on Rt 240. Check the website or Facebook for up-to-date information.
- Boston Free Library has a preschool story hour on Thursdays at 11:00 am, summer programing has ended.

PERSONNEL

No report

PLANNING

Councilman Hrycik reported that there were no Planning Board meetings in August or September. Supervisor DePasquale said Planning Chairman Kammer and the Planning Board will be updating the Town's Procurement Policy.

WATER

Councilman Pietraszek reported the following:

- **Usage update:** At present time consumption billed by ECWA for prior month 2,279,000 gal. cost \$ 8295.56 + \$361.92 = \$ 8,657.48 expenditure.
- ECWA water cost \$3.80 / K
- Continue to rebuild meters as we replace radios with T-10 radios.
- Marked lots of services for gas line upgrade in town. The construction is now out of our district and in Boston. Gas Corp is still buying water for their improvements.
- PZ logging and checks underway
- Copper / Lead test done in August, ECMA changed the requirements and requested we choose 2 other sites from list they provided in September without penalty.
- Water usage up to 48 G/M/30D.
- Disinfectant Byproducts results without issues

Councilman Pietraszek spoke with a Union Concrete representative who said they would begin Colden State Rd culvert replacements soon, possibly next week. Supervisor DePasquale reported that the first water service shutoff will disrupt residents on State Rd from the Post Office to Finch Rd. He said the Supervisor's Office will notify all the affected residents by a flyer and by posting it on the website. Councilman Pietraszek stated that the residents will also be notified by Union Concrete.

RECREATION

Recreation Director DePasquale reported the following:

- The Safe Driving Class was very well attended.
- A kids fall/winter clothes swap will be held Sept 19th from 6-9 pm at the Senior Center if there is enough interest.
- A yoga class will run from Sept 25th thru Oct 30th on Wednesdays at 7:00 pm.
- There will be a paint night on Sept 30th from 6-9 pm at the Senior Center.
- A Pound Class will be held in November

RESOLUTIONS

Supervisor DePasquale reported that a NYSERDA CEC Grant resolution was approved via email because the funds had to be allocated prior to the September meeting. He read the following into the record:

RESOLUTION #2024-13

NYSERDA CEC GRANT FUNDING

WHEREAS, the New York State Energy Research & Development Authority (NYSERDA) has been administering the Clean Energy Community (CEC) initiative for several years; and

WHEREAS, in furtherance of its aforesaid initiative, the Town of Colden participated in the CEC program for many years, achieving CEC status with continued participation in the CEC 2.0 High Impact Areas; and

WHEREAS, on May 29, 2024, after completing certain CEC High Impact Area actions, Colden has qualified for a \$10,000 Grant Award under NYSERDA's CEC program; and

WHEREAS, the Town's specific energy project decision and formal obligation of these awarded funds must be approved by resolution prior to August 29, 2024; and

WHEREAS, the Town of Colden on July 23, 2024, hosted a CJ Brown site survey under NYSERDA's Free Energy Study Program, during which their engineers fully examined existing conditions at our Highway Department; and

WHEREAS, receipt of the Energy Study is scheduled towards the end of August 2024; and

WHEREAS, the Town desires to enhance the Colden Highway Department Building's energy envelope to improve the building's energy profile; and

WHEREAS, on August 21, 2024, the Town of Colden adopts a resolution to accept the NYSERDA grant funding, and utilize the entire \$10,000 for building energy improvements including new windows, new insulated doors, new roof insulation, and other energy use enhancements; and

WHEREAS, the Town Board desires to expedite these building energy enhancements, and continue the process of acquiring the awarded NYSERDA CEC funds for the Town of Colden Highway Department Building Improvements,

THEREFORE, BE IT RESOLVED, that the Town Board authorizes submission of an executed NYSERDA Grant Application, under PON 3298, and to enter into an Agreement between the Town of Colden and NYSERDA, requesting direct pay of \$10,000 in grant funding supporting the proposed work on the Colden Highway Department Building. The total project budget for the energy enhancements will substantially exceed the awarded Grant amount, with the balance being paid by Town funds.

BE IT FURTHER RESOLVED that the Town Board authorizes the Supervisor to sign all documents and agreements related to the NYSERDA CEC PON 3298 initiative.

RESOLVED, that James P. DePasquale, as Supervisor of the Town of Colden, is hereby authorized and directed to file the Colden Grant Application, for \$10,000 of approved funding and upon execution of said request execute the duties and tasks as defined in the said Agreement.

Duly adopted this 21st day of August 2024, by the following vote:

On the vote: Councilman Hrycik – yes
 Councilman Robinson - yes
 Councilwoman Zurbrick - yes
 Councilman Pietraszek - yes
 Supervisor DePasquale - yes

MOTION to publicly adopt the NYSERDA CEC grant resolution as read, made by Councilwoman Zurbrick, seconded by Councilman Hrycik and unanimously approved.

BUDGET TRANSFERS
None

TOWN CLERK REPORT

Town Clerk Jusiak reported that NYS DECALS doe tags are on sale through the end of the month.

SUPERVISOR’S REPORT

Supervisor DePasquale received a request from the Colden Boy Scouts to switch their meeting nights at the Senior Center from Tuesday nights to Monday nights. The request was made for the months of September through November. The Board discussed the Boys Scouts need to coordinate with recreation, seniors and possibly Aurora Adult Day Care and that the switch would be temporary. Supervisor DePasquale said he would contact the Boy Scout coordinator to ensure building inspections are done after the meetings and that the meetings are held solely upstairs.

Supervisor DePasquale also reported that per NYS Agriculture & Markets Law Section 303-b, Erie County Legislature designated September 1- 30 as the annual 30-day open enrolment, for landowners to request their predominantly viable agricultural parcels be included into existing agricultural districts. The link to the online application and more information can be found on the Town’s website or Clerk’s Office. Planning Chairman Kammer reported that the Town has added a lot of acreage to the NYS agricultural district within the last few years.

DePasquale touched on the NYS Social Media retention policy. He said no Town sponsored social media postings should be taken down or deleted without first making a copy and put into a binder in the Clerk’s Office. No emails should be deleted, every response must be saved.

He also stated that the Erie County Department of Environment and Planning is holding three public meetings to determine the needs and priorities of low to moderate income residents residing within the Erie County CDB (community development block) Consortium. Each meeting will cover four areas: housing, public/human services, community development, and economic development. The meetings are on Sept 17th at 7:00 pm at the Village of Depew Municipal Building, Wednesday, Sept 18th 6:30 in the Lackawanna Public Library, and Thursday, September 19th in the Village Hall of North Collins. Meeting information is also on the Town’s website.

He also reported that Town Clerk Jusiak will need to advertise for 3 public notices:

1. 2025 Town Budget Workshop and CDBG Workshop on October 3, 2024 at 6:00 pm.
2. Local Law 2024-1 Tax Cap Override Public Hearing on October 10, 2024, at 7:00 pm
3. 2025 Community Development Block Grant Public Hearing on October 10, 2024, at 7:00

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved to request the three public notices to be posted in the Springville Journal as stated above.

PAY BILLS

MOTION made by Councilwoman Zurbrick and seconded by Supervisor DePasquale and unanimously approved to pay the following bills:

General Fund	2024 Voucher #2024-365 – #2024-411	\$23,899.02
Highway Fund	2024 Voucher #2024-143 – #2024-158	\$35,515.39

Water District	2024 Voucher #2024-45 – #2024-49	\$13,992.78
Lighting District	2024 Voucher #2024-10	\$3,912.81
Refuse District	2024 Voucher #2024-8	\$26,911.98
Cares Act Fund	2024 Voucher #2024-6	\$808.58

MOTION made by Councilwoman Zurbrick and seconded by Supervisor DePasquale and unanimously approved to pay the bills

PRIVILEGE OF THE FLOOR

None

ADJOURN

MOTION made by Supervisor DePasquale and seconded by Councilman Pietraszek and unanimously approved to adjourn the meeting. Motion carried and

MEETING ADJOURNED AT 8:01 PM

Respectfully Submitted,



Deborah Jusiak
Colden Town Clerk