

MEETING CALLED TO ORDER AT 7:01 PM

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR THOSE AFFECTED BY THE RECENT HURRICANES, 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 Wohlhueter
CEO Thomas Dziulko
Planning Board Chairman Walter Kammer
Springville Journal Editor Max Borsuk
Officer Shane Miller
DCO Michelle Zak
Town Clerk Deborah Jusiak

REGULAR TOWN BOARD MEETING

MINUTES

Councilman Hrycik asked that the name Omphalius be corrected in the September 12, 2024, Town Board Meeting minutes.

MOTION made by Councilwoman Zurbrick and seconded Councilman Robinson and unanimously approved the minutes as amended above for the Regular Town Board meeting held on Thursday, September 12, 2024, at 7:00pm at the Colden Town Hall.

OLD BUSINESS: None

NEW BUSINESS: None

PUBLIC HEARINGS:

1. 2025 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING

Supervisor DePasquale opened the CDBG Public Hearing at 7:05 pm by asking the public for ideas for CDBG funds. There were no comments and Supervisor DePasquale closed the Public Hearing at 7:06 pm. Supervisor DePasquale reported on the Town Board's CDBG Workshop held on October 3, 2024. He said that the current Senior Center generator project is being

funded by CDBG and the building won't have priority for any current additional funding this year. Rural Transit Van Service was endorsed by the Board as the #1 project.

Supervisor DePasquale read the following resolution:

RESOLUTION #2024 - 15
2025 COMMUNITY DEVELOPMENT GRANT FUNDS

WHEREAS, at a meeting of the Colden Town Board held on October 10, 2024, at 7:00 pm, the Town Board of the Town of Colden authorizes Supervisor James P. DePasquale to sign, submit and execute a contract with Erie County Development Grant Program for the following project upon approval of 2025 ECCDBG Funds.

- 1) Rural Transit Van Service

MOTION made by Councilman Hrycik and seconded by Councilman Robinson and unanimously approved by the following vote:

Councilman Dennis Robinson - yes
Councilman Jesse Hrycik – yes
Councilwoman Patricia Zurbrick – yes
Councilman Gerald Pietraszek – yes
Supervisor James P. DePasquale – yes

2. PROPOSED LOCAL LAW – 2025 TAX CAP OVERRIDE

Supervisor DePasquale opened the Public Hearing at 7:08 pm asking for public input regarding the Proposed Local Law 2024-1 Tax Cap Levy Override. The State tax cap is about 1% and the Town's utilities and materials costs have increased beyond that amount. There were no comments. Supervisor DePasquale closed the Public Hearing at 7:10 pm. He read the following resolution:

RESOLUTION #2024 - 16
RESOLUTION APPROVING ADOPTION OF LOCAL LAW 2024-1
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 01-2024 providing for an override of the tax limit prescribed by General Municipal Law Section 3-c for the fiscal year 2025, 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 Councilwoman Zurbrick and seconded by Councilman Pietraszek.

Duly adopted this 10th day of October 2024 by the following vote:

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

COMMITTEE REPORTS

BUILDING REPORT

Councilman Robinson reported on Maintenance/Park's Scott Kirby's upcoming projects at the Town Hall, Parks Building, and Senior Center. Kirby plans to have the Senior Center septic tank checked and pumped if needed. The new light post in the memory garden behind the Town's gazebo was also discussed.

He also reported that the Senior Center generator project will begin next week. The Town's contract with Lakeshore Equipment requires a 60% down payment in the amount of \$25,916.40.

Approve Payment to Lakeshore Power & Equipment

MOTION made by Councilman Robinson and seconded by Councilwoman Zurbrick and unanimously approved to issue a check to Lakeshore Power & Equipment for \$25,916.40, 60% of the generator cost.

Councilman Robinson also reported that Nussbaumer & Clarke has completed work on the Highway Garage Roof design and bid documents, the project's bid opening is on October 16, 2024, at 10:00 am.

Supervisor DePasquale introduced Erie County Sheriff Officer Shane Miller. He is the Sheriff's liaison to the Town of Colden. Officer Miller will be attending Town events to get to know Colden residents and address their quality-of-life issues.

CODE ENFORCEMENT OFFICER REPORT

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

| | |
|-------------------------------|----------------------------------|
| 11 Building Permits Issued | 2 Order to Remedy Violations |
| 1 New Dwelling Permit | 2 Fire Inspections |
| 12 Certificates of Compliance | 24 Hours of School John Kotlarsz |
| 1 Stop Work Order | 1 Court Appearance - Rescheduled |

CEO Dziulko and the Town Board also discussed the following:

A Stop Work Order was issued to a contractor building a new home on Crump Rd and Supervisor DePasquale reported that trimming of overhanging branches along the sidewalk on State Rd was completed. Councilwoman Zurbrick requested that a bump on Heath Rd be repaired, Superintendent Wohlhueter will let Erie County know. Councilman Hrycik requested the Veteran's Bridge and Welcome to Colden signs be rehabilitated; Scott Kirby is currently investigating.

COMMUNITY DEVELOPMENT REPORT

Councilwoman Zubrick reported the following events:

- Colden Fire Company Meat Raffle will take place on Saturday October 19, 2024, doors open at 6 pm, admission is \$5.00.
- The Battle Within Foundation is holding its annual Veteran's Weekend camp-out in Colden's Veteran's Park on November 8th through the 10th, the parade is on the 10th.
- Trunk-or-Treat events are happening at both BOLO and Colden Town parking lots on October 26, from 1-4 pm.
- Town Hall will be a drop off center for hats, mittens, socks and cold weather gear to benefit BOLO clients.
- The Rally for the Rak's on 2pm - 4pm on Nov 23, 2024, at Mortons Corners Fire Department in Springville.

- The Ladies Auxiliary Gift Fair will be on November 10, 2024 from 11am - 3pm at the Colden Fire Hall.

Councilwoman Zurbrick asked that the following be included in the minutes:

Free Lunch

BOLO's October 21st lunch and learn event will be held in the evening at 5:30 pm to discuss the use, storage and disposal of cannabis, call BOLO for more information and to register.

Feed More Mobile Food Truck

Feed More Food Truck Giveaway is available the 4th Thursday of the month at the Colden Fire Hall.

Bread of Life Outreach and Gabe's on the Hill Hours:

Tuesday: 10am – 4pm

Wednesday: 10am – 4pm

Thursday: 2pm – 5pm

Friday: 10am – 4pm

Saturday: 9am – 2pm

Food Pantry Hours:

Saturday: 9am – 11am

Thursday: 3pm – 5pm

DOG CONTROL OFFICER REPORT

Councilman Robinson said he is working on getting DCO vests and read the following report:

- 9/6/24- DCO Zak made phone calls to residents with out-of-date licenses to encourage them to renew. Most of them have taken care of it, some of the dogs have passed away.
- 9/24/24- The dogs of a resident at 9012 State Road are getting into their neighbor's yard. DCO Zak explained that the situation between the neighbors needs to stop. The dog owner is working on getting containment for the dogs and will use a leash until then. The DCO told him the next step could be court.

ENVIRONMENTAL BOARD REPORT

No report

HIGHWAY REPORT & PARKS

Highway Superintendent Lee Wohlhueter reported the following:

October Highway Report

- Fall road grass cutting and right of way clearing has wrapped up. The guys did a great job mowing things back and helping increase visibility on the town roads.

- Drainage work on Finch Road has been completed
- Paperwork has been submitted to get reimbursement for our Chips money.
- I would like to get the approval to advertise for the seasonal no maintenance of Murray Hill Road and illegal plowing of snow across the roads
- Plow trucks maintenance and preparations are underway and anticipate the fleet to be ready by the end of the month.

Parks Report

- Holes 10 – 17 on the disc golf course have concrete sleeves installed and clearing continues. Disc golf baskets are installed on holes 10-12. Holes 13-17 should be installed by the end of the week.
- 90% of multi-use trails are completed along with a road system that accesses 90% of the forested property with the final 10% being completed this fall. This is for park equipment and emergency vehicles only. The multi-use trails will be used for hiking, cross country skiing, disc golf, and snowshoeing.
- Park maintenance and mowing continues along with work being done to the park building to keep it functional year-round.

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 Robinson and unanimously approved to have Town Clerk Jusiak advertise in the Springville Journal for the seasonal closing of Murray Hill Road from 8958 Murray Hill Road to 8743 Murray Hill Road from November 15, 2024 – April 1, 2025, and Notice of Snow on the Right-of-Way and Property Owners Mailboxes Notice.

INSURANCE REPORT

No report

LIBRARY REPORT

Councilman Hrycik reported the following:

Boston Free Library events include a Fall Book Sale from Oct 12 – 26th, Preschool Story Time, crafts for all ages, Lego Club, a Hawk Creek Event, adult and child martial arts programs and is working on building an outdoor pavilion.

West Falls Library is holding a Refine Your Writing class, Intro to Watercolor Painting preregistration is needed and cost is \$85.00, and a Preschool Story hour.

PERSONNEL & TRAINING REPORT

Councilwoman Zurbrick reported CPR cards have not been received; Supervisor DePasquale will call Erie County again.

PLANNING BOARD REPORT

Councilman Hrycik reported there was no September Planning Board meeting, and Planning Board Chairman Kammer has been working on grant paperwork and attended the Town Board's October 3, 2024, Budget Workshop. Chairman Kammer and the Town Board discussed the necessity of implementing the Town's Change of Use (CoU) and building permit procedures for construction of the Erie County Rails to Trails (ECRT) bike path going through Colden.

Approve Change of Use and Building Permit Procedures for ECRT Trail in Colden

MOTION made by Supervisor DePasquale, seconded by Councilman Robinson and unanimously approved that the ECRT trail running through Colden be subject to all the Town of Colden's usual Change of Use procedures, and provide certified engineering drawings and obtain Building Permits for all structures.

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

Supervisor DePasquale urged the Town Board Members and Colden residents to attend the UB/ECRT Rails to Trails Meeting at the Colden Fire Hall on October 30, 2024, from 6:30 pm – 8:30 pm. Signups are encouraged, and all Colden residents are welcome.

WATER REPORT

Councilman Pietraszek reported that he spoke with a representative from Union Concrete about the upcoming culvert replacements and water shutoffs in Colden; no dates are set yet. The Supervisor's Office will notify affected residents. He also gave the following water report:

- **Usage update:** At present time consumption billed by ECWA for prior month 2,279,000 gal. cost \$ 7,352.80 + \$361.92 = \$ 7,714.72 expenditure.
- 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 back in town and was done 09/18/24. Gas company have hit two water lines for houses, lines marked but original diagrams. Lines hit after 10 day-posting, for second request for marking. Greg is looking into issue with UDIG to see who is liable for hit lines because of time frames had run out and remarking was not requested.
- PZ logging and checks underway
- Copper / Lead test done in August, ECMA changed the requirements and requested we choose 3 more sites from list they provided in August after our first sample and without penalty.

- Water usage up to 48 G/M/31D.
- Disinfectant Byproducts results without issues, 78.8 total within <80 g/l requirements
- Union Concrete notified us they would be starting the culvert replacement possibly week of Sept 22. **As of today, no dig requests or notice of when they start.** There will be a water stoppage on the north leg during this time. Residents to be notified by Union Concrete. There is total of 3 culverts to be fixed.
- Relevy letters sent to arears.

YOUTH/ADULT RECREATION REPORT

Councilwoman Zurbrick reported the following:

- A Belly Dance class on October 11, 2024.
- A fall Pumpkin Flower class on October 17, 2024.
- Trunk or Treat at Town Hall on October 26, 2024.
- A Pound class will start on November 7, 2024.
- Chair Yoga to be announced shortly

Information for these programs is on the Town of Colden Recreation Department Facebook page

BUDGET TRANSFERS

None

RESOLUTION

Supervisor DePasquale read the following resolution regarding the Town’s Standard Workday and employees’ records of activities:

**NEW YORK STATE RETIREMENT SYSTEM
 CERTIFICATION FOR HOURS WORKED**

BE IT RESOLVED, that the Town of Colden hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities

| Title | Name | SS# Last 4 digits | Reg. Number | Standard Work Day | Term Begins/Ends | Not Submitted | Record of Activities |
|-------------------------------|-------------------|-------------------------|----------------|----------------------|-----------------------|------------------|-------------------------|
| Elected Officials | | | | | | | |
| Town Clerk | Deborah Jusiak | | | 6 | 1/1/2024 - 12/31/2027 | | 25.64 |
| Councilman | Jesse Hrycik | | | 6 | 1/1/2021 - 12/31/2025 | X | |
| Superintendent of Highways | Lee Wohlhueter | | | 6 | 1/1/2021 - 12/31/2025 | | 24.12 |
| Justice | Michael Schneider | | | 6 | 1/1/2022 - 12/31/2026 | | 6.85 |
| Appointed Officials | | | | | | | |
| Assessor | Dawn Martin | | | 8 | 10/1/2019 - 10/1/2025 | | 4.77 |
| Recreation Director | Kip Palmateer | | | 8 | 1/1/2024 - 12/31/2024 | | 3.57 |

| | | | | | | | |
|---------------------|-------------------|--|--|---|-----------------------|---|-------|
| Recreation Director | Carrie DePasquale | | | 8 | 1/1/2024 - 12/31/2024 | | 7.49 |
| Dog Control Officer | Michelle Zak | | | 8 | 1/1/2024 - 12/31/2024 | X | |
| Code Enforcement | John Kotlarsz | | | 8 | 1/1/2024 – 12/31/2024 | X | |
| Code Enforcement | Tom Dziulko | | | 8 | 1/1/2024 – 12/31/2024 | | 10.21 |

MOTION made by Councilman Robinson and seconded by Councilman Hrycik and unanimously approved by the following vote:

- Councilman Dennis Robinson - yes
- Councilman Jesse Hryck - yes
- Councilwoman Patricia Zurbrick -yes
- Councilman Gerald Pietraszek - yes
- Supervisor James DePasquale – yes

The resolution will be posted on the website, Town Clerk Board and outdoor bulletin board for 30 days.

TOWN CLERK REPORT

Town Clerk Jusiak stated that early voting for the Presidential Election will take place at the Town Hall from October 26, 2024- November 3, 2024. She also asked for approval to advertise for the November 14, 2024, Public Hearing for the 2025 Preliminary Budget for the Town of Colden.

Approval to Advertise Public Hearing for 2025 Preliminary Town Budget

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved to have Town Clerk Jusiak advertise for the Public Hearing for the 2025 Town of Colden Preliminary Budget in the Springville Journal.

SUPERVISOR’S REPORT

Supervisor DePasquale reported on a meeting he attended with the Erie County Supervisors regarding two important referendums on the ballot this November. The sample ballot is available from the Town Clerk’s Office or EC Board of Elections.

Supervisor DePasquale urged resident participation in the upcoming 2025 Preliminary Budget Public Hearing. He reported that the Town’s new contract with Waste Management will begin in January 2025. The Town will be transitioning over to wheeled refuse and recycling totes in the Spring of 2025. The price will increase to about \$250.00/year. Waste Management will send a mailer to residents. The current hazardous/electronic waste pickup system will not change.

PRIVILEGE OF THE FLOOR

DCO Zak asked whether fluoride is currently in the Town’s drinking water and if present, if it could be removed, she currently filters her water. Councilman Pietraszek will have the Water Department investigate.

PAY BILLS

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

| | |
|--|--------------|
| General Fund Warrant Voucher #2024-412 to #2024-451 | \$ 48,808.20 |
| Highway Fund Abstract Voucher #2024-159 to #2024-178 | \$ 50,011.28 |
| Water District Voucher #2024-50 to #2024-56 | \$ 12,289.50 |
| Lighting District Voucher #2024-11 to #2024-13 | \$ 1,910.45 |
| Refuse Fund Voucher #2024-09 to #2024-10 | \$ 27,146.26 |

ADJOURN

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik and unanimously adjourned the meeting at 8:30pm.

Respectfully submitted,

Deborah Jusiak
Town Clerk