

MEETING CALLED TO ORDER AT 7:02 pm

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE
IN MEMORY OF DAVID PILGER

FOLLOWED BY THE PLEDGE OF ALLIEGIANCE

PRESENT

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

ALSO PRESENT

Highway Superintendent Lee Wohlhueter
CEO John Kotlarsz
CEO Tom Dziulko
Planning Board Chairman Walter Kammer
Recreation Director Palmateer
Erie County Sheriff's Deputy Miller
Town Clerk Deborah Jusiak

MINUTES TO BE APPROVED

MOTION made by Councilman Robinson, seconded by Councilman Hrycik, and unanimously approved the minutes from the Regular Town Board Meeting held on February 13, 2025.

OLD BUSINESS

No Report

NEW BUSINESS

No Report

COMMITTEE REPORTS

BUILDING/PARKS REPORT

Councilman Robinson said the cameras for the Highway garage have been ordered and a military contractor from Orchard Park is donating monitors and adapter cables. Parks Kirby has been working on the Kummer Park trails, golf course and building, and fixing hamlet lighting. Kirby recommends maintenance to the front fascia, gutters, soffits of Town Hall and adding insulation and commercial grade heat tape before next winter.

SAFETY

Deputy Miller reported the Sheriff's Office February 2025 responses in Colden:

80 calls for service	18 Traffic Stops	1 stolen car (arrest made)
30 Premise checks	10 Accidents	1 Traffic arrest

Miller thanked the Town Board for purchasing cameras for the Highway Garage, cameras have been instrumental in solving multiple thefts. He requested the Town Board contact him if they'd like representation from the Sheriff's Office at Colden events.

CODE ENFORCEMENT REPORT

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

- 6 Building Permits Issued
- 1 New Dwelling Permits Issued
- 6 Certificates of Compliance
- 2 Fire Inspections
- 1+ Hours of School

The CEO and Town Board discussed junk cars located at 8468 State Rd and Bleistein Rd.

COMMUNITY DEVELOPMENT

No Report

DOG CONTROL OFFICER REPORT

Councilman Robinson gave the following DCO report:

- 2/3/25 DCO attended court for Lower East Hill dog bite incident
- 2/7/25- DCO retrieved a rottweiler from 9562 Darien Road.
- 2/8/25- DCO found the owner of the rottweiler. The dog is registered in East Aurora and the owner paid \$25 for one night hold.

ENVIRONMENTAL BOARD REPORT

No Report

HIGHWAY REPORT

Superintendent Wohlhueter reported the following:

- We are on the home stretch of winter hopefully.
- We have used 87% of our salt quota for the season.

- Spring equipment preventative maintenance is underway
- The new brooms and tractor as requested and approved in the budget have been ordered. We anticipate seeing the equipment at the end of March and having it for spring cleanup.
- Also, on a side note I spoke with Zac, the project engineer from DOT regarding the 240 project. They anticipate starting the milling and re-paving sometime in June. Right now, they are replacing cross culverts in Colden. Guide rail and signage work will also be underway soon. In about 2 weeks the blacktop plants will be re-opened, and they will have a separate crew putting blacktop patches into all the holes on 240 to get by until the final paving. The total project completion date is Aug 31; however, they anticipate it being done sooner.

INSURANCE REPORT

No Report

LIBRARY REPORT

Councilman Hrycik reported the following:

- West Falls-Colden Library is featuring a Slow Stitch Decorative Lapel Pin class on April 8th at 6:15 – 8:00 pm for \$15.00
- Boston Free Library has an Easter Craft class on April 10th or April 17th and an Easter Games event on April 12th.

Call to register for all events.

PERSONNEL REPORT

Supervisor DePasquale reported that Comp Alliance training has been scheduled for April 1st at 9:00 am at the Colden Fire Hall and he will be scheduling ATV training at the Park soon.

PLANNING REPORT

Councilman Hrycik reported the Planning Board welcomed new member Larry Krzeminski and finalized their recommendations on fees & fines, storage containers and short-term rentals.

WATER DISTRICT REPORT

Councilman Pietraszek reported the following:

- **Usage update:** At present time consumption billed by ECWA for 01>02, 2205000gal. cost \$ 8908.20+ \$401.73= \$ 9309.93 expenditure.
 - ECWA water cost \$4.22 / K
- Price increase started with Feb billing, ECWA & CWD
- Water usage for February – 43.5 G/M/28D

- Sent a second letter to Jeremy Sittneiwski regarding:
Signing paperwork changing A0505 account from Mruk estate to him needed completion
Advised him the frozen water meters that were destroyed would be placed to his water and if not paid would accumulate interest. If the bill is not paid it would be relieved to tax role in Nov.
- Continue to replace registers with T10 & meters if broken with new NexT10
- Working on 2024 AWQR report

Water Billing:

• Open Accounts as of 02/01/2025 billing:	
Water Charge (220 units)	\$20,312.43 (2,468,793 gal)
Infras + Capital Surchg	\$4,147.00
Arrears	\$3,164.05
Total Billed Sent	<u>\$27,623.48</u>
Current Receipts to date	\$20,893.56
Arrears to date	\$7,027.85

Councilman Pietraszek and Water Operator Adams met with Nussbaumer & Clark to discuss a possible expansion to the Town’s water district north along Route 240. The next step would be canvassing the residents to determine their interest. He also requested more advertising for the Town’s sale of bulk water.

RECREATION REPORT

Recreation Supervisor Palmateer reported the following:

- Soccer registration is ongoing. Deadline is March 28th
- Sound Bath will be March 28th at 7pm, at the Senior Center
- The final Miss Sarah Music Class will be March 22nd
- The next Defensive Driving Class will be April 8th from 6-10:30 pm at the Colden Fire Department
- Pottery class has been added for April

RESOLUTIONS

Supervisor DePasquale read the following three resolutions and one intermunicipal agreement.

REPEAL the New York State Halt Act

WHEREAS, while the New York State Halt Act may have been written with good intentions, its application has created a hazardous and unlawful environment which jeopardizes both staff and incarcerated individuals alike; and

WHEREAS, Correction Officers work in facilities to maintain good working order to keep incarcerated individuals, staff and the community safe by communicating well, remaining disciplined all while handling extremely dangerous situations inside the facility; and

WHEREAS, working in correctional facilities takes a physical and mental toll on Corrections Officers and their Families, especially while being mandated to work shifts 24 hours or more at one time; and

WHEREAS, with the implementation of the New York State Halt Act, Corrections Officers are not permitted to utilize SHU for long term disciplinary and have no recourse for violence toward other incarcerated individuals or staff, causing the rate of violent assaults to nearly double.

WHEREAS, With many Officers Returning to duty due to scare tactics used by our State Officials, we the Colden Town Board expect our State leaders and Correctional Department leaders to make the necessary changes to improve the work environment for our Correctional Officers, Civilians, as well as the incarcerated inmates.

WHEREAS, Governor Kathy Hochul has added to this very dangerous situation by terminating approximately 2000 Trained Correction Officers, while using Executive orders to “Blackball” these Officers from obtaining jobs within our State Government.

THEREFORE, BE IT RESOLVED; the Town of Colden is requesting a home rule resolution, calling on Governor Kathy Hochul and the NYS Legislature to REPEAL or SUSPEND the New York State Halt Act until changes can be mutually agreed upon with input from the Correctional Officers Union. Reinstate the 2000 trained Correction officers to reduce the staff shortage that exists and immediately Rescind her Executive Order Blackballing residents of our State from obtaining employment within our State.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Honorable Governor Kathy Hochul, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Senate Minority Leader Robert G. Ort, Honorable Majority Leader of the Assembly Crystal D. Peoples-Stokes, Honorable Minority Leader of the Assembly William A. Barclay, and the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature.

MOTION made by Councilman Robinson and seconded Councilwoman Zurbrick by and approved by the following vote:

On the vote:

Councilman Hrycik - yes
Councilman Robinson - yes
Councilwoman Zurbrick - yes
Councilman Pietraszek - yes
Supervisor DePasquale - yes

AMEND the Buy American Salt Act

WHEREAS, the Buy American Salt Act (S9441) went into effect in the fall of 2024, requiring New York State governments to procure salt exclusively from American-sourced salt mines, and

WHEREAS, due to this legislation, Erie County was forced to reject the low salt bid submitted by Compass Minerals, as their material was sourced in Ontario, Canada, with the winning bid awarded to American Rock Salt in Livingston County, which subsequently secured both Erie County and New York State salt supply contracts, and

WHEREAS, at the time of the award, the Town Highway Superintendents Association of Erie County raised concerns about the potential negative effects of relying on a single supplier for salt, anticipating the lack of competition could lead to price increases and the risk of supply shortages, and

WHEREAS, the expressed concerns have come to fruition within less than one year, as there is currently a significant salt supply shortage, and

WHEREAS this shortage poses serious challenges to our ability to maintain proper service levels and ensure the safety of residents of the Town of Colden, and all respective towns,

THEREFORE, Be It Resolved, that the Town of Colden Town board strongly urges the State Legislature to amend the Buy American Salt Act to a Buy North American Salt Act. This amendment would allow us to source materials from a broader range of vendors, including Canadian suppliers, ensuring a stable and adequate supply of salt to keep our roads safe during winter months.

Be It Further Resolved, that a certified copy of this resolution be forwarded to Honorable Governor Kathy Hochul, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Senate Minority Leader Robert G. Ort, Honorable Majority Leader of the Assembly Crystal D. Peoples-Stokes, Honorable Minority Leader of the Assembly William A. Barclay, and the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature.
Duly adopted this 13th day of March 2025, by the following vote:

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

On the vote:

Councilman Hrycik – yes
Councilman Robinson - yes
Councilwoman Zurbrick - yes
Councilman Pietraszek – yes
Supervisor DePasquale – yes

NYS OPRHP Authorizing Resolution and Certification for Project #249900 “Walter Kummer Park Improvements”

WHEREAS, the Town of Colden applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) under the Title 9 of the Environmental Protection Act of 1993 for the purpose of funding the development of Walter Kummer Park;

WHEREAS, the Town Board of the Town of Colden, authorized by prior resolution, the submission of a grant application to OPRHP for Walter Kummer Park Improvements; and

WHEREAS, the Town of Colden was recently notified that our grant application was awarded funding in accordance with Colden’s OPRHP CFA submission; and

RESOLVED, that Town of Colden is authorized and directed to accept these grant funds in an amount not to exceed \$456,380 for the project described in the grant application; and

RESOLVED, that Town of Colden is authorized and directed to agree to the terms and conditions of the State of New York Contract for Grants ("Contract") with OPRHP for such development of Walter Kummer Park; and

RESOLVED, that Town of Colden is authorized and directed to agree to the terms and conditions of any required deed of easement granted to OPRHP that affects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant; and

WHEREAS, the governing body of the Town of Colden must delegate signing authority to execute the Contract and any amendments thereto, any required deed of easement, and any other certifications to authorized individuals who hold elected or appointed municipal office and employment position titles; and

WHEREAS, on March 13, 2025, the Town of Colden adopts a resolution to implement this OPRHP Authorizing Resolution and Certification; and

RESOLVED, that James P. DePasquale, as Supervisor of the Town of Colden, is hereby authorized for signing authority to execute the Contract, and any amendments thereto, any required deed of easement, and any other certifications which may be required, from time to time, during the duration of the Contract.

MOTION made by Councilman Hrycik, seconded by Councilman Pietraszek and approved by the following vote: On the vote:

Councilman Hrycik - yes
Councilman Robinson - yes
Councilwoman Zurbrick - yes
Councilman Pietraszek - yes
Supervisor DePasquale – yes

**INTERMUNICIPAL
AGREEMENT FOR OUT-OF-
DISTRICT WATER CUSTOMER**

AGREEMENT made this 13th day of March 2025, by and between

TOWN OF AURORA
575 Oakwood Avenue
East Aurora, New York 14052
hereinafter referred to as Aurora, and

TOWN OF COLDEN
8812 State Road
P.O. Box 335
Colden, New York 14033
hereinafter referred to as Colden

WHEREAS, Allie Philips and Joseph Lorenc of 8739 Falls Road, Town of Colden, New York, have applied to the Town of Aurora to be Aurora Water District #18 customers, and

WHEREAS, the Town of Aurora would be willing to grant an out-of-district permit for water, if the Town of Colden agrees to add any overdue water bills to the owners' annual County/Town tax bill and assessed against the property,

NOW, THEREFORE, for good and valuable consideration, the parties do hereby agree as follows:

1. The Town of Aurora shall grant an out-of-district water permit for the premises located at 8739 Falls Road in the Town of Colden, New York.
2. The Town of Colden agrees that any overdue water bills will be added by the Town of Colden against the owner's annual County/Town tax bill and assessed against the property which said tax bill shall constitute a lien against the property
3. The Town of Colden further agrees to remit to the Town of Aurora the overdue water bills when collected by the Town of Colden.

IN WITNESS WHEREOF, the parties have caused these presents to be signed and their respective seals to be hereunto affixed by their duly authorized officer the day and year first written above.

MOTION made by Councilman Robinson, seconded by Councilman Pietraszek and approved by the following vote:

Councilman Hrycik - yes
Councilman Robinson - yes

Councilwoman Zurbrick - yes
Councilman Pietraszek - yes
Supervisor DePasquale – yes

BUDGET TRANSFERS

Supervisor DePasquale presented the following budget transfers and modifications to the 2024 Budget in the Lighting District, Water District and Highway Fund:

**MODIFICATION OF THE 2024 TOWN OF COLDEN ADOPTED ANNUAL BUDGET
LIGHTING DISTRICT FUND**

WHERE AS, the appropriated amount in the 2024 budget for line SL5182.4 was **\$20,000.00**

WHERE AS, overage in the Lighting District was **\$8,820.63**

WHERE AS, the total cost of Lighting for the year 2024 was **\$28,820.63**

WHERE AS a shortage of **\$8,820.63** remains at the year end.

WHERE AS, a total of **\$8,820.63** will be appropriated from the Lighting District fund balance.

NOW, THEREFORE BE IT RESOLVED, the Town Board of Colden modifies the 2024 Lighting District Budget.

BE IT FURTHER RESOLVED, the Colden Town Board does hereby

Duly adopted this modification the 13th day of March, 2025.

MOTION made by Councilman Hrycik, seconded by Councilwoman Zurbrick and unanimously approved to accept the Lighting Budget Modification.

**MODIFICATION OF THE 2024 TOWN OF COLDEN ADOPTED ANNUAL BUDGET
WATER DISTRICT FUND**

WHERE AS, the appropriated amount in the 2024 budget for line SW8340.4 was **\$4,000.00**

WHERE AS, due to emergency maintenance in the Water District causing overage in the Water District.

WHERE AS, the total for the emergency maintenance for the year 2024 was **\$4776.23**.

WHERE AS a shortage of **\$776.23** remains at the year end.

WHERE AS, a total of **\$776.23** will be appropriated from the Water District fund balance.

NOW, THEREFORE BE IT RESOLVED, the Town Board of Colden modifies the 2024 Water District Budget.

BE IT FURTHER RESOLVED, the Colden Town Board does hereby

Duly adopted this modification the 13th day of March, 2025.

MOTION made by Councilman Pietraszek, seconded by Councilman Hrycik and unanimously approved to accept the Water District Budget Modification.

**MODIFICATION OF THE 2024 TOWN OF COLDEN ADOPTED ANNUAL BUDGET
WATER DISTRICT FUND**

WHERE AS, the appropriated amount in the 2024 budget for line SW8320.4 was **\$66,000.00**

WHERE AS, due to water usage was up in the Water District causing overage in the Water District.

WHERE AS, the total cost of water for the year 2024 was **\$86,948.09**.

WHERE AS a shortage of **\$20,948.09** remains at the year end.

WHERE AS, a total of **\$20,948.09** will be appropriated from the Water District fund balance.

NOW, THEREFORE BE IT RESOLVED, the Town Board of Colden modifies the 2024 Water District Budget.

BE IT FURTHER RESOLVED, the Colden Town Board does hereby

Duly adopted this modification the 13th day of March, 2025.

MOTION made by Councilwoman Zurbrick, seconded by Councilman Hrycik and unanimously approved to adopt the modification to the 2024 Water District Fund.

**MODIFICATION OF THE 2024 TOWN OF COLDEN ADOPTED ANNUAL BUDGET
 HIGHWAY FUND**

WHERE AS, the appropriated amount in the 2024 budget for line DA5130.2 was **\$134,526.00**

WHERE AS, overage in the Highway Fund was **\$94,557.12**

WHERE AS, the total cost of Highway for the year 2024 was **\$229,083.12**

WHERE AS a shortage of **\$94,557.12** remains at the year end.

WHERE AS, a total of **\$94,557.12** will be appropriated from the Highway fund balance.

NOW, THEREFORE BE IT RESOLVED; the Town Board of Colden modifies the 2024 Highway Budget.

BE IT FURTHER RESOLVED, the Colden Town Board does hereby

Duly adopted this modification the 13th day of March, 2025.

MOTION made by Councilman Robinson, seconded by Councilwoman Zurbrick and unanimously approved to accept the Highway Fund Budget Modification.

The Town Board reviewed the following 2024 Budget Transfers to the General Fund, Highway Fund and Water Fund

2024 Highway Fund Budget Transfers					
From:			To:		
DA5142.4	Mach	\$2,355.32	DA5130.4	Machinery Contr.	\$2,355.32
DA9040.8	Workers Comp	\$9,158.70	DA9060.8	Health Ins	\$9,158.70

2024 Water Fund Budget Transfers					
From:			To:		
SW8350.4	Contr Sevr	\$5,450.00	SW8340.4	Trans & Dist.	\$5,450.00
SW8310.4	Water Contr	\$73.47	SW8340.4	Trans & Dist	\$73.47

2024 General Fund Budget Transfers					
From:			To:		
A1420.4	Attorney - Contr	\$2,019.05	A1220.4	Supervisor	\$2,019.05
A1110.12	Justice PS – Staff	\$3.00	A1220.11	Supervisor PS	\$3.00
A1110.12	Justice PS – Staff	\$3.00	A1410.11	Deputy Town Clerk PS	\$3.00
A1460.4	Records	\$1,363.66	A1410.4	Town Clerk	\$1,363.66
A1650.4	Computer Web	\$2,541.09	A1910.4	Insurance	\$2,541.09
A1490.4	Admin Grants	\$7,200.00	A1620.4	Buildings	\$7,200.00
A3620.4	Code	\$5,167.68	A1620.4	Buildings	\$5,167.68
A6070.4	Services for Rec	\$1,000.00	A1620.4	Buildings	\$1,000.00
A6410.4	Economic Dev	\$1,120.00	A1620.4	Buildings	\$1,120.00
A6510.4	Veterans	\$989.02	A1620.4	Buildings	\$989.02
A1355.4	Assessor	\$1,208.03	A7110.4	Parks - Contr	\$1,208.03
A3120.4	Police Cont	\$1,000.00	A7110.4	Parks - Contr	\$1,000.00
A3310.4	Traffic – Contr	\$2,110.00	A7110.4	Parks - Contr	\$2,110.00
A8810.4	Cemeteries	\$2,450.00	A7110.4	Parks - Contr	\$2,450.00
A8090.4	Enviro Board	\$610.60	A7110.4	Parks - Contr	\$610.60
A7110.12	Park Summer Help	\$2,970.39	A7110.1	Parks PS	\$2,970.39
A7620.4	Senior Contr	\$3,773.40	A7310.4	Youth Contr	\$3,773.40
A7620.4	Senior Contr	\$838.38	A7550.4	Celebrations	\$838.38
A9040.8	Work Comp	\$775.17	A9030.8	Social Ser	\$775.17
A8020.4	Planning	\$30,891.19	A1440.4	Engineer	\$30,891.19
A5010.4	Highway	\$3.78	A5182.4	Street Lighting	\$3.78
A8020.4	Planning	\$201.33	A8010.4	Zoning	\$201.33

MOTION made by Councilman Hrycik, seconded by Councilman Pietraszek and unanimously approved to accept the 2024 Budget Transfers.

TOWN CLERK REPORT
 No Report

SUPERVISOR’S REPORT

Supervisor DePasquale plans to attend a meeting of the Erie County Charter Revision Commission on March 20th. He will make appointments to the Board of Assessment Review (BAR) at the April 2025 Town Board meeting and BAR training is scheduled for April 29th.

PAY BILLS

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

General Fund	2025 Voucher #69 – 104	\$475,433.53
Highway Fund	2025 Voucher #19 - 37	\$33,000.36
Water District	2025 Voucher #7 - 11	\$12,875.57
Lighting District	2025 Voucher #2	\$1,964.42
Refuse District	2025 Voucher #2	\$32,011.61
Cares Act	2025 Voucher #2 - 4	\$149.85

PRIVILEGE OF THE FLOOR

No Report

ADJOURN

MOTION made by Councilman Hrycik and seconded by Supervisor DePasquale to adjourn the meeting. Motion carried and

MEETING ADJOURNED AT 8:54 PM

Respectfully submitted,

Deborah Jusiak
Deputy Town Clerk