

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE IN MEMORY OF DONNA SCHWEITZER, PATTI URBINO, TERRY HALE AND THE VICTIMS OF THE TERRORIST ATTACKS ON 9/11

PRESENT

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

ALSO PRESENT

CEO Tom Dziulko  
Highway Superintendent Lee Wohlhueter  
Planning Board Chairman Walt Kammer  
Town Clerk Deborah Jusiak  
Springville Journal Editor Max Borsuk  
Approximately 15 residents

The Town Supervisor opened the regular September Town Board meeting at 7:03 pm and immediately adjourned for a brief 9/11 remembrance ceremony given by the Colden Fire Company at the Veterans' Memorial Wall. The meeting was reopened at 7:18 pm by Supervisor DePasquale.

MINUTES TO BE APPROVED

MOTION made by Councilwoman Zurbrick and seconded by Councilman Robinson and unanimously approved to accept the from the Regular Town Board Meeting held on August 7, 2025.

SAFETY

**Colden Erie County Sheriff's Office August Statistics**

Deputy Miller gave the following report:

- 64 Calls for service
- 39 Premise checks
- 6 Traffic Stops
- 11 Community Policing
- 4 arrests
  - 2 warrants served
  - 2 narcotics arrests

Miller attended the Colden Art Festival, there were no issues.

## REQUEST TO BE ON THE AGENDA

### Paul Cohn – on NYS Cannabis findings

Center Rd resident Paul Cohn asked the Board if the funds allocated for demolishing his windmill are available because it needs to come down. Supervisor DePasquale responded yes, they are in a Town Trust & Agency account and can be obtained once the windmill demolition is under contract.

Paul asked for reconsideration and clarification regarding the Town Board’s denial to amend the law to opt-out from onsite cannabis sales and consumption as discussed at the June 2025 Board meeting. Cohn stated that four residents spoke at the original public hearing to opt-out held on October 14, 2021. He said he would be able to find a lot of local support to legalize cannabis dispensaries and consumption in Colden. He also said the Colden’s Ag Plan states that the Town supports local farming including hemp and cannabis production. He has seen other towns confine their cannabis restrictions to certain zonings and hours of operation.

The Town Board responded by saying the cannabis public hearing was legally advertised and all proper procedures were followed. Changing the law would require the Town Board’s vote to hold another public hearing. The Board members have reviewed the NYS cannabis board and have seen problems with dispensaries in other towns; there is a silent majority of residents that has spoken against legalizing Town cannabis dispensaries and public consumption. Dispensaries in the Springville and East Aurora areas can supply Colden residents. The Board is not in support of “spot” zoning which could create a bigger legal issue. Supervisor DePasquale said he asked the Town Board if they had any interest in amending the cannabis law during the June 2025 meeting; none of the board members indicated they had any interest in reopening the cannabis opt-out law.

Cohn stated his attorney, John Comerford, who was on the agenda for tonight’s meeting will not be attending.

### Lara Hrycik - Zoning Concerns

Lara Hrycik of Lower East Hill Rd voiced her gratitude for the 9/11 service conducted by the Colden Fire Company. She asked everyone to consider what zoning changes can be made to make Colden a better place to live. She asked the Board to reassess zoning laws regarding legalizing cannabis sales and consumption and allowing poultry farming in non-ag zones. She would like the Town’s laws to align with results of the adopted Ag and Comp Plans that promote hobby farming. She also requested that Town not “prosecute” residents based upon neighbor complaints, stating the practice could lead to confrontation and perceived selective enforcement. She called the “good neighbor” policy ambiguous and asked for clarification regarding the Town complaint form process.

Woodview Dr. resident Stephanie Czarniak read a letter expressing her deep disappointment and dismay with the actions of the Supervisor, Town Board and Code Enforcement regarding her poultry and feels that the Town is practicing malicious selective enforcement by targeting her R-

1 zoned poultry. Resident Ron Berry of Woodview Dr. said there was bad behavior from many parties involved and Peter Baker said the Town actions seemed like overreach and the Town would be wise to wait until new hobby farm laws are in place.

The Board explained that the Town Board doesn't get involved with neighbor disputes or ongoing court cases and agreed that residents should not infringe upon their neighbors' quality of life. DePasquale said Code Enforcement responds to poultry issues only by complaint because many people keep chickens and neighbors often solve their differences without Town involvement. He also stated that the Town will look at redoing zoning and farming laws to match the expressed desires of the Town's Ag and Comp plans and as a right-to-farm community, but changes take time for due process. The Board expressed a willingness to clarify the Town's complaint form process.

#### PUBLIC HEARING

##### Amendment to Local Law Chapter 98 – Vehicles and Traffic

At 8:33 pm Supervisor DePasquale opened a public hearing to discuss an amendment to Town Code Chapter 98. The amendment proposes adding a new speed limit of 30 mph on Gutekunst Rd to be included on table 98-33 Maximum speed limits. The change was the result of an Erie County speed study requested by the Town. There were no comments or questions. Supervisor DePasquale closed the public hearing at 8:36 pm

MOTION made by Councilwoman Zurbrick, seconded by Councilman Hrycik to approve the amendment by the following vote:

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

#### OLD BUSINESS

Supervisor DePasquale tabled the denial on 6/12/2025 to amend opting out of cannabis sales and consumption

#### NEW BUSINESS

None

#### DEPARTMENT REPORTS

#### BUILDINGS

Councilman Robinson read the following report:

The Senior Center and Town Hall gutters and fascia need to be repaired. Councilman Robinson spoke with Deputy Miller about the use of e-bikes in the park and will follow up. The Town Park signs need to be updated next year, and the Adirondack chairs and sign board will need to be replaced. The Park and Senior Center septic systems should be pumped. Councilwoman Zurbrick asked Councilman Robinson to get quotes for replacing an exterior door at the Senior Center.

The Board discussed a request from the Orchard Park Central School District to use the disc golf course on October 10th. All members agreed that the school can use the course, but it will not be closed to other players. Councilman Robinson said he is getting more Highway Dept garage overhead door quotes for budgeting purposes. Robinson addressed a letter and quotes from Piper Maul about graphics and signage at the golf course. Since the quotes are under \$1,000 no additional quotes are needed.

#### CODE ENFORCEMENT REPORT

Report for the month of August 2025 – CEO Dziulko read the following report:

- 17 Building Permits Issued
- 1 Certificate of Occupancy
- 6 Certificates of Compliance Issued
- 1 Court Appearance
- 4 Fire Inspections

Dziulko said a shed was removed from a property on Murray Hill Rd, an abandoned home on State Rd was up for auction and there are many ongoing projects.

#### COMMUNITY DEVELOPMENT

Councilwoman Zurbrick reported upon several upcoming events; the West Falls Fire Company is holding a chicken barbecue on September 21, 2025, there are two Erie County free rabies clinics on Saturday, September 20 at 9 am -1 pm at ECC South and on Saturday, September 27 at 9 am - 1 pm at the EC Emergency & Training Center, Cheektowaga. The Colden Fire Company is holding a meat raffle on October 18<sup>th</sup> and the Town is holding a spaghetti dinner with more details to come. The Colden Art Festival and BOLO Health Fair were very successful.

Zurbrick said the senior trip to Forest Lawn Cemetery was great and they have a winter trip scheduled to Erie Station on December 10<sup>th</sup>, see the website for more information.

#### DOG CONTROL

No Report

#### ENVIRONMENT

No report

## HIGHWAY AND PARKS

Superintendent Wohlhueter read the following report:

### September Highway Report

~ A new salt contract has been negotiated. There was a substantial increase. Old price was \$43.61/ton and the new price is \$57.79/ton, an increase of \$14.18/ton. We did have extra room to purchase salt off the old contract before it expired, and by doing so saved a ballpark amount of \$3,000.

~ Summer road work is ending. We have a small punch list of jobs to get done before we shift gears to plow equipment. Fall road grass cutting is underway.

~ The surplus equipment is currently listed on auction and is scheduled to close early next week.

## INSURANCE

Councilman Robinson reported that the Hartloff Benefits Coordinator, April Hartloff, met with employees to answer questions about upcoming changes to employees' health plan.

## LIBRARY

Councilman Hrycik reported the following:

- The West Falls Colden Community Library is hosting an event with Hawk Creek on September 20, 2025.
- Boston Free Library is holding preschool story time, Halloween and fall crafts and seed saving class on Monday, September 29, 2025.

## PERSONNEL

Zurbrick asked employees to take the yearly Comp Alliance training and said the Supervisor's Office is keeping a list of trained personnel.

## PLANNING

No report

## WATER

Councilman Hrycik reported the following:

- **Usage update:** At present time consumption billed by ECWA 3,150,000 gal. cost \$ 12,726.00 + \$401.73= \$ 13,127.73 expenditure.
  - ECWA water cost \$4.04 / K
- Water usage for Aug– 67 G/M/31D

- Continue to replace meters and registers if broken with new NexT10,
- Turned off hydrant #8 (last in BC Rd lay), Sergei is getting parts to fix. Having trouble getting puck off, Jesse will try a torch, else will need completely new hydrant.
- Greg believes we have 2 leaks up in trailer park area on the customer side of shutoff, issue still pending, waiting on Rural Water to come and sound test our complete system for leaks
- Have more than 12 meters not reading, list given to Jesse
- Added new meter location # A2052, 8428 Heath Rd
- Meet with water dept for budget talks and forward motion
- New Operator is up and running, DOH 4204 being filed with Elma & DOH

## RECREATION

Councilwoman Zurbrick reported the following:

- A yoga class will be held beginning September 18<sup>th</sup>.

## RESOLUTIONS

Supervisor DePasquale read the following Energy Choice Act resolution:

TOWN OF COLDEN  
RESOLUTION #2025-10

**A RESOLUTION IN SUPPORT OF CONGRESSMAN NICK LANGWORTHY'S ENERGY CHOICE ACT (H.R. 3699, S. 1945) AND IN OPPOSITION TO GOVERNMENT-MANDATED NATURAL GAS BANS**

WHEREAS, affordable and reliable energy is essential to the health, safety, and economic prosperity of New York families, businesses, and communities; and

WHEREAS, natural gas remains a dependable, cost-effective, and clean-burning energy source used by millions of New Yorkers to heat their homes, cook their food, and power their businesses; and

WHEREAS, in 2019, New York State enacted the **Climate Leadership and Community Protection Act (CLCPA)**, which mandates aggressive emissions reductions and serves as the foundation for sweeping energy restrictions, including efforts to phase out natural gas; and

WHEREAS, building on the CLCPA, Governor Kathy Hochul and the New York State Legislature in 2023 enacted provisions in the state budget banning natural gas and other fossil fuel hookups in most new residential and commercial buildings, effective 2026 for smaller buildings, and 2029 for larger buildings, thereby eliminating consumer choice and limiting access to affordable energy; and

WHEREAS, Governor Hochul has publicly supported these bans and related measures as part of her administration’s climate and energy agenda, despite widespread concerns that such mandates will increase costs, strain grid reliability, and restrict energy diversity; and

WHEREAS, these top-down policies undermine affordability, threaten reliability during peak demand, and strip away the freedom of consumers and businesses to choose the energy sources that best meet their needs; and

WHEREAS, Congressman Nick Langworthy of New York and Senator Jim Justice of West Virginia introduced the **Energy Choice Act (H.R. 3699, S. 1945)**, federal legislation that ensures state and local governments cannot restrict consumer access to natural gas and other affordable energy sources, thereby protecting freedom of choice for New Yorkers and all Americans; and

WHEREAS, the Energy Choice Act would safeguard households, small businesses, hospitals, farmers, and manufacturers from harmful government overreach and preserve access to an “all-of-the-above” energy strategy that strengthens reliability and affordability;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Colden strongly supports the Energy Choice Act as introduced by Congressman Langworthy (H.R. 3699) and Senator Justice (S. 1945) and stands firmly opposed to New York State’s natural gas bans, the CLCPA-driven restrictions, and other state energy mandates that eliminate consumer choice; and

BE IT FURTHER RESOLVED, that the Town of Colden urges Congress to pass the Energy Choice Act to defend consumer choice, protect energy affordability, and preserve reliable access to natural gas for New Yorkers; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Congressman Nick Langworthy, Senator Jim Justice, the New York Congressional delegation, Senators Chuck Schumer and Kirsten Gillibrand, Governor Kathy Hochul, and leadership of the New York State Legislature.

MOTION to approve the resolution made by Councilman Robinson, seconded Councilwoman Zurbrick and

Duly adopted on this 11<sup>th</sup> day of September 2025, by the following vote:

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

### BUDGET TRANSFERS

Supervisor DePasquale asked for a budget transfer of \$104.00 from A6772.4 – Adult Aging to A-1910.4 Insurance to pay for the insurance adjustment of the new BWS trailer.

MOTION made by Councilman Hrycik, seconded by Councilwoman Zurbrick and unanimously approved the budget transfer of \$104.00 from A6772.4 to A1910.4.

### TOWN CLERK REPORT

No report

### SUPERVISOR’S REPORT

Supervisor DePasquale reported on a supervisor’s budget workshop. He said the budgets are going to be getting even tighter with increases projected in retirement, insurance and health insurance. The Town’s dog control containment will need to be reviewed in a workshop. The budgets should be distributed by the end of the month.

He asked Town Clerk Jusiak to advertise for 3 public notices:

1. A Public Notice for the 2026 Town Budget Workshop and CDBG Workshop being held on Thursday, October 2, 2025, at 6:00 pm.
2. A Public Hearing on Local Law 2025-5 Tax Cap Override on October 9, 2025, at 7:00pm.
3. A Public Hearing on 2026 Community Development Block Grant projects on October 9, 2025, at 7:00pm.

### PAY BILLS

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

General Fund	2025 Vouchers 365 – #408	\$22,050.36
Highway Fund	2025 Vouchers #115 – #129	\$40,584.25
Water District	2025 Vouchers #35-40	\$15,844.78
Lighting District	2025 Voucher #11	\$1,738.11
Refuse District	2025 Voucher #8	\$32,401.48

### PRIVILEGE OF THE FLOOR

Many of those present discussed the Board’s current codes, zoning and complaint policy. Supervisor DePasquale and the Board welcome the public to future meetings and workshops.

### ADJOURN

Town Board Meeting, September 11, 2025  
REGULAR TOWN MEETING  
Colden Town Hall – 7:00 pm

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MOTION made by Councilman Hrycik and seconded by Councilman Robinson and unanimously approved to adjourn the meeting

MEETING ADJOURNED AT 9:14 PM

Respectfully submitted,

Deborah Jusiak  
Town Clerk