

TB Mtg June 12, 2014
TOWN BOARD MEETING
COLDEN TOWN HALL – June 12, 2014

MEETING CALLED TO ORDER AT 7:00PM.

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE IN MEMORY OF HARRIET SCHWINDEMANN AND RUTH LANGFORD.

PRESENT:

Councilman David Arcara
Councilman Jesse Hrycik
Councilman Patricia Zurbrick
Councilman Gerald Pietraszek
Supervisor James DePasquale

ALSO

PRESENT: Town Attorney Ronald Bennett
Town Justice William Montgomery
Highway Superintendent Paul Clarkson
Bldg. Insp/Code Enf. Officer John Kotlarsz
Town Clerk Christina Kerlin
Approximately 40 residents

MINUTES

MOTION made by Councilman Pietraszek and seconded by Councilman Arcara to approve the minutes of the May 1, 2014, Workshop and May 8, 2014 Regular Town meeting as presented by the following vote.

Vote: Councilman Arcara – yes
Councilman Hrycik – yes
Councilman Zurbrick - yes
Councilman Pietraszek – yes
Supervisor Supervisor DePasquale – abstained

PUBLIC HEARING
SITE PLAN APPLICATION –AUTO SALES
10818 CRUMP ROAD – MR. CHALES MCMICKEN

-The Notice of Public Hearing was read by the Town Clerk

Supervisor DePasquale reviewed the Special Use Permit application.

- Letter of Intent
- Sketch and plans
- \$25.00 fee collected
- Building Inspector report
- Petition of residents in 500' submitted
- Environmental Board recommendation and SEQR form
- Planning Board recommendation
- Erie County Division of Planning Report Comments

Application fulfilled and on file in the Town Clerk's office.

OPEN PUBLIC HEARING

Supervisor DePasquale opened the Public Hearing at 7:12pm.

Public Comments:

Randy Vogel on Holland Glenwood Road had a concern that parts cars and parts would be laying around the yard and a concern with battery acid and anti-freeze getting into the watershed. Randy asked if a clause would be written into the Special Use Permit stating no parts cars being allowed at the property.

Supervisor DePasquale stated that there would be stipulations written in the Special Use Permit and certainly that the concerns mentioned would be addressed.

Mike Judd on Holland Glenwood Road had a major concern that the property would become a junkyard and effect his property values.

Supervisor DePasquale readdressed the letter of intent with Mr. McMicken that stated no cars would be located outside the building.

Ann Lombardi was concerned that the Special Use Permit would turn into something other than what it was stated for.

Charles McMicken stated that he understood that the SUP would be inspected yearly and if there were any violations to the SUP the Town could revoke the permit.

Public Hearing closed at 7:25pm

Supervisor DePasquale stated that the Town Board would reconvene at a later date to act on Charles McMicken's Special Use Permit for an Auto Dealer. Mr. McMicken is in the process of

having an easement drawn up for the traverse of the driveway that is on the neighbor's property.

Supervisor DePasquale asked if the Town Board had any questions.

Councilman Zurbrick asked Charles McMicken if he had received his NYS Auto Dealer License.

Mr. McMicken replied that he has put up a \$10,000. bond with the State of New York which the State has received. The State will come out next and do an inspection of the premises after which he will receive a license and dealer tags.

Councilman Pietraszek asked Charles McMicken if he would be doing the inspection on the cars that he will be buying.

Mr. McMicken stated that no he would not be inspecting the cars it would be a conflict of interest he will take the cars to where he has his own personal cars inspected.

PUBLIC HEARING
SITE PLAN APPLICATION - WIND TURBINE
8213 CENTER STREET – MR. PAUL COHN

-The Notice of Public Hearing was read by the Town Clerk

Supervisor DePasquale reviewed the Special Use Permit application.

-Letter of Intent

-Sketch and plans and submitted maps with the change of Tower placement

-\$25.00 fee

-Building Inspector report

-Petition of residents in 500' will be submitted

-Notification to neighbor's

-Environmental Board recommendation and SEQR form

-Planning Board recommendation

Erie County Division of Planning Report Comments

Application fulfilled and on file in the Town Clerk's office

OPEN PUBLIC HEARING

Supervisor DePasquale opened the Public Hearing at 7:37pm.

Public Comments:

The following residents Pat Pierce, Pat Miller, Jim Gusch, were opposed to the Wind Turbine being placed near their homes the concerns were the noise, aesthetics, fall zones and a decline in their property value.

Edwin Zywczyński did not have a problem with the Wind Turbine and was willing to grant Mr. Cohn an easement for the fall zone and also stated he would sell him the back 20 acres of his property.

Supervisor DePasquale read a letter from Kevin & Kathy Pikett who strongly disapproved of the Wind Turbine.

Rich Sheldon submitted a letter regarding the fall zone being encompassed into the owner's property and that an easement being granted would go against Town Code. Mr. Cohn's property only allows for a Wind Turbine to be 140' tall.

Town Attorney Ronald Bennett addressed the fall zone as being described as an area subject to being free from any kind of improvements therefore if an easement or deed is granted and you have the area it is legal and permitted.

Ann Lombardi asked if there was anyway a smaller Tower could be put in place.

Supervisor DePasquale stated that it was discussed to have a smaller turbine but the wind patterns would affect the turbine from working properly.

Discussion followed on Town Code Chapter 106. Wind Energy Conversion Systems

Supervisor DePasquale stated that Channel 4 and Channel 7 had concerns with interference from the Wind Turbine. In the Town Code there is a section that covers complaint and investigation of electromagnetic interference and decibel levels.

Public Hearing closed at 8:35pm

Supervisor DePasquale stated that the Town Board would reconvene at a later date to act on Paul Cohn's Special Use Permit for a Wind Turbine. Mr. Cohn is in the process of having an easement drawn up for the use of a fall zone for the Wind Turbine.

2014 DEPARTMENTAL/COMMITTEE REPORTS

BUILDINGS COMMITTEE REPORT

Councilman Arcara reported that the quotes for the Senior Center Doors came in high. The doors have been working well since winter is over the Town Board discussed looking into working on the door threshold.

INSURANCE COMMITTEE REPORT

Town employees Health Insurance is up for renewal Councilman Arcara will contact various Health Insurance Companies.

HIGHWAY & PARKS REPORT

Highway Superintendent Paul Clarkson reported that the town road projects are moving along.

PLANNING COMMITTEE REPORT

Councilman Pietraszek reported that at the Planning Boards meeting there was discussion on the Special Use Permits for an Auto Sales at 10818 Crump Road, Charles McMicken and a Wind Turbine at 8213 Center Street, Paul Cohn.

- Annual Special Use Permit inspections

- LED Signs

- Review of Utility Buildings assessments

- Supervisor DePasquale mentioned that there is a 2014 Planning and Zoning Summer Schools coming up in Batavia

ENVIRONMENTAL COMMITTEE REPORT

Councilman Hrycik reported that the Environmental Board reviewed the SEQRS for the Special Use Permits for an Auto Sales, 10818 Crump Road, Charles McMicken and a Wind Turbine, 8213 Center Street, Mr. Paul Cohn.

COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported that when Town residents call for the Rural Transit Service specify the Boston-Colden-Eden Route.

- Vial of Life - The Vial contains a form you fill out with a list of medications and supplements you take. Other items you may want to add to the vial are a DNR form, copy of a recent EKG, recent photo and any other important information. Place the vial in your refrigerator and place the decal on the front or side of your refrigerator. This allows Emergency Responders and the Emergency Room to provide the best care as soon as possible. Vials can be picked up at the Town Hall or the Colden Fire Company.

- A reminder to also sign up for the Waste Management Recycle Bank Program.

LIBRARY COMMITTEE REPORT

Councilman Hrycik reported that an Ice Cream Social will take place on Monday, July 21 at 7:00pm with music from Martha Bouquin and Friends.

SOLID WASTE & NEST COMMITTEE REPORT

No Report

YOUTH & ADULT RECREATION REPORT

Councilman Zurbrick reported that a letter was received thanking the town for having a great soccer program and also asking the town to look into repairing the soccer fields and adding more drainage.

Highway Superintendent Paul Clarkson will look into the repair of the Soccer field and drainage.

-Approve Summer Recreation Staff – MOTION made by Councilman Zurbrick, seconded by Councilman Arcara and unanimously approved to hire the following Summer Recreation Staff.

David Reese	\$8.00/hour
Shea Schelble	\$8.00/hour
Jena Scheble	\$8.00/hour
Gabrielle Hartman	\$8.00/hour
Kingsley Kolek	\$8.00/hour

Lead Tennis Instructor

Jesse Maeder	\$8.50/hour
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STREET LIGHTING

Councilman Zurbrick reported that two Historical lights are one out in front of 8989 Lower East Hill Road and one at the corner of Route 240 and Heath Road. The light on the monument is out possibly a broken bulb. A resident had concerns with the lights at Center Street and Holland Glenwood Roads.

PERSONNEL POLICY AND TRAINING COMMITTEE REPORT

Councilman Zurbrick reported that 57 employees out 61 have had the required Training for Workplace Violence, Blood Borne Pathogens and Harassment Policy the remaining will have a review of the material with a test to follow.

Workers Compensation Inspection was done on May 21st a report will be submitted to the Town Board from Jay Lewandowski.

DOG CONTROL REPORT

Councilman Arcara reported a few calls on stray and feral cats.

- A dog running on State Road chasing bicyclist
- Two dogs running on Knapp Road
- Dog found on State Road and returned to owner
- Dog found on Crump Road and returned to owner
- Dog Waste receptacle will be placed up at the Town Park
- Received the Dog Control Officer Inspection Report and Municipal Shelter Inspection Report from Department of Ag & Markets and both reports were rated Satisfactory.

CODE ENFORCEMENT OFFICER REPORT

Report for the month of May, 2014 – Bldg. Insp/Code Enf. Officer John Kotlarsz reported that there were:

- 12 Building Permits Issued
- 1 Certificate of Occupancy
- 2 Certificate of Compliance
- 2 Court Appearance

WATER COMMITTEE REPORT

Councilman Pietraszek reported:

- Leak Update: New water pressure valve continues to work well. At present time consumption billed by ECWA for prior month was 1,057,000. Cost \$2791.65
- Will continue to follow issues since ECWA has stopped doing estimated billings.
- Vouchers being made and paid.
- Repaired and software updated on PC and hand reader done and continues to work without issues.
- May billings are still being posted as of today. Open Accounts: Water Charge \$3508.95

Penalties	<u>212.56</u>
Total	\$3721.51

- Erie County Highway Department used about 54,000 gallons of water in May without our knowledge. Will discuss usage and billing with garage Superintendent.
- Chlorine Residuals: Daily tests have been in normal ranges with no spikes in readings with average of 0.64076 and Negative Coliform.
- Annual Drinking Water Report: Filed with Erie County Dept. of Health
Publicly posted in the Springville Journal
Posted Colden Water Dept. Board
Certification letter sent to Erie County Dept. Of Health
- Working on water emergency plan
- Highway repaired lawn in front of 8888 State Road

VETERAN'S AFFAIRS

Ken Heiler reported that the VFW Post is in the process of disbanding and the remaining members will combine with the Boston VFW Post.

OLD BUSINESS

None

NEW BUSINESS

REVIEW SPECIAL USE PERMIT INSPECTIONS – Supervisor DePasquale gave the following report on the 10 Special Use Permit Inspections that took place on Saturday, June 7, 2014 with Councilman Pietraszek, Planning Board Chairman Roy Bergman, Code Enforcement Officer John Kotlarsz, Asst. Code Enforcement Officer Greg Adams and Councilman Jesse Hrycik.

KLOIBER AUTO RECYCLING

David Kloiber
10349 Darien Road
Holland, NY 14080

- Type of Special Use Permit – Junkyard Permit
 - Inventory of Vehicles – 510 vehicles
 - General Appearance – Good
 - Fencing or shrubs - OK
 - Conformity to SUP – Good
 - Disposition of Oil – OK
 - Recommendations – None

DR. GREGORY YOUNG – Tower Permit

8590 Phillips Road
Holland, NY 14080

- Type of Special Use Permit – Tower
 - General Appearance – Good
 - Conformity to SUP – Meets conditions
 - Recommendations – None

BUFFALO SKI CLUB – SBA TOWER

7556 Lower East Hill Road

- Type of Special Use Permit – Tower
 - General Appearance – Good, secure.
 - Conformity to SUP – Meets SUP conditions
 - Recommendations – None

KAEFER GRAVEL PIT

Al Kaefer – Wohlhueter Road, Colden, NY 14033

- Type of Special Use Permit– Gravel Pit
 - General Appearance – Very good appearance.
 - Conformity to SUP – Meets permit conditions.
 - Recommendations – None

BUFFALO SKI CLUB

7556 Lower East Hill Road

- Type of Special Use Permit -Type of Special Use Permit – Bridge Permit
 - General Appearance – Good
 - Conformity to SUP – OK
 - Recommendations- None

MOTION made by Councilman Zurbrick, seconded by Councilman Hrycik and unanimously approved to renew the above Special Use Permits for September 30, 2014 to September 30, 2015.

SAIA COMMUNICATIONS

Tower on Holland Glenwood Road

- Type of Special Use Permit– Tower
 - General Appearance – Very Good
 - Conformity to SUP – OK
 - Recommendations – Adjust “stop” on gate to prevent access.

Hold Off Special Use Permit renewal until follow up inspection around July 27, 2014

SOLLY BROTHERS

c/o Robert Solly

9810 Blanchard Road, West Falls, NY 14170

- Type of Special Use Permit – Junkyard Permit
 - Inventory of Vehicles – 10 vehicles and 2 buses
 - General Appearance – Good grass cut, shrubbery is high. Old building on site is falling down. Owners will sort through at a later date.
 - Conformity to SUP – meets conditions
 - Disposition of Oil – N/A
 - Recommendations – Because of inactivity over past years and reduced amount of vehicles, recommend the Special Use Permit be made inactive. Building Inspector to check on this occasionally

Hold Off Special Use Permit renewal until follow up inspection around September 1, 2014 or letter received for permit to be inactive.

CARL'S TRUCKING & REPAIR

Carl W. Metzler
8033 Lewis Road
Holland, NY 14080

- Type of Special Use Permit– Automobile Sales & Service
 - Inventory of Vehicles – 180 vehicles
 - General Appearance – Crowded conditions. Road filling by Erie County Highway on North side of property.
 - Conformity to SUP- Excess amount of vehicles
 - Fencing or Shrubs – OK
 - Disposition of used oil - OK
 - Recommendations – Hold off on renewal till vehicles are less. Stop Road filling on North side of property. Fill area affects natural drainage. Can fill to west towards lower auto storage area only

Hold Off Special Use Permit renewal until follow up inspection around September 1, 2014

FRANK HRYCIK

8698 Lower East Hill Road, PO Box 8, Colden, New York 14033

- Type of Special Use Permit -Type of Special Use Permit – Junkyard Permit
 - Inventory of Vehicles – 23 vehicles @ rear
9 vehicles @ front
 - General Appearance – Scrap scattered around – now sorting as stated by Frank Hrycik
 - Fencing & Shrubs – OK
 - Disposition of Oil – contained
 - Conformity to SUP – Suggest he increase the number of vehicles on his permit to accommodate those present

Hold Off Special Use Permit renewal until follow up inspection around September 1, 2014 or letter received to amend SUP.

GORDON BENNETT – TOWER PERMIT

George Ribarich
8097 Center Street
Holland, New York 14080

- Type of Special Use Permit – Radio Permit
- General Appearance –Tower is removed site is clean

- Conformity to SUP – N/A
- Recommendations – Close out Tower permit

Hold Off Special Use Permit renewal until follow up inspection around September 1, 2014 or letter received for permit to be inactive.

MOTION made by Councilman Zurbrick and seconded by Councilman Hrycik and unanimously approved to Hold Off the following Special Use Permit for :

- Carl's Trucking & Repair follow up around September 1, 2014
- Frank Hrycik, Junkyard follow up around September 1, 2014 or letter received to amend SUP
- Gordon Bennett Tower follow up around September 1, 2014 or letter received for Inactive
- Solly Brothers, Junkyard follow up around September 1, 2014 or letter received for Inactive
- SAIA Communications follow up inspection around July 27, 2014

Special Use Permit Kennel Inspections

The following inspections were done by DCO Christa Pouthier and Asst. DCO Matt Pouthier.

Anthony & Nancy Wurzer
10663 Holland Glenwood Road
Holland NY 14080

- Number of Dogs- Four
- General Appearance – Good
- Violation – None
- Recommendations – None

Mark Lietzan
9883 Darien Road
West Falls NY 14170

- Number of Dogs – Four
- General Appearance – Good
- Violation – None
- Recommendations – None

Daniel Geile
9210 Hayes Hollow Road
Colden NY 14033

- Number of Dogs – Three
- General Appearance – Good
- Violation – None
- Recommendations – None

Kevin & Mary Suplicki
10741 Holland Glenwood Road
Holland NY 14080

- Number of Dogs – Three

- General Appearance – Good
- Violation – None
- Recommendations – None

David & Allison Giambra
9524 South Hill Road
Boston NY 14025

- Number of Dogs – Three
- General Appearance – Good
- Violation – None
- Recommendations – None

MOTION made by Councilman Pietraszek and seconded by Councilman Arcara and unanimously approved to renew the Dog Kennel Special Use Permits for September 30, 2014 to September 30, 2015 with the exception of Jackie & Daryl Gallagher’s Kennel Permit to be reviewed at a later date.

RESOLUTIONS

None

BUDGET TRANSFERS

General and Highway Budget Transfers

MOTION made by Councilman Pietraszek, seconded by Councilman Arcara and unanimously approved to transfer funds as follows:

From	A1620.2	Capital Outlay	\$6037.50
Into	A1320.4	Auditing and Accounting	\$2000.00
	A1650.4	Computer Website	\$4037.50
From	A3510.2	Dog Control – Equipment	\$123.62
Into	A3510.4	Dog Control – Contr.	\$123.62
From	A7310.4	Youth – Equipment	\$673.20
	A7310.4	Youth – Contr.	\$673.20
From	DA5110.1	General Repairs-PS	\$66,875.37
Into	DA5142.1	Snow Removal-PS	\$66,875.37

TOWN CLERK'S REPORT

Free Fishing Days - There will be two free Fishing Days again this year. Saturday, June 28th & Sunday, June 29th have been offered by the DEC as "free" fishing days.

SUPERVISOR'S REPORT

Supervisor DePasquale would like to review the Park Rules at a Town Board Workshop.

-Drescher & Malecki will address the Town Board at the July meeting on the Audit that was done on the 2013 books.

-The July 3rd Town Board workshop is cancelled.

-Supervisor DePasquale asked that residents to be respectful and not call the Town Board after 4pm unless it is an emergency.

PAY BILLS

MOTION made by Councilman Zurbrick, seconded by Councilman Hrycik and unanimously approved to pay the following bills.

General Fund Warrant Voucher #2014-171 to #2014-230	\$22,917.50
Highway Fund Abstract Voucher #2014-67 to #2014-83	\$63,310.78
Lighting District Warrant Voucher #2014-09 to #2014-10	\$ 1,806.09
Water District Warrant Voucher #2014-31 to #2014-36	\$ 3,669.30
Refuse District Warrant Voucher #2014-31 to #2014-33	\$16,930.91

PRIVILEGE OF THE FLOOR

Councilman Hrycik congratulated Supervisor DePasquale for a job well done on the planning of the Memorial Day Parade and Service.

Supervisor DePasquale thanked all the Town employees and Town Board for their help and participation in the Memorial Day Service.

John Kotlarsz asked the Town Board to look into having a resolution drawn up for support of the School Veterans tax exemption.

Ken Heiler had a concern about the bridge walkway on Boston-Colden Road that goes over the abandoned railroad tracks the walkway is unsafe and he would like the Town Board to take some action into making the walkway safe for pedestrians.

Marilyn Calhoun Allen stated that before the Town Board changes any of the Park rules you would have to have a Public hearing and the Local Law changed.

Karl Simmeth, Community Liaison for Assemblyman David DiPietro office presented Town Clerk with a citation for Municipal Clerks Week.

ADJOURN

MOTION made by Councilman Hrycik and seconded by Councilman Zurbrick and unanimously adjourned the meeting 9:40 at pm.

MEETING REOPENED AT 9:41PM

Supervisor DePasquale reopened the meeting at 9:41pm to appoint two Zoning Board of Appeals members.

APPOINT ZBA MEMBERS

Motion made by Councilman Zurbrick and seconded by Councilman Arcara and unanimously appointed Bernard Horschel and Janet Dillsworth to the Zoning Board of Appeals for a term to end December 31, 2019.

ADJOURN

MOTION made by Councilman Hrycik and seconded by Councilman Zurbrick and unanimously adjourned the meeting 9:45 at pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk