

TB Mtg July 10 2014  
TOWN BOARD MEETING  
COLDEN TOWN HALL – July 10, 2014

MEETING CALLED TO ORDER AT 7:00pm

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE  
FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

ALSO

PRESENT: Town Justice William Montgomery  
Highway Superintendent Paul Clarkson  
Bldg. Insp/Code Enf. John Kotlarsz  
Asst. Bldg. Insp/Code Enf. Officer Gregory Adams  
Town Clerk Christina Kerlin  
Approximately 30 residents

MINUTES

MOTION made by Councilman Zurbrick and seconded by Councilman Pietraszek and  
unanimously approved to accept the minutes of the June 5, 2014 Town Board Workshop  
Meeting, and June 12, 2014 Town Board Meeting as presented.

Audit Report – Drescher & Malecki LLP

Luke Malecki presented the Town Board with the 2013 Audit Report and Management Letter  
which is on file in the Town Clerk's office. The Town Board will review the report and contact  
Luke Malecki if they have any questions.

BUILDING COMMITTEE REPORT

Councilman Arcara reported that the renovations to the Highway Storage barn are progressing.  
-Dog receptacle has been placed at the Town Park.

INSURANCE COMMITTEE REPORT

Councilman Arcara reported that the Health insurance for Town employees is up for renewal.  
New insurance rates and plans have been submitted to the Town Board for review.  
-A special meeting will be held on Thursday, July 17 at 6:00pm for Health Insurance renewal.  
-Attended a meeting with First Niagara Risk Management and received a lot of information.

#### HIGHWAY & PARKS REPORT

Highway Superintendent Clarkson reported that the highway department has been working with the surrounding towns of Concord, Boston, and East Aurora.

-Half of the roads have been CHIP sealed.

-Cleaning out culverts

-Highway Storage building is progressing ceiling is almost complete and the insulation will be done and the walls will be completed.

-A tractor has been obtained for the Highway Department from Auctions International from the Town of Virgil.

#### Approve - 2004 New Holland Tractor

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved the phone approval for Highway Superintendent Clarkson to bid on the 2004 New Holland Tractor and the spending of \$28,060. That will come out of account DA5130.2 for the New Holland Tractor, Broom and the transportation of the tractor.

#### PLANNING BOARD REPORT

No report

#### ENVIRONMENTAL BOARD REPORT

No report

#### COMMUNITY DEVELOPMENT REPORT

No report

#### LIBRARY REPORT

Councilman Hrycik reported that an Ice Cream Social will take place on Monday, July 21<sup>st</sup> at 7pm

-Saturday, August 9<sup>th</sup> - Annual Book Sale, 10am - 2pm and Hot Dog Sale, 11am – 2pm

-Library is closed on Saturday during the months of July and August.

#### SOLID WASTE & NEST

No report

#### YOUTH & ADULT RECREATION

Councilman Zurbrick reported that the summer programs have started and currently:

- 57 children signed up for the Colden Summer program

-56 Children went to Camp Ska-No-Ka-San

-30 for Sky Zone

-24 in Baseball

-17 in swimming

-25 in Tennis

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

Jacob Perkins	\$8.00/hour
Emily Dziulko	\$8.00/hour

#### STREET LIGHTING

No report

#### PERSONNEL REPORT

Councilman Zurbrick reported with great regret that the Town received two resignations this week Judge William Montgomery and Court Clerk Stephanie Bacon. Supervisor DePasquale read the resignations and thanked Judge Montgomery for his years of service with the Town of Colden.

#### DOG CONTROL REPORT

Councilman Arcara reported 1 dog call for the month and quite a few calls on wildlife. The calls were referred to the DEC.

-SUP Kennel inspection was completed at Daryl & Jackie Gallaghers.

#### Special Use Permit Kennel Inspection

Daryl & Jackie Gallagher  
9524 South Hill Road  
Colden NY 14033

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

MOTION made by Councilman Arcara and seconded by Councilman Zurbrick and unanimously approved to renew the Daryl & Jackie Gallagher's Dog Kennel Special Use Permit for September 30, 2014 to September 30, 2015.

#### CODE ENFORCEMENT OFFICER REPORT

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

14– Building Permits Issued  
7 – Certificate of Compliance  
1 – Court Appearance  
2 – Phone Complaints  
Fire Inspection letters were sent out.

**WATER COMMITTEE REPORT**

Councilman Pietraszek reported that the portable reader has been repaired and the software was updated.

- A bill was sent to Erie County Highway – East Concord Division for use of the water that was mistakenly taken from WD #1 fire hydrants .
- Chlorine residuals are in normal ranges at about.5%
- Annual Drinking Water Report was finalized and published in the Springville Journal-Updating
- Water Disaster Plan is being updated
- Next billing will be August 1.

**VETERAN’S AFFAIRS**

Ken Heiler reported that the VFW Post will be working on joining with the VFW Post in Boston.

**OLD BUSINESS**

Supervisor DePasquale stated that the following Special Use Permits have been tabled until further information has been presented to the Town Board.

- 10818 Crump Road SUP – Auto Sales
- 8213 Center Street SUP – Wind Mill Project

**NEW BUSINESS**

Supervisor DePasquale stated that the Refuse contract will expire at the end of the 2014. The Town will extend the contract with Waste Management for five years with a yearly increase of 2.5%.

**TOWN OF COLDEN  
COLDEN N.Y. 14033  
RESOLUTION #2014 – 04  
EXTENSION OF THE PRESENT REFUSE AND RECYCLABLE CONTRACT WITH  
WASTE MANAGEMENT FOR FIVE YEARS,  
FROM JANUARY 1, 2015 TO DECEMBER 31, 2019**

WHEREAS, Waste Management has agreed to extend the Refuse Contract for the Town of Colden for an additional five years.

WHEREAS, the extension of present contract for Solid Waste and Recycling will run from January 1, 2015 to December 31, 2019.

WHEREAS, the yearly rate will increase by 2.5% per year.

WHEREAS, Waste Management will implement the Recycle Bank Program at no charge.

NOW, THEREFORE, BE IT RESOLVED that Supervisor DePasquale is hereby authorized to sign the extension of the contract with Waste Management for Solid Waste and Recyclable material in the Town of Colden from January 1, 2015 to December 31, 2019.

Duly adopted this 10<sup>th</sup> day of July, 2014 by the following vote.

Vote: Councilman David Arcara - yes  
Councilman Jesse Hrycik – yes  
Councilman Patricia Zurbrick – yes  
Councilman Gerald Pietraszek – yes  
Supervisor James DePasquale – yes

#### RESOLUTIONS

Supervisor DePasquale stated that Skylighters Fireworks from Orchard Park approached the Town for a fireworks display at Colden Lakes Campground & Resort. Contact was made to the following towns of East Aurora, Boston, Concord, and Holland on what the procedure is for their towns.

-A professional fireworks technician must receive a fireworks permit from NY State and follow NY State Penal Law, Article 405.00 which states the requirements for the use of fireworks in the towns limits.

-Insurance documents were filed with the Town

-The Town signed off stating that the Town was aware of the display to take place and all documentation was on file under the NY State Penal Law, Article 405.00.

-After talking with other Towns a resolution was drawn up for the Town to acknowledge the use of the firework permit application - Ref. NY State Penal Law, Article 405.00.

Supervisor DePasquale read the following resolution:

TOWN OF COLDEN  
COLDEN N.Y. 14033  
RESOLUTION #2014 – 05  
Fireworks Permit Application

**WHEREAS**, the Town Board of the Town of Colden will accept an application pursuant to NYS Penal Law, §405.00; and

**WHEREAS**, the application addresses all requirements of NYS Penal Law §405.00 and will submit application to the Town Clerk; and

**WHEREAS**, the Town Board will review the application and accompanying documentation; and

**WHEREAS**, the Town Clerk will submit application to the Fire Chief/Assistant Fire Chief and Building & Zoning Department

**NOW, THEREFORE BE IT RESOLVED** that the Town Supervisor, Town Clerk, Fire Chief/Assistant Fire Chief and Building & Zoning Department will accept by signing the permit application; and

**BE IT FURTHER RESOLVED**, that this approval is subject to the conditions set forth in the Town of Colden and the requirements of NYS Penal Law §405.00

Duly adopted this 10<sup>th</sup> day of July, 2014 by the following vote.

Vote: Councilman David Arcara - yes  
Councilman Jesse Hrycik – yes  
Councilman Patricia Zurbrick – yes  
Councilman Gerald Pietraszek – yes  
Supervisor James DePasquale – yes

#### BUDGET TRANSFERS

None

#### TOWN CLERK REPORT

Town Clerk reported that Flu Shots will take place Tuesday, September 9 from 10am – 2pm. Andrew Wiencek explained the upcoming AARP Defensive Driving Course three dates will be available. Saturday, October 11, – 8:45am to 3:30pm  
Wednesday, October 15 & Thursday, October 16 – 6pm to 9pm both days  
Saturday, October 18 – 8:45am to 3:30pm

10% Discount on Insurance

\$20 AARP Member

\$25 Non AARP Member

30 people per course ages 16 and up

Contact the Town Clerk's office to register for the course.

Approve AARP Defensive Driving Course

MOTION made by Councilman Zurbrick and seconded by Councilman Arcara and unanimously approved the three AARP Defensive Driving Courses to take place at the Senior Center on the stated dates.

SUPERVISOR'S REPORT

Supervisor DePasquale invited the Town Board to an informational training session to be held on Thursday, July 17<sup>th</sup> at 7pm by Dale Rowekamp a representative from Seneca Resources who works in the High Volume Hydro Fracking industry and Ed D'Amico from Government Industry. The public is invited to attend the meeting but without any participation. -The Town's website will go live next week and Supervisor DePasquale thanked his Secretary Tammy Nuttle, Water Clerk Ron Smith and Town Clerk Christina Kerlin for putting the information on the website.

PAY BILLS

Motion made by Councilman Pietraszek and seconded by Councilman Zurbrick and unanimously approved to pay the following bills.

General Fund Warrant Voucher #2014-231 to #2014-274	\$17,970.02
Water District Warrant Voucher #2014- 37 to #2014-40	\$ 3,096.33
Refuse District Warrant Voucher #2014-34	\$16,686.18
Lighting District Warrant Voucher #2014-11 to #2014-12	\$ 1,643.94
Highway Abstract Warrant Voucher #2014-84 to #2014-100	\$ 69,030.68

PRIVILEGE OF THE FLOOR

ADJOURN

Marilyn Calhoun-Allen had a question on the fireworks permit process if the person applying had to before or after their fireworks display.

Supervisor DePasquale stated that the person would apply before their fireworks display. With Colden Lakes Resort the person did apply prior to the fireworks display. NY State oversees the Fireworks Technicians permit the Town is acknowledging the fact that the permit has been filed with the Town and the Fire Company is aware of the event.

Marilyn Calhoun-Allen asked if the Dog Census has started in the Town.

Supervisor DePasquale asked Councilman Arcara to contact the DCO to see how the census is going in the Town.

Ken Heiler asked if there has been any more information about the progress on the saving of the Creekbed.

There was discussion by the Town Board and audience about the pervious hard rainstorm and the poor drainage around town.

Highway Superintendent Clarkson reminded resident's to keep their culverts clean of any garbage and debris.

Judge Montgomery stated he was happy to see Councilman David Arcara sitting up on the dais tonight after the show he put on this week. Everyone agreed. Councilman Arcara thanked the Colden Fire Company.

There was discussion on adding a Town Code or a Town resolution on neglected lawns on homes that have been a banded or foreclosed.

MOTION made by Councilman Hrycik and seconded by Councilman Zurbrick and unanimously approved to adjourn the meeting at 8:23 pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk