

TB MTG SEPTEMBER 11, 2014  
TOWN BOARD MEETING  
COLDEN TOWN HALL – September 11, 2014

MEETING CALLED TO ORDER AT 7:00pm

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR KENNETH ROTHENBURG, ALOISIA LIRUSSI AND JOHN CHMIELOWSKI FOLLOWED BY A MOMENT OF SILENCE AND RECOGNITION AND REMEMBRANCE OF THE FIREFIGHTERS, CIVILIANS, POLICE OFFICERS AND AMERICANS WHO LOST THEIR LIVES THIRTEEN YEARS AGO IN NEW YORK CITY, PENNSYLVANIA AND WASHINGTON D.C. AND FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

ALSO: Highway Superintendent Paul Clarkson  
Town Clerk Christina Kerlin  
Approximately 17 residents

#### MINUTES

MOTION made by Councilman Zurbrick and seconded by Councilman Hrycik and unanimously approved to accept the minutes of the August 14, 2014 Town Board Meeting as presented.

#### PUBLIC ACKNOWLEDGEMENT

Supervisor DePasquale read the following resolution to fireman Wayne Herbst for his service of 60 years with the Aurora-Colden Fire District #6 and the West Falls Fire company.

TOWN OF COLDEN  
COLDEN N.Y. 14033  
RESOLUTION #2014 – 09  
HONORING WAYNE HERBST WEST FALLS FIREFIGHTER

WHEREAS, Wayne Herbst on September 27, 1954 joined the West Falls/Colden Fire District and the West Falls Fire Company in order to serve the residents in their need

WHEREAS, Wayne Herbst has served in every position within the West Falls Fire Company and also as a Fire District Commissioner for the West Falls/Colden Fire District

WHEREAS, Wayne Herbst was dedicated to responding to the call for help in a moment's notice leaving whatever he was doing at the time of the call

WHEREAS, Wayne Herbst's wife Bonnie and his Children, we commend for their support and understanding as Wayne volunteered his services to his Community

WHEREAS, Wayne Herbst will still be seen around Town doing his good deeds and reaching out to people who need help, and

NOW, THEREFORE BE IT RESOLVED, the Town Board of Colden wishes to recognize our friend Wayne and his family for their commitment to serving their Community

BE IT FURTHER RESOLVED, The Colden Town Board does hereby present to Wayne Herbst the certificate of public recognition, and extend to him our deep appreciation for his distinguished service to the Towns of West Falls and Colden.

Duly adopted this 11<sup>th</sup> day of September, 2014 by the following vote.

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

#### PUBLIC HEARING

Supervisor DePasquale opened the Public Hearing for the Colden Arts Festival at 7:07pm.

Public Hearing notice read by Town Clerk Kerlin

Letter of intent from the Colden Festival Committee was read by Councilman Zurbrick.

Supervisor DePasquale stated that the town Board reviewed the 2013 approved permit and as regulated under Section 108-123 and 108-122A of the Town of Colden Zoning Ordinance are waiving the process of the Special Use Permit application. As this Festival has been a reoccurring event for many years with the Towns support this would be redundant to file a new Special Use Permit application each year. The festival committee has submitted an insurance policy for the event. The Festival Committee has contacted the Erie County Sheriff's Department in regards to parking at the Town Hall during the event. Emergency Manager Scott Wohlheuter has all emergency plans in place and traffic control with the use of the Erie County management trailer. No parking signs will be displayed where needed. Emergency Management coverage will be from 7am – 12am each day of the event. Food permits – all vendors are aware that food permits are required during the event. The Colden Fire Company in the past has used the bay at

the Senior Center for the sale of hot dogs and chili, etc. if they would like to continue this would be okay with the Town Board. The Town would like to request that the committee promote the designated parking locations on posters or advertising. The Town will help by putting the information on the town website. The Town will provide 1-handicap portable toilet, 1- regular portable toilet and a washstand to be located in the Town Hall parking lot. Waste management will be providing 15 garbage totes and bags at no cost to the committee or town. The Town will be checking on the availability of the town constables being present during the event from 11am – 5pm each day during the event.

Supervisor DePasquale asked for any comments.

No comments

Supervisor DePasquale closed the Public Hearing at 7:14pm.

#### Decision on the Public Hearing

Whereas, a Public Hearing was held on September 11, 2014 for the 2014 Colden Arts Festival to be held in the hamlet of Colden on Saturday, October 4<sup>th</sup> & Sunday, October 5<sup>th</sup>, The Town Board, as regulated under Section 108-123 and 108-122A of Zoning Ordinance waives the process of the Special Use Permit application, As this festival has been reoccurring event with the towns support for many years and without significant changes, this would be redundant to file a new Special Use Permit application each year.

Whereas, The Town of Colden shall provide two portable toilets, one hand wash station. The Emergency Manager will coordinate with the festival committee to post “no parking” signs as noted in the Public Hearing, food vendors must obtain permits from Erie County Health Department and the Colden Fire Company for their use in the past events at the Colden Senior Center, and parking will be handled by the festival committee. Garbage will be handled by Waste Management.

Be it Resolved, that the Town of Colden waives the \$25.00 fee and grants permission to the Colden Festival Committee to hold the 2014 Colden Arts Festival on October 4<sup>th</sup> & 5<sup>th</sup> 2014 from 11am to 5pm on both days.

MOTION made by Councilman Pietraszek and seconded by Councilman Arcara and unanimously approved the decision on the Public Hearing for the Colden Arts Festival.

#### BUILDING COMMITTEE REPORT

Councilman Arcara reported that the Highway garage had a problem with bees and Buffalo Exterminating was called to resolve the problem.

#### INSURANCE COMMITTEE REPORT

No report

#### HIGHWAY & PARKS REPORT

Highway Superintendent Clarkson reported that road work is complete and now working on ditching and mowing.

-Preparing trucks for the winter months.

Councilman Zurbrick questioned the park truck that was for sale and that there are no bids and asked if the truck would go up for auction.

Supervisor DePasquale stated that the park truck would go to Auctions International.

#### PLANNING BOARD REPORT

No report

#### ENVIRONMENTAL BOARD REPORT

No report

Councilman Pietraszek had a follow up on the creek bed restoration from Mark Gastan with the Erie County Soil & Water Conservation will be applying for a grant through the Great Lakes Basin program to receive some funding that would help cover the cost to any restoration to the Creek from the Colden Kitchen to the back of the Town Hall. The town is allowed to go in the creek and remove trees and limbs manual but no vehicles allowed in the creek. Supervisor DePasquale would like to possible hold a community event where a group could go in the creek and remove trees and branches.

#### COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported that the Colden Art Festival will take place on Saturday, October 4<sup>th</sup> & Sunday, October 5<sup>th</sup> from 11am to 5pm. The festival committee is in need of volunteers.

The Bread of Life will hold a Rummage Sale on Friday, October 3<sup>rd</sup> to Sunday, October 5<sup>th</sup> & The Farmers Market will take place on Saturday, October 4<sup>th</sup>.

#### LIBRARY REPORT

Councilman Hrycik reported that the Annual Hot Dog Sale & Book Sale with Legislators John Mills and Joseph Lorigo collected \$1,112.00.

-Library is open on Saturdays

-Thursday, September 11<sup>th</sup> Pre-School Story Hour starts from 10:30 to 11:30 every Thursday unless there is a holiday

-Wednesday, September, 17<sup>th</sup> Greeting Card Making – Pre registration required with a \$10.00 fee

-Fund Raising event is being planned for the Fall

#### SOLID WASTE & NEST

No Report

Household Hazardous Waste & Electronics Recycling Day event to take place on Saturday September, 20<sup>th</sup> 8am – 12pm at the Colden Fire District, Center Road & Partridge Road

#### YOUTH & ADULT RECREATION

Councilman Zurbrick reported that Colden recreation would like to invite our residents to a Fall Family Fun Day on Sunday, October 19<sup>th</sup> from 1:30pm – 4:00pm at Kummer Park.

#### STREET LIGHTING

Councilman Zurbrick reported one Historical Light out 8850 State Road and a street light out at 8397 Gutekunst Road.

#### PERSONNEL REPORT

Councilman Zurbrick reported that an application was submitted to the Town Board for a Court Constable.

#### Appoint a Temporary Court Constable

MOTION made by Councilman Zurbrick and seconded by Supervisor DePasquale and unanimously approved to appoint Steven Lehman as a temporary Court Constable until the end of the year at a rate of \$11.25.

#### NYS Citizen Preparedness Training Course

NYS is offering a 2 hour course for residents to prepare for any type of disaster. The class is on Monday, September 29, 2014 at 6:30pm at Hilbert College in Hamburg. Must register online and stay for the entire meeting.

#### DOG CONTROL REPORT

Councilman Arcara reported 8 dog calls for the month of August.

#### CODE ENFORCEMENT OFFICER REPORT

Report for the month of August, 2014 – Supervisor DePasquale reported that there were:

- 4– Building Permits Issued
- 4 - Fire Inspections
- 2 – Phone Complaints

#### WATER COMMITTEE REPORT

Councilman Pietraszek reported recent equipment purchases: 2 pit antennas, small generator, exhaust fan and working on rebuilding a digital flow meter from the Town of Elma Water Department.

- Water billing went out August 1<sup>st</sup>
- Chlorine Residuals-Daily tests have been in normal ranges
- Plans are being made to take lead readings
- Sampling for disinfection products have been done results came in good
- Asphalt was placed in the rear Town Hall parking lot where the water valve was replaced last year.

#### OLD BUSINESS:

None

#### NEW BUSINESS

Supervisor DePasquale stated that the Town Board reviewed the 2013 audit report at the September 4<sup>th</sup> Town Board workshop from independent auditors Drescher & Malecki. The report is on file in the Town Clerks office and on the Town's website.

#### RESOLUTIONS

Resolution for Judge William Montgomery was tabled until next month.

#### BUDGET TRANSFERS

None

Supervisor DePasquale stated that the Town Board discussed payment of the used water from the hydrants at the last Town Board workshop and the outcome was to pay the water usage from the Town's general fund as shared services and not out of the Town's water district.

#### TOWN CLERK REPORT

Andy Weincek reported on the upcoming defensive driving courses that are available:

-AARP Defensive Driving Course three dates will be available:

Saturday, October 11<sup>th</sup> – 8:45am to 3:30pm

Wednesday, October 15<sup>th</sup> & Thursday, October 16<sup>th</sup> – 6pm to 9pm both days

Saturday, October 18<sup>th</sup> – 8:45am to 3:30pm

Set the Public Hearing for the Community Development Block Grant and the Town Board Budget Workshop for Thursday October 2<sup>nd</sup> at 7:00pm at the Colden Town Hall

### SUPERVISOR’S REPORT

Supervisor DePasquale received an email which he read from a resident concerned about sex offenders being housed in group homes in WNY and wondered if there were any in town and had a question about what the gas company is doing at Hayes Hollow Road and Heath Road. Supervisor DePasquale stated that SASI was contacted and the director assured him that in the Town of Colden there are no sex offenders housed in their group homes. The sheriff’s department was contacted and there is a website that you can go to see where sex offenders are located and the link is on the Town’s website.

The Town and the residents at Hayes Hollow Road and Heath Road were notified by the gas company that a supply line would be changed out at the that sight.

-Simplex/Grinnell was out to test the fire alarm system at the Town Hall and it passed there will be a heat sensor added to the boiler room.

-The Town website audience overview during the week of September 1<sup>st</sup> – September 7<sup>th</sup> had 1,213 page views, 176 users and the average session was 2 minutes and 26 seconds.

-Crump Road has reopened from Holland-Glenwood Road to Matteson Corners Road.

### PAY BILLS

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

General Fund Warrant Voucher #2014-328 to #2014-360	\$15,069.09
Water District Warrant Voucher #2014- 49 to #2014-52	\$ 2,526.40
Refuse District Warrant Voucher #2014-36	\$16,686.18
Lighting District Warrant Voucher #2014-15	\$ 1,543.08
Highway Abstract Warrant Voucher #2014-122 to #2014-130	\$23,435.34

### PRIVILEGE OF THE FLOOR

Marilyn Calhoun-Allen questioned how the dog census was going on in Town.

Councilman Arcara will set up an appointment in the future to address the dog census with DCO Christa Pouthier.

Supervisor DePasquale introduced Mitch Martin from Senator Gallivan’s office who was in attendance at tonight’s meeting. Mitch Martin stated that he was here observing the meeting and added that Senator Gallivan sponsored a bill in the Senate that would require notification from a sex offender not only to a Police department but also to a CEO of a municipality.

Supervisor DePasquale introduced Karl Simmeth from Legislator David DePietro’s office who was in attendance at tonight’s meeting.

Andrew Weincek addressed the Town Board on potholes throughout the Town especially ones on Boston-Colden Road and Hayes Hollow Road.

Supervisor DePasquale asked Highway Superintendent Clarkson to notify Erie County highway and New York State highway Superintendents on the issue.

ADJOURN

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik and unanimously approved to adjourn the meeting at 7:54 pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk