

TB Mtg. March 12, 2015  
TOWN BOARD MEETING  
COLDEN TOWN HALL – March 12, 2015

MEETING CALLED TO ORDER AT 7:00PM.

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE  
IN MEMORY OF DOLORES MAHONEY FOLLOWED BY THE PLEDGE OF  
ALLEGIANCE.

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

ALSO PRESENT: Highway Superintendent Paul Clarkson  
Bldg. Insp/Code Enf Officer John Kotlarsz  
Asst. Rec. Dir. Jaime Ruhland  
Town Clerk Christina Kerlin  
Approximately 20 residents

#### MINUTES

MOTION made by Councilman Zurbrick, and seconded by Councilman Pietraszek and  
unanimously approved to accept the minutes of the February 5, 2015 Town Board Workshop and  
February 12, 2015 Regular Town Board Meeting minutes as presented.

#### PUBLIC HEARING SITE PLAN APPLICATION –DOG KENNEL 8145 BURR ROAD – MR. CHRIS MATSCHKE

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

Supervisor DePasquale reviewed the submitted documents for the Special Use Permit  
application.

-Letter of Intent

-Sketch and plans

-\$25.00 fee collected

-Building Inspector report submitted and signed by John Kotlarsz

-Petition of residents in 500' submitted by Chris Matschke

-Letter was received from Craig and Shirley Stratton for the record

-Environmental Board recommendation and SEQR form

Changes to the SEQR form Part 1- #4 add residential

#9 change to yes

- Planning Board recommendation
  - Erie County Division of Planning- No recommendation has been reviewed and determined to be of local concern.
  - Public Hearing notice posted and neighbors notified in 500'
- All documents are on file in the Town Clerk's office for review.

**PUBLIC HEARING OPENED AT 7:25PM**

Linda Lindner at 8161 Burr Road stated that she had concerns about the number of dogs that would be allowed and that the Special Use Permit for a dog kennel implies that there would be a physical kennel for business purposes on the property.

Supervisor DePasquale stated that the letter of intent was that he had three licensed dogs and now has his daughter's dog. The dogs would reside in their home and has no intent to build or use an outdoor kennel. A portion of the property was fenced with non-climbable wire for the security of the dogs. The Town's code states that a homeowner may have up to three dogs after that the owners would apply for a Special Use Permit for a dog kennel permit in order to have more than three dogs and stipulations would be added along with a yearly inspection to the property. There is no intent to have a kennel business with this Special Use Permit.

Chris Matscke stated that he is not having a kennel business he just has more than three dogs at this time.

Town Board will review the documents and act on the Special Use Permit at the Town Board meeting on April 9, 2015.

**PUBLIC HEARING CLOSED AT 7:30PM**

**PUBLIC HEARING  
SITE PLAN APPLICATION –AUTO SALES DEALERSHIP  
8515 HEATH ROAD – JOHN KRUSZKA**

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

Supervisor DePasquale reviewed the submitted documents for the Special Use Permit application.

- Letter of Intent
- Sketch and plans
- \$25.00 fee collected
- Building Inspector report submitted on June 6, 2014 requesting a more detailed site plan signed by John Kotlarsz

- New site plan submitted on August 29, 2014
- Building Inspector report updated with new site plan OK
- Petition of residents in 500' submitted by John Kruszka
- Letter was received from Joseph Schnellman for the record no objection of the Auto Dealership

Supervisor DePasquale asked John Kruszka to have Mr. Schnellman contact him to verify the letter that was submitted because there was no signature on the letter.

- Zoning Board Variance approved on December 3, 2014
- Erie County Division of Planning report letter dated December 24, 2014
- Planning Board recommendation
- Environmental Board recommendation and SEQR form
  - Changes to the SEQR form Part 1-#5A - NO
  - B - NO
- Erie County Division of Planning report letter dated March 12, 2015 requesting a change to SEQR question #10 to reflect NO

#### Approve SEQR

MOTION made by Councilman Arcara and seconded by Councilman Zurbrick and unanimously approved the SEQR form for John Kruszka, 8515 Heath Road for a Special Use Permit for Auto Retail Sales.

- Public Hearing notice posted and neighbors notified in 500'
- All documents are on file in the Town Clerk's office for review.

#### PUBLIC HEARING OPENED AT 7:55PM

Councilman Zurbrick asked Mr. Kruszka if he has obtained his New York State Auto Dealership License.

John Kruszka stated not at this time he was waiting to see if the Special Use permit would be approved.

Town Board will review the documents and act on the Special Use Permit at the Town Board meeting on April 9, 2015.

#### PUBLIC HEARING CLOSED AT 8:00PM

#### YOUTH & ADULT RECREATION REPORT

Assistant Recreation Director Jaime Ruhland reported that soccer registration is ongoing the deadline is March 26<sup>th</sup> and coaches are needed.

Applications are being accepted for concession stand workers, referees, tennis instructors and summer staff.

#### BUILDING AND INSURANCE COMMITTEE REPORT

Councilman Arcara reported that the snow and ice have been removed from the Town Hall and will be monitored for anymore leaks. Ceiling tiles have been replaced in the court room and the remaining tiles for the other offices will be replaced.

- Quotes are being obtained for the replacement of the Town Hall furnace.
- Items to be addressed after this winter will be the Town Hall roof and Senior Center gutters.

#### HIGHWAY AND PARKS REPORT

Highway Superintendent Clarkson reported that the highway department is enjoying the slow meltdown of snow.

- 90% of the salt purchase for this year is almost complete and hopefully no more will be needed the salt barn is full.

#### PLANNING COMMITTEE REPORT

Councilman Hrycik reported that at the last meeting there was discussion on:

- Minutes from the January meeting which were tabled for further review
- Updating Carl's Trucking and Repair Special Use Permit
- Signs
- Special Use Permit guidelines

#### ENVIRONMENTAL COMMITTEE REPORT

No report

#### COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported that if there were any constituency that had the HEAP benefits this year that there is a second emergency benefits program available and all you need to do is contact the hotline.

Supervisor DePasquale will have the information placed on the Town website.

#### LIBRARY REPORT

Councilman Hrycik reported that on Saturday March 14<sup>th</sup> from 1pm – 2pm there will be a presentation on Backyard Beekeeping with Jon Potzler. No Charge

#### SOLID WASTE AND NEST REPORT

No report

#### STREET LIGHTING REPORT

Councilman Zurbrick reported that there are 41 Historical lights in the hamlet and 8 lights are out and that funding is being looked into for the replacement of all the 41 Historical light bulbs to LED the cost would be around \$22,500 and that is without labor cost.

CEO John Kotlarsz is working with Councilman Zurbrick on a grant which would also include usable receptacles on the posts and flag braces for banners on the light poles.

#### PERSONNEL COMMITTEE REPORT

Councilman Zurbrick reported that the training for PESH, Blood Borne Pathogens and Harassment Policy is being coordinated with the Town of Aurora but that they are having a hard time finding someone to conduct the training.

Discussion on making out job descriptions and procedures and hiring substitutes for various Town employment positions.

#### DOG CONTROL REPORT

No report

#### CODE ENFORCEMENT OFFICER REPORT

Building Inspector/Code Enforcement Officer, John Kotlarsz gave the following report for the month of Feb, 2015.

1 Building Permits Issued  
1 Certificates of Occupancy  
1 Certificates of Compliance

Orders of remedy are being written up to have two buildings demolished in the Town one on Hayes Hollow Road and the other one on State Road.

#### WATER COMMITTEE REPORT

Councilman Pietraszek reported that chlorine residuals are up this month

-5 metal samples will be taken in July

-Annual Water Quality report is being prepared and will be sent to the Department of Health and to the water customers by the end of May.

-A reminder to residents that have a fire hydrant near their home to clear the snow away.

#### OLD BUSINESS

None

#### NEW BUSINESS

None

#### RESOLUTIONS:

None

BUDGET TRANSFER

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

2014 General Fund General Fund Budget Transfers

From: A9050.8	\$5,188.25
Into: A9030.8 Empl. Ben SS	\$5,188.25
From: A9060.8 Empl Ben – Med Ins	\$1,070.50
Into: A9040.8 Empl Ben – Work Comp	\$1,070.50
From: A1220.2 Supervisor Equip.	\$ 288.00
Into: A3310.4 Traffic Control	\$ 288.00
From: A1220.2 Supervisor – Equip	\$ 72.83
Into: A3120.4 Police – Contr.	\$ 72.83
From: A7110.2 Parks – Equip	\$ 292.81
Into: A7110.4 Parks Contr.	\$ 292.81

TOWN CLERK REPORT

Town Clerk Kerlin had a request for the use of the Town Park:

When: Saturday June 20th at 9:00am

From: Immaculata Academy “Class of 70” Reunion

MOTION made by Councilman Arcara and seconded by Supervisor DePasquale to approve the use of the Town Park on June 20, 2015 for the Immaculata Academy “Class of 70” Reunion.

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

#### SUPERVISOR'S REPORT

Supervisor DePasquale reported that National Fuel will be replacing ½ mile of pipeline just north and south of Knapp Road starting in May 2015 all landowners who will be impacted have been notified there was 6 landowners in total.

-The Town has ownership of the property adjacent to the Veterans Park the deed was filed at the Erie County Clerk's office. The Town Board will discuss at the next workshop any plans for the use of the property.

-All the Cardiac life AED for the Town have been updated and the pads have been replaced and new AED's were purchased for Recreation and Highway department.

#### PAY THE BILLS:

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

General Fund Warrant Voucher #2015-50 to #2015-89	\$384,410.73
Highway Fund Abstract Voucher #2015-23 to #2015-42	\$43,918.80
Lighting District Voucher #2015-02 to #2015-03	\$ 2,073.58
Refuse District Voucher #2015-03	\$16,484.89
Water District Voucher #2015-07 to #2015-11	\$ 2,567.28

#### PRIVILEGE OF THE FLOOR

James Gusch on Center Street addressed the Town Board with his displeasure that the Town Board did not contact him after last month's meeting on the concerns he had with the windmill and the problems with people coming on his property to view his neighbors windmill.

Supervisor DePasquale stated that he would do anything to help anyone in Town but he also has to follow Town Codes and he would be happy to meet with Jim Gusch anytime.

CEO John Kotlarsz stated that he would meet with Jim Gusch to go over the process of the Special Use Permit for the windmill within the Town Code book.

#### ADJOURN

MOTION made by Supervisor DePasquale and seconded by Councilman Zurbrick and unanimously adjourned the meeting at 9:10 pm.

Respectfully Submitted,

Christina M. Kerlin,  
Town Clerk

