

TB Mtg. April 9, 2015
TOWN BOARD MEETING
COLDEN TOWN HALL – April 9, 2015

MEETING CALLED TO ORDER AT 7:02PM.

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE IN MEMORY OF BRUCE BABBIT AND DANIEL STOJANOVICH 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
Rec. Dir. Kip Palmateer
Town Clerk Christina Kerlin
Approximately 13 residents

MINUTES

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

BUILDING AND INSURANCE COMMITTEE REPORT

Councilman Arcara reported that the phone system at the Town Hall was updated and one of the features are when a call goes to the Sheriff's department and no one is there to pick up, the call goes directly to the Sheriffs dispatch. There is also voicemail feature that can be accessed off sight.

The Governor has proposed \$5,000,000. to be included in the State budget for broadband and hopefully some of the funds will come to the area.

HIGHWAY AND PARKS REPORT

Highway Superintendent Clarkson reported that roads are being cleaned up and potholes filled. If any residents notice places that were missed you can contact the Highway department.
Parks employee Tere Feidt will be starting back to work on Monday April 13th.

PLANNING COMMITTEE REPORT

Councilman Hrycik reported that at the last meeting the minutes from the last two months were sorted out and there was discussion on language used for a Special Use Permit for a Dog Kennel.

ENVIRONMENTAL COMMITTEE REPORT

Councilman Pietraszek reported that the Environmental Board went over the SEQR forms for Carl's Trucking and Repair Special Use Permit and Kim and Bruce Zehnder's Change of Use permit.

Instructions were received from Erie County Soil & Water on the project title West Cazenovia Creek Sediment & Nutrient Control Project. Mark Gaston would be setting up the grant writing and now they need approval to move forward by April 24th. The project would include rip-rap along the banks of the creek. The timeline for the project is as follows:

Site reconnaissance 7/15 – 4/16
Survey/Design/Permitting 7/16 – 10/16
Completion 7/18

Town Board will review template and instructions and hold a meeting before April 24th to make a decision on whether to move forward with the grant application.

COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported that the 4th season for the Farmers Market will start on May 16th at the Bread of Life Outreach Center.

Supervisor DePasquale stated that he met with Penny Marron who is looking for any volunteers to help out with the Farmers Market she would like to have a schedule put together for the committed volunteers. Possible ideas for volunteers were the Colden Fireman, High School Seniors who need community service and the Boy Scouts.

LIBRARY REPORT

Councilman Hrycik read an article that was in the West Falls-Colden Community Library Winter/Spring Newsletter thanking longtime volunteer Reita Littlefield for all her years of service she will be greatly missed.

SOLID WASTE AND NEST REPORT

No report

YOUTH & ADULT RECREATION REPORT

Recreation Director Kip Palmateer reported that soccer registration is closed. A coach meeting was held to divide up teams and hand out equipment. Teams will begin practices as soon as the weather allows. Games will start the first or second week of May, depending on weather.

The Piloxly and Yoga groups have started new spring sessions. Information can be found at Town Hall, on Colden Recreation Facebook, and Town of Colden website.

The summer program is complete, and will be going out in the town newsletter. Information can be found on the Town website and Colden recreation Facebook.

We would like to approve the following referees at \$13 for Midget games and \$15 for Youth games:

Jacob Perkins
Michael Palmateer
David Reese
Keegan Kempf
Jack Woolley

We would like to approve the following concession stand workers at \$8.75/hour:

Kalee Schreiber
Kalei Brautlacht
Emily Dziulko
Sara Byrne
Haley DePasquale

MOTION made by Councilman Zurbrick and seconded by Councilman Arcara to accept the following recreation employees and rates stated above.

On the vote: Councilman David Arcara – yes
Councilman Jesse Hrycik – yes
Councilman Patricia Zurbrick – yes
Councilman Gerald Pietraszek – yes
Supervisor James DePasquale – abstained (daughter is stated above)

STREET LIGHTING REPORT

Councilman Zurbrick reported Streetlights out at: In front of 8703 Lower East Hill Road
Corner of Lower East Hill Road and
Woodview Drive

A reminder that anyone can report a Streetlight out just go to the NYSEG website and follow the instructions and if you would like a copy of the report print before you submit the outage.

CEO John Kotlarsz stated that repairs were done to four Historical lights locations were at the Town Parking Lot in the planter, in front of 8720 State Road and 8825 State Road and in front of the church. Prices are still being sought for the Historical lights being changed over to LED.

PERSONNEL COMMITTEE REPORT

Councilman Zurbrick reported that Judge Zach stated that she received a resignation letter from her Court Clerk Renee Bystryk effective May 1st and has found a replacement Court Clerk her name is Marie Falzone she has six years' experience with the Village of Blasdell Court.

MOTION made by Councilman Zurbrick and seconded by Councilman Hrycik and unanimously approved to hire Marie Falzone as court clerk to Judge Zach at an hourly rate of \$13.59.

MOTION made by Councilman Pietraszek and seconded by Councilman Arcara and unanimously approved to accept the resignation of Court Clerk Renee Bystryk effective May 1, 2015.

Mandatory Training for Town of Colden employees, Town Board members and volunteer boards will take place on Wednesday, April 29th there will be a morning and afternoon session available. The training will take place at the East Aurora Town Hall more information to follow.

Southern Tier West, Local Government Conference will take place on May 6th from 7:30am – 4pm any interested Town Board members, Highway department and volunteer board members who would like to go should return their information to Town Clerk Kerlin as soon as possible.

DOG CONTROL REPORT

Councilman Arcara reported that there was a complaint over a dog at large on Fairview Terrace spoke to owner over leash law and licensing. NYS Ag & Markets is having there DCO training seminars in East Aurora this year, registration fee is \$70.00. A fox attacked a dog at Blanchard Road and Bleistein Road the fox did test positive for rabies and there is two more fox from the same den running around in the same area DEC is monitoring the situation.

CODE ENFORCEMENT OFFICER REPORT

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

- 3 Building Permits Issued
- 2 Orders to Remedy
- 1 Fire Inspection
- 1 Phone Complaint
- 1 Change of Use
- 1 Fire Call – CO2 check preformed

CEO John Kotlarsz stated that he went with a social worker to inspect a house on Irish Road that had the gas shut off do to a broken gas line after the house had heaved than settled. There will be a follow up visit in a few days to determine whether the house is habitable or if the house should be condemned.

WATER COMMITTEE REPORT

Councilman Pietraszek reported:

- Frozen water meters have been replaced
- Possible safety equipment may be purchased such as a harness and a tripod for going down in the vaults
- Some of the Neptune radio reader batteries are being replaced which are under warranty
- Five letters have been sent out to contractors requesting water taps and excavation fees
- Water was tested on Lower East Hill Road the water was running out under a driveway. Erie County Highway has since put in new drains to redirect the water to the ditch.
- Bills have been paid for the month
- Annual Water Quality report is being prepared and will be sent to the Department of Health and advertised in the Springville Journal and placed on the Towns website
- Petition sent for an Asbestos waiver. The waiver was received and is good till the end of 2023.
- Disaster plan has been updated with new contacts and numbers

OLD BUSINESS

DECISION ON PUBLIC HEARINGS HELD ON MARCH 12, 2015:

Chris Matschke, 8145 Burr Road, Dog Kennel

Addendum of Terms and Conditions was read by Supervisor DePasquale:

- 1) Number of animals on property will be a maximum of 4.
- 2) A yearly inspection will be conducted and reviewed annually.
- 3) There will be no boarding of any animals that are not registered with the Town of Colden Clerks office for the address of 8145 Burr Road.
- 4) All efforts will be made so that animals do not infringe on the lifestyle of the neighbors in the area of 8145 Burr Road.

Chris Matschke requested from the Town Board for a maximum of 5 dogs on the property. Request was granted.

MOTION made by Councilman Zurbrick and seconded by Councilman Arcara and unanimously approved the Special Use Permit for a dog kennel at 8145 Burr Road with the following conditions stated above.

John Kruszka, 8515 Heath Road, Sale of Motor Vehicles

Supervisor DePasquale stated that he spoke with Joseph Schnellman who verified that he did write the letter in favor of the Auto Sales that letter was in question at the Public Hearing.

Addendum of Terms and Conditions was read by Supervisor DePasquale:

- 1) Sale of Motor Vehicles: There shall be a maximum of 3 motor vehicles located on the property for sale at 8515 Heath Road.
- 2) Sign: A sign 2' x 3' with visibility from 8515 Heath Road as required by the Department of Motor Vehicles and a 2' x 3' business sign and phone number shall be permitted in accordance with Section 108-42, Sign Regulations.
- 3) Repair Work: There will be no repair work performed to any of the vehicles attached to the business on the property, other than routine maintenance.
- 4) Fluid Spill Cleanup: Fluid spill cleanup shall be appropriate for groundwater quality and soil integrity. This may consist of a particular floor surface or building perimeter rimmed edge to assist in fluid containment and flow for proper storage and disposal of waste oil and batteries as required.
- 5) Department of Motor Vehicles License: The use of the property as retail sales shall be in accordance with the requirements of the New York State Department of Motor Vehicles, requiring a current license in effect during the term of the Special Use Permit.
- 6) Outdoor Storage: There shall be no outdoor storage of any kind.
- 7) Annual Inspection: The use of the property in accordance with the Special Use Permit shall be inspected by the Town annually and at other times if the need is determined by the Town Building Inspector.

Supervisor DePasquale asked Mr. Kruszka if he understood the terms and conditions. Mr. Kruszka stated that he did and received a copy.

Councilman Arcara questioned the outdoor storage and the three motor vehicles asking if the vehicles would be inside the barn. Mr. Kruszka confirmed that the vehicles would be inside the barn

MOTION made by Councilman Arcara and seconded by Councilman Hrycik and unanimously approved the Special Use Permit for a Retail Sale of Motor Vehicles at 8515 Heath Road with the following conditions stated above.

NEW BUSINESS

None

RESOLUTIONS:

None

BUDGET TRANSFER

None

TOWN CLERK REPORT

Town Clerk Kerlin had two requests for the use of the Town Park:

First request:

When: Friday, May 29, 2015 from 11am – 1pm
Organization: Redeemer Christian Preschool

Second request:

When: Sunday, June 7, 2015 from 10am – 6pm
Organization: Boy Scouts Cub Scout Pack 583

MOTION made by Councilman Arcara and seconded by Councilman Zurbrick and unanimously approved the two requests for the use of the Town Park.

Town Board stated that moving forward that Town Clerk Kerlin would keep track on a calendar of requests for the Town Park and approval from the Town Board would be needed when there is a major event to be held at the Town Park.

SUPERVISOR'S REPORT

Supervisor DePasquale reported that E-Waste can be dropped off at:

Hazman
1777 Wales Ave
Tonawanda
Mon-Fri, 8am -4pm

All Best Buy Locations
E-Waste information is posted on the board in the foyer and on the Towns website.

Tentative date for the Town of Colden recycling event with the Town of Holland will be September 19th and this year there will be a charge for electronics. The event again will be at the Colden Fire Station at the corner of Center Street and Partridge Road.

Discussion on possibly having tire recycling added to the event contact will be made to Southtowns Tireman and Carl's Trucking and Repair.

Town newsletter will be sent out soon.

The AUD has been completed and is on the Towns website.

Where you find the minutes and agendas for the Town, Planning and Environmental Boards there will be a section for supporting documents.

An e-mail was received from Jeanette Geckler on the status of a ban on hydrofracking the Town Board is looking at the issue and is taking the time to look at all the rules and regulations of disclosure and other concerns on this issue.

PAY THE BILLS:

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

General Fund Warrant Voucher #2015-90 to #2015-127	\$18,930.78
Highway Fund Abstract Voucher #2015-43 to #2015-66	\$15,660.14
Lighting District Voucher #2015-04 to #2015-05	\$ 2,521.66
Refuse District Voucher #2015-04	\$17,030.76
Water District Voucher #2015-12 to #2015-16	\$ 5,411.06

PRIVILEGE OF THE FLOOR

Ani Lombardo questioned the status of the moratorium on High Volume Horizontal Drilling. Supervisor DePasquale explained that if you continuously put a moratorium on without passing a law it can be challenged that the town is enacting a law without doing legislation and he will follow up with the town attorney on the moratorium.

Councilman Zurbrick received a call about the municipal parking lot and Harmony Markets signs not being moved.

Supervisor DePasquale stated that once the frost is out of the ground stakes can be placed in the ground for the municipal parking signs to come across the parking lot.

A Town Board meeting will take place on Monday, April 20, 2015 at 7:30pm at the Colden Senior Center to discuss the proposed grant for creek stabilization working with a representative Mark Gaston from Erie County Soil & Water. The review of the Municipal parking lot agreement with Harmony Market will also be discussed. The meeting will be posted on the Town website, front and back doors of the Town Hall, on the legal board in the Town Hall foyer and the Springville Journal will be notified.

ADJOURN

MOTION made by Councilman Hycik and seconded by Supervisor DePasquale and unanimously adjourned the meeting at 8:00 pm.

Respectfully Submitted,

Christina M. Kerlin,
Town Clerk

