

TB Mtg June 11, 2015  
TOWN BOARD MEETING  
COLDEN TOWN HALL – June 11, 2015

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

PRESENT:

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

ALSO

PRESENT: Highway Superintendent Paul Clarkson  
Bldg. Insp/Code Enf. Officer John Kotlarsz  
Town Clerk Christina Kerlin  
Approximately 25 residents

MINUTES

MOTION made by Councilman Arcara and seconded by Councilman Hrycik to approve the minutes of the May 7, 2015, Workshop and May 14, 2015 Regular Town meeting as presented by the following vote.

On the vote: Councilman Arcara – yes  
Councilman Hrycik – yes  
Councilman Zurbrick - yes  
Councilman Pietraszek – absent  
Supervisor DePasquale - yes

PUBLIC HEARING  
SITE PLAN APPLICATION –  
8099 LEWIS ROAD – CARL'S TRUCKING & REPAIR

OPEN PUBLIC HEARING

Supervisor DePasquale opened the Public Hearing at 7:03 pm.

Supervisor DePasquale stated that the Town Board reviewed the Special Use Permit application at the Town Board Workshop on Thursday, June 4, 2015. Short Environmental Assessment form was completed by the Environmental Board on April 7, 2015 and signed by Linda Antkowiak. Question 3c on the first page of the SEQR it states 300' x 400' acres and on the map it shows 1.2 acres a change was made to reflect 1.2 acres for question 3c.

MOTION made by Councilman Arcara and seconded by Councilman Hrycik and unanimously approved to have Supervisor DePasquale sign off on the SEQR form.

James McCormick, 8101 Lewis Road asked if this is an extension of what Carl's Trucking & Repair has there already and will the DEC be notified and will the business stay on Carl's side of the creek. James was also worried that the increase would devalue his home.

Councilman Hrycik explained that there is no physical change to what Carl has already and the area that is being requested will make Carl's Trucking & Repair compliant to what he has going on at the business now and the cars will not go beyond the area shown on the survey. Special Use Permit inspections are done annually to make sure everything in the permit is compliant and there are no hazards and if there is an issue the Town would act on that issue.

Supervisor DePasquale stated that he would check to see if any DEC permits are needed. The Town Board tabled the request for increased cars at Carl's Trucking & Repair until a lease agreement was submitted and the Erie County Planning report was returned to the Town.

Public Hearing closed at 7:25pm

Request to be on the Town Board Agenda

Supervisor DePasquale received a request from Robert Pyne and Lucian Hudson to address the Town Board on the property located at 8680 State Road on the original use of the permit and the use for the property now and in the future. Existing code violations at the property and the building being unsafe and an eyesore. Supervisor DePasquale explained that there was a request for a 40' x 100' addition on March 7, 1983 for the use of a Log Home Business. On April 9, 1987 the Special Use Permit was amended for a 80' x 160' addition. The Special Use Permit was found to be inactive at this time. Since August 5, 1992 there have been 11 total violations in the Town of Colden court the last one being March 27, 2014 for a fence that had fallen down. The people who live nearby on Route 240 have to look at this every day. Town Attorney advised that the CEO can go onto the property for an inspection and if there are any violations on the property they will be sent to the Town attorney who will write an order to remedy under the guide lines of Town Code 31-1. The Town Board requested that pictures be taken of any violations and a report submitted to the Supervisor. If the owner does not let the CEO on the property for an inspection a court order will be obtained to enter the property.

Robert Pyne addressed the Town Board and stated that if the property in question was 60 feet away from their property how would they like to have that near their house. When you are outside on your deck or out in the yard you have to look at the unsafe buildings and property. Lucian Hudson stated that when he met with Judge Zach she said that she was going to take little bites out of the elephant he would like to have the whole elephant gone. Lucian submitted a letter for the record to the Town Board.

## 2015 DEPARTMENTAL/COMMITTEE REPORTS

### BUILDINGS COMMITTEE REPORT

Councilman Arcara reported that the cover for the air conditioner at the Senior Center has been replaced. Catwalk will be replaced with stairs or a handicap ramp. The roof at the salt barn and storage shed at the Highway garage need to be replaced 3 companies will be contacted for quotes. Quotes for the Town Hall furnace are being obtained.

### INSURANCE COMMITTEE REPORT

Town employees Health Insurance is up for renewal Councilman Arcara met with the insurance agent and there will be no increase to the premiums and a \$250 wellness card will be included there is also a HSA plan that maybe available. The Town Board is looking into a five year plan and capping off the amount the town contributes and having employees contribute towards insurance.

### HIGHWAY & PARKS REPORT

Highway Superintendent Paul Clarkson reported that the truck bids were received from:

|                     |            |
|---------------------|------------|
| Southtown's Tireman | \$3,695.00 |
| Carl Metzler        | \$5,501.00 |
| Ingelfinger Custom  | \$4,100.00 |
| Eric Shelley        | \$4,275.00 |

MOTION made Councilman Zurbrick and seconded by Councilman Arcara and unanimously awarded the Chevy 2500 HD Truck bid to Carl Metzler at a cost of \$5,501.00.

Road work has started. Blanchard Road needed extra work and will need to be closed for repair before being chipped and sealed. Gutekunst Road will need extra work done before that road is chipped and sealed. Culverts are being replaced on South Hill and Darien Road.

Road sides will be mowed.

Supervisor DePasquale asked Highway Superintendent Clarkson to prepare a five year plan and submit one to the Town Board.

Park work that has been completed sandbox was rebuilt and students from Springville GI painted the sandbox. Chips will be placed at the playground. Mowing has been done behind the fences and tennis courts.

### PLANNING COMMITTEE REPORT

No report

#### ENVIRONMENTAL COMMITTEE REPORT

No report

#### COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported that input is being asked for from the community or architectural school for the development of the property next door to the Town Hall and you can contact Councilman Zurbrick or Supervisor DePasquale. A reminder that the Bread of Life has the Farmers Market on Saturdays from 8:30am to 1pm. Senior trips that are still open are Explore Buffalo Old and New on June 23<sup>rd</sup> 9am to 5pm and on July 28<sup>th</sup> there is Chautauqua Bell Lunch Cruise.

#### LIBRARY COMMITTEE REPORT

Councilman Hrycik reported that on Monday there is a Grief and Lost support session in the evening and every Monday in July and August there is student reading assistance. July 9<sup>th</sup> a health is well session on making yourself a better person.

#### SOLID WASTE & NEST COMMITTEE REPORT

Councilman Hrycik reported that he is contacting a company that collects tires and trying to line up a tire recycling with the hazardous waste collection in the fall. Volunteers are needed for the event.

#### YOUTH & ADULT RECREATION REPORT

Recreation Director Kip Palmateer reported that sign up for summer recreation programs are ongoing.

MOTION made by Councilman Zurbrick, and seconded by Councilman Arcara to approve the following Summer Recreation Staff.

On the vote: Councilman Arcara – yes  
Councilman Hrycik – yes  
Councilman Zurbrick - yes  
Councilman Pietraszek – absent  
Supervisor DePasquale - abstained

Approve the following staff at minimum wage:

Kalei Brautlacht  
Haley Depasquale  
Emily Dziulko  
Michael Palmateer  
Jacob Perkins  
David Reese

Jena Schelble  
Shea Schelble  
Kalee Schrieber

Approve Haley Palmateer as Tennis Instructor at \$10/hr, and Marissa Mariea as assistant Tennis Instructor at minimum wage

May, or may not, need to hire other staff depending on enrollment.

Supervisor DePasquale asked Recreation Director Kip Palmateer to contact the coaches and remind them to ask parents to slow down when traveling on Park Street.

#### STREET LIGHTING

Councilman Zurbrick reminded residents that if you have a street light out you can go on the NYSEG website and report the light out or contact the Town Clerk's office.

#### PERSONNEL POLICY AND TRAINING COMMITTEE REPORT

Councilman Zurbrick reported that 1 employee and 1 volunteer have completed schooling and their certificates are on file.

#### DOG CONTROL REPORT

Councilman Arcara reported a stray dog on Center Street owner found

-Received the Dog Control Officer Inspection Report and Municipal Shelter Inspection Report from Department of Ag & Markets and both reports were rated Satisfactory.

-Incident on Phillips Road a dog attacked residents chickens transferred to the Town of Holland.

-Annual Special Use Permit Dog Kennel inspections will take place on July 6<sup>th</sup> & 7<sup>th</sup> in the evening.

-No word on the dog census.

#### CODE ENFORCEMENT OFFICER REPORT

Report for the month of May, 2015 – Bldg. Insp/Code Enf. Officer John Kotlarsz reported that there were:

7 Building Permits Issued

1 First Notice of Violation

1 Order to Remedy Violation

2 Phone complaints

Annual Special Use Permit Inspections were completed

Attending a class on Solar panel inspections on Saturday

#### WATER COMMITTEE REPORT

Water worker Greg Adams reported that rebuild kits for meters are available at a cost of \$50.00 versus new meters at \$250.00.

- Valves will be maintained and turned
  - Fire hydrants will be weed whacked
  - Chlorine levels are good they are holding pretty steady around .5
  - Water clerk Ron Smith is working with the software company billing department on taking the quarterly readings from the master meter on the hill
- Councilman Hrycik asked if the fire hydrants have been painted from yellow to another color. Greg stated that they are working on that and there is a special paint and what color and how much to order.

OLD BUSINESS

None

NEW BUSINESS

REVIEW SPECIAL USE PERMIT INSPECTIONS – Supervisor DePasquale gave the following report on the Special Use Permit Inspections that took place on Saturday, May 23, 2015 with Councilman Pietraszek, Planning Board Chairman Roy Bergman, Code Enforcement Officer John Kotlarsz, 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 – 506 vehicles and 36 crushed
  - General Appearance – Organized & Well kept
  - Fencing or shrubs – Fence along front line and wood line around the rest
  - Conformity to SUP – Good
  - Disposition of Oil – Good
  - 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
  - Conformity to SUP – Meets SUP conditions
  - Recommendations – Left door on gate could be adjusted and barbed wire fence fixed

KAEFER GRAVEL PIT

Al Kaefer – Wohlhueter Road, Colden, NY 14033

- Type of Special Use Permit– Gravel Pit
  - General Appearance – Excellent
  - 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

SAIA COMMUNICATIONS

Tower on Holland Glenwood Road

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

CARL’S TRUCKING & REPAIR

Carl W. Metzler  
8033 Lewis Road  
Holland, NY 14080

- Type of Special Use Permit– Automobile Sales & Service
  - Inventory of Vehicles – 64 vehicles
  - General Appearance – Somewhat organized

- Conformity to SUP- In the process for applying for “storage area” to remedy too many cars.
- Disposition of used oil - OK
- Recommendations – Unstack one car below in lower area

FRANK HRYCIK

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

- Type of Special Use Permit – Junkyard Permit
  - Inventory of Vehicles – 27 vehicles
  - General Appearance – Scattered but somewhat organized
  - Fencing & Shrubs – Located in wooded area
  - Disposition of Oil - Good
  - Conformity to SUP – Looking at reapplying for “storage area” instead of a set number of cars.

“2<sup>ND</sup> HAND LION’S

Gene Long, 8561 Falls Road, West Falls, NY 14170

- Type of Special Use Permit – Automobile Sales & Storage
  - General Appearance – Excellent
  - Conformity to SUP – Meets Conditions
  - Recommendations – None

MOTION made by Councilman Zurbrick, and seconded by Councilman Arcara to approve the Annual Special Use Permit Inspections.

On the vote: Councilman Arcara – yes  
Councilman Hrycik – abstained  
Councilman Zurbrick - yes  
Councilman Pietraszek – absent  
Supervisor DePasquale - yes

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, 2015

Courtesy inspections were done on two Special Use Permits that are less than a year.

PAUL COHN

8213 Center Street, Holland, NY 14080

- Type of Special Use Permit – Windmill
  - General Appearance – fresh build still working on finishing touches
  - Conformity to SUP - Good
  - Recommendations – Look into better climbing guard for tower ladder and a fence for the base of tower and power panels

MCMICKEN MOTORSPORTS

Charles McMicken

10818 Crump Roadt, Holland, NY 14080

- Type of Special Use Permit – Automobile Sales
  - General Appearance – Good
  - Conformity to SUP - Yes
  - Recommendations – None

RESOLUTIONS

None

BUDGET TRANSFERS

None

TOWN CLERK'S REPORT

Town Clerk Kerlin asked if the July workshop would still take place on July 2<sup>nd</sup>.

Town Board decided to change the date to hold the July workshop on June 30, 2015 at 7:00pm at the Colden Town Hall change will be posted on the Town Hall doors and the Town Website.

SUPERVISOR'S REPORT

Supervisor DePasquale was impressed with the Memorial Day Parade turnout and a reminder that there will be a parade in November for Veteran's Day more information to follow.

Town was able to stay under the tax cap and with the help of Marilyn Calhoun-Allen we showed a shared service savings.

**PAY BILLS**

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

|  |             |
|--|-------------|
| General Fund Warrant Voucher #2015-179 to #2015-221    | \$13,517.77 |
| Highway Fund Abstract Voucher #2015-92 to #2015-111    | \$55,922.72 |
| Lighting District Warrant Voucher #2015-08 to #2015-09 | \$ 1,605.50 |
| Water District Warrant Voucher #2015-25 to #2015-30    | \$ 4,048.36 |
| Refuse District Warrant Voucher #2015-29 to #2015-30   | \$17,262.21 |

**PRIVILEGE OF THE FLOOR**

Denny Allen questioned the Town Board on the Dog census being conducted this year.  
Marilyn Calhoun Allen thanked the town board for posting signs in the municipal parking lot.  
Joan Montgomery asked what the process the town can take for homes that look inhabitable.

**ADJOURN**

MOTION made by Councilman Zurbrick and seconded by Councilman Hrycik and unanimously adjourned the meeting at 8:57pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk