

TB JUNE 9, 2016  
REGULAR TOWN BOARD  
COLDEN TOWN HALL – June 9, 2016

MEETING CALLED TO ORDER AT 7:03PM.

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE  
IN MEMORY 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 12 residents

MINUTES:

MOTION made by Councilman Arcara and seconded by Councilman Hrycik to approve the  
May 12, 2016 Town Board Workshop, and the May 12, 2016 Town Board Meeting as presented.

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

PUBLIC HEARING  
FOR  
MORATORIUM ON THE USE OF LAND  
FOR COMMERCIAL SOLAR POWER PROJECTS

OPEN PUBLIC HEARING

Supervisor DePasquale opened the Public Hearing at 7:05pm

Town Clerk Kerlin read the Public Notice

Supervisor DePasquale stated that the object of this Public Hearing is to give an individual the  
opportunity to give his or her view on Commercial Solar Power Projects.

#### COMMENTS FROM THE TOWN BOARD AND AUDIENCE

Marilyn Calhoun-Allen said that she thought it was a good idea for the town to place a moratorium on Commercial Solar Panels until the town has more information on the subject.

James Gusch asked why the Town Board would place a moratorium on Solar Panels and worry about the aesthetics of property when you had no concern for the aesthetics of resident's property when you allowed my neighbor to put up a windmill.

Supervisor DePasquale stated that this public hearing is for any concerns about placing a moratorium on Commercial Solar Power not to hear about your dislike for the windmill on your neighbor's property. If you would like to address the Town Board on your dislike of your neighbor's windmill you can be put on the agenda for another time but right now we are here to talk about the moratorium on Commercial Solar Power.

Supervisor DePasquale stated that the moratorium is being put in place to give the Planning and Environmental Boards time to look at the solar industry to come up with recommendations for a Town Code on Commercial Solar Power Projects.

Councilman Arcara asked for clarification that this moratorium was only on Commercial Solar Farming.

Supervisor DePasquale said this is only on Commercial Solar Farming not Private Solar Panels residents can submit a building permit to the CEO for Private Solar Panels.

William Montgomery stated that there are some residents in town including him who have been approached by a company to lease 20 acres of property for Solar Farming. The company will pay you \$35,000 dollars a year and if someone in town wanted to lease their property and supplement their income would the town stop them from putting up a Solar Panel Farm?

Supervisor DePasquale stated that is why the town is looking into setting some regulations to protect the town residents before they enter into an agreement with the Solar Companies.

Councilman Hrycik said another aspect is what happens after the twenty year lease is up is there going to be a vacant solar array of panels.

Supervisor DePasquale read the Moratorium on the use of Land for Commercial Solar Power. Local Law is recorded in the minute book..

MOTION was made by Councilman Hrycik and seconded by Councilman Pietraszek to adopt a six month Moratorium on the use of Land for Commercial Solar Power.

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

PUBLIC HEARING CLOSED AT 7:20PM

#### COMMITTEE REPORTS

#### BUILDING REPORT

Councilman Arcara reported that it would be a good idea to include the replacement of the Senior Center front doors in the upcoming 2017 Town Budget the doors have been warping on the bottom.

#### Town Hall Parking Lot Sealing

Bids were received from:	Ed Kollatz	\$1,450.00
	Full Throttle Asphalt Coatings	\$1,389.05
	Latak Blacktopping	1 coat \$ 7,993.00
		2 coats \$10,100.00

MOTION made by Councilman Arcara and seconded by Councilman Zurbrick and unanimously approved Ed Kollatz to seal and stripe the Town Hall Parking lot at a cost of \$1,450.00.

#### CODE ENFORCEMENT OFFICER REPORT

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

11 Building Permits Issued  
2 Certificate of Occupancy  
8 Certificate of Compliance  
1 Day of School

Supervisor DePasquale asked for an update on the recent complaints that were received over the last few months.

CEO John Kotlarsz stated that he is working with the lady at the corner of Center Street and Partridge Road she is making a little headway with the cleanup.

Log Home owner did not make it to court he called and cancelled his appearance due to personnel reasons. Supervisor DePasquale asked CEO John Kotlarsz to cite the log home owner again to fix the fence that fall on Mrs. Baker's property.

A resident on State Road who had a Court Appearance to remedy his property failed to show up to court and the Judge issued a bench warrant for his arrest.

A resident on Knapp Road will be having a fireworks display on June 17<sup>th</sup> starting around 10:00pm. There will be around forty people attending an after wedding party.

The resident has notified his surrounding neighbors.

The Fireworks Permit complies with all applicable Federal, State and Local Laws and Ordinances.

#### COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported that the senior trips are posted on the Towns website and on the board in the Town Hall. The Farmers Market is going on through the summer on Saturday from 8:30am to 1pm. There will be an Elders Law Day event Thursday, June 16<sup>th</sup> from 8:00am to 2:00pm at the Adams Mark Hotel.

#### DOG CONTROL OFFICER REPORT

Councilman Arcara reported that this month the DCO Kathy Horschel saw much less activity than the previous months. Had a few calls and the problems that were resolved over the phone. Spoke with a resident several times about a missing dog still has not been found. Dog Census has begun on May 26<sup>th</sup> and has been a learning experience. DCO Kathy Horschel requested to have the signs at the fire halls post that there is a Dog Census going on in the town.

#### ENVIRONMENTAL BOARD REPORT

Supervisor DePasquale reported that the Environmental Board meet Tuesday and is exploring Solar Panel Laws from other towns.

Erie County Soil & Water will start the preliminary design for the creek bed restoration and bids will be obtained in late July.

A Household Hazardous Waste drop-off event will take place on June 18<sup>th</sup> at ECC South from 9am to 2pm.

Annual Special Use Permit inspections will take place this Saturday starting at 9:00am.

#### HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that paving will be done on Darien Road starting this Wednesday - Friday. Park is in good condition.

#### INSURANCE REPORT

Councilman Arcara reported that Health Insurance renewal for this year showed no change it actually decreased a little.

#### Approve Health Insurance Renewal

MOTION made by Supervisor DePasquale and seconded by Jesse Hrycik and unanimously approved the renewal of the Town Employee's Health Insurance benefit for September 2016 to September 2017.

#### LIBRARY REPORT

Councilman Hrycik stated that the Bookmobile will begin visiting the Town of Colden every 2nd & 4th Tuesday beginning June 14th stopping at the Colden Fire District (Partridge Road at Center Street) from 1pm – 2pm then the Colden Town Hall from 4pm – 6:30pm. Services provided will be a wide variety of books, movies, and music for all ages. Apply for a library card and update your account. Laptop computers will be available for public use and for training classes WiFi hotspot, tables and chairs available and the vehicle comes equipped with an awning.

#### PERSONNEL & TRAINING REPORT

Councilman Zurbrick reported that the Town Board is looking into an online training program for the annual mandatory training.

#### PLANNING BOARD REPORT

Councilman Hrycik reported that at the Planning Board meeting they discussed developing codes for Private and Commercial use of Solar Panel Farms and reviewing codes from other towns. Looking at codes for other animals in other areas beside R1 district

#### WATER REPORT

Councilman Pietraszek reported that bills have been paid for this month.

- Three more radios need to be replaced
- Valves are being exercised
- Price for a water tap, push and curb being worked on for the Country Store.
- Water Quality report was sent out
- Chlorine residuals have been good

#### YOUTH/ADULT RECREATION REPORT

Recreation director Kip Palmateer reported that he would like to request approval for a check not to exceed \$300 for a field trip to the Aquarium of Niagara on June 23<sup>rd</sup>.and approval for a pre-pay for the field trip to Old Fort Niagara on July 14<sup>th</sup>. Would also like approval to hire additional staff if necessary based on baseball enrollment and youth soccer program ends on June 10<sup>th</sup> Asst, Rec. Director Jaime Ruhland received a “Thank You” card from an Air Force member thanking the Recreation Department for the Christmas ornaments that they received over the holidays.

#### Approve Field Trips

MOTION made by Supervisor DePasquale and seconded by Councilman Zurbrick and unanimously approved a check not to exceed \$300 for the field trip to the Aquarium of Niagara on June 23<sup>rd</sup> and approval for a pre-pay for the field trip to Old Fort Niagara on July 14<sup>th</sup>.

#### Approve Additional Staff

MOTION made by Supervisor DePasquale and seconded by Councilman Zurbrick and unanimously approved to hire additional staff if needed.

OLD BUSINESS

None

NEW BUSINESS

Colden Lakes Request for Sight Plan Change

Supervisor DePasquale stated that a letter was received from Judy Brown for a site plan change at Colden Lakes Resort the letter stated:

To Town of Colden,

Colden Lakes Resort is requesting to make a sight plan change. The New Lake portion of our campground has 25 legally approved camping sites. Since the sites were built two sites have been sharing green space between them that has been approved camping since origination. I request permission to move the utilities of this unused green space to the end of lake. Our site plan will stay within the approved 25 site blueprint.

Additionally, we would like to request that Pool sites 1-9 be allowed to stay in place during the winter months for storage. Sites 10-25, which are the weekend pull-through site will remain vacant. Sites 1-9 do not have any porches or sheds as per permit specifications approved by the Town of Colden.

Supervisor DePasquale stated that the previous Town Board did go to court over the issue of winter storage at the campground in 2012. The court's decision was that there would be no winter storage in the new area. The letter for the site plan change was forwarded to the Town Attorney for review. The Town Attorney states that the letter addresses two different issues. The site plan change for the green space area does not affect the area where the legal action was taken.

Councilman Zurbrick asked why the Town Board would want to change a legal action that the courts have made a decision on winter storage.

Supervisor DePasquale stated that the Town Board does not have to make a change to the legal action.

During the next couple of weeks the Town Board will go up to Colden Lakes Resort and review the requested site plan change and discuss at a later date.

Land Sale Offer to Town Boarding Kummer Park

Supervisor DePasquale stated that Cal Rauch approached the Town Board with a proposal for the town to purchase 38 acres of land that is adjunct to the north side of Kummer Park the asking

price is \$100,000. The purchase of the property would have to go through a referendum vote and be budgeted for next year. The Town Board will review the proposal and discuss at a later date .

#### RESOLUTIONS

None

#### BUDGET TRANSFERS

None

#### TOWN CLERK REPORT

No report

#### SUPERVISOR'S REPORT

Supervisor DePasquale reported that NYSEG is putting a plan together for placing streetlights on a road where residents have been paying tax in the Street Light District and had no lights on there road.

National Fuel is working within the town there is a drilling rig up on Stanfield Road plugging a well. They also have permission to stage up at Kummer Park where they are replacing pipe through a corridor from the Kummer Park to Heath Road and other areas in town.

#### PAY BILLS

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

General Fund Warrant Voucher #2016-163 to #2016-201	\$16,705.40
Highway Fund Abstract Voucher #2016-83 to #2016-97	\$25,183.07
Refuse District Voucher #2016-32	\$17,737.80
Water District Voucher #2016-25 to #2016-29	\$ 4,310.58
Lighting District Voucher #2016-11 to #2016-12	\$ 1,742.81

#### PRIVILEGE OF THE FLOOR

Marilyn Calhoun Allen stated for the record if the Town Clerk could keep track of the money that is being brought into the town from the dog census being conducted. Town Clerk Kerlin agreed to keep track. Marilyn stated that since the Town had legal action against Colden Lakes and the Town probably spent a lot of money and time going to court and with all the neighbor's concerns about the campground. The Town Board should real think hard about reversing the courts decision. Marilyn stated that a survey was conducted years ago at Kummer Park that shows the town owns property that does go all the way back to the last house up at the end of Park Street.

Pat Pierce addressed the Town Board on the windmill up on Center Street and asked if a sound study has been submitted to the Town Board. According to the Town Code a baseline sound study should have been done once the windmill was put up and a report submitted to the Town Board. The only sound study paperwork that he has reviewed from the town was a marketing sound study sheet. Pat stated that with the noises that come from the windmill that it has changed the quality of life living up on Center Street where he grew up. Pat was also under the impression that there was to be no logos or markings allowed on the windmill.

Supervisor DePasquale stated that he would check to see if a baseline sounds study report was completed. The sound measurement report is to be filed with the Town Clerk by June 1<sup>st</sup> of each biennial year which would be next year and he would review the matter of logos being placed on the windmill. Supervisor DePasquale asked Pat for permission for the Town Board to go up to his property and listen to the windmill.

ADJOURN

MOTION made by Supervisor DePasquale and seconded by Councilman Zurbrick and unanimously adjourned the meeting at 8:18pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk