

TBMtg. December 8, 2016  
TOWN BOARD MEETING  
COLDEN TOWN HALL – December 8, 2016

MEETING CALLED TO ORDER AT 7:02PM.

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE  
IN MEMORY OF CLIFFORD BOTH AND CLAYTON HAWLEY 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 Bldg. Insp/Code Enf Officer John Kotlarsz  
Highway Superintendent Paul Clarkson  
Town Clerk Christina Kerlin  
Approximately 7 residents

#### MINUTES

MOTION made by Councilman Pietraszek, and seconded by Councilman Hrycik, and  
unanimously approved to accept the minutes of the November 10, 2016 Town Board Workshop  
and the November 10, 2016 Regular Town Board meeting and the November 29, 2016 Special  
Town Board meeting as presented, Councilman Arcara abstained for the approval of the  
November 29, 2016 Special Town Board meeting minutes. A correction was made on page 5 of  
the Regular Town Board meeting minutes Councilman Pietraszek read the water committee  
report.

#### PUBLIC HEARING TO ESTABLISH A MORATORIUM ON THE USE OF LAND FOR COMMERCIAL SOLAR POWER PROJECTS IN THE TOWN OF COLDEN

PUBLIC HEARING OPENED AT 7:05 PM.

Supervisor DePasquale read the following:

#### Section 2. Purpose

The Town Board of the Town of Colden has under review regulation in regard to  
commercial solar power projects within the Town of Colden. At the present, there are no Town  
restrictions or regulations in regard to the use of land within the Town for commercial solar  
power projects. The Town Board finds that the commercial use of solar power projects requires a  
moratorium intended to allow for regulations and/or appropriate amendments to existing laws or

regulations to properly address community impacts, concerns or issues in a manner which is meaningful and consistent with the Town's comprehensive plan.

#### Section 3. Authority

This Local Law is enacted pursuant to the provisions of Article 16 of the New York Town Law and Section 10 of the New York Municipal Home Rule Law.

#### Section 4. Moratorium

The Town Board of the Town of Colden hereby declares that no new applications shall be issued and no new permits or approvals shall be granted by any officer, department, board or agency of the Town of Colden with respect to the siting, location or establishment of commercial solar power projects within the Town of Colden for a period of six months from the effective date of this Local Law, unless terminated by other Local Law, duly adopted.

No Public Comment

#### Approve the Six Month Extension on Commercial Solar Power Projects

Motion made by Councilman Arcara and seconded by Councilman Zurbrick and unanimously approved to extend the moratorium on the use of land for commercial solar power projects in the Town of Colden for six months.

PUBLIC HEARING CLOSED AT 7:08PM

#### COMMITTEE REPORTS

##### BUILDING REPORT

Councilman Arcara reported that the front door replacement at the Senior Center is tabled until new quotes are obtained.

##### CODE ENFORCEMENT OFFICER REPORT

CEO John Kotlarsz gave the following report for the month of November, 2016

- 3 Building Permits Issued
- 1 New Dwelling
- 11 Certificates of Compliance
- 1 Stop Work Order
- 1 Phone Complaint
- 1 Building Permit Denied

Court cases for Wittman and Bach are still ongoing in the court system.

##### COMMUNITY DEVELOPMENT REPORT

Councilman Zurbrick reported Santa and Mrs. Claus will be at the Colden Fire Hall Saturday, December 10<sup>th</sup> at 6:00pm and refreshments will be served.

#### DOG CONTROL REPORT

Councilman Arcara read DCO Kathy Horschel monthly report for November 1, 2016 – December 4, 2016 they received several calls this month on licensing dogs and if they knew of a fairer. A call on barking dogs which they have been to several times after checking on it a few times they only heard mild barking. A resident on Center Street did not show up for their court appearance. Picked up four dogs the last week in November all were returned within a day. The dog total for Colden was at 573 and after the census it is now at 685. Appearance tickets have been sent out to dog owners that have not licensed there dogs in a long time. Town Clerk Kerlin asked the Town Board who is responsible for contacting residents that have come forward with wanting a Special Use Permit for a “Dog Kennel” they have more than three dogs which is all the town allows. Town Code states that you need to apply for a dog kennel permit to allow for more than three dogs Supervisor DePasquale stated that the DCO will need to contact the residents to see if they will be going through the process to keep more than three dogs.

#### ENVIRONMENTAL REPORT

No report

#### HIGHWAY AND PARKS

Highway Superintendent Clarkson presented the 2017 Agreement to Spend for Town Board approval the form is on file in the Town Clerks Office. One of the plow trucks is having a computer problem and is at Regional International for repair.

#### Approve Agreement to Spend

Motion made Councilman Pietraszek and seconded by Councilman Zurbrick and unanimously approved the 2017 Highway Agreement to Spend. INSURANCE

#### Compressor

Three quotes were obtained for a compressor that was in the 2016 highway budget.

Ingersoll Rand \$3,127.00 plus shipping \$200.00

NAPA Auto Parts \$4,099.00

CarQuest Auto Parts \$4,910.03

#### Approve Compressor

Motion made by Supervisor DePasquale and seconded by Councilman Arcara and unanimously approved the purchase of a compressor from Ingersoll Rand at \$3,127.00 plus shipping of \$200.00 if needed Highway Superintendent Clarkson stated that he may pick up the compressor.

#### LIBRARY REPORT

No report

#### PERSONNEL & TRAINING REPORT

Councilman Zurbrick reported that on Monday, December 19<sup>th</sup> at 6:00pm at the Colden Fire Hall there will be a training course on Safety and Fire Considerations for Solar Panel Installation. Planning Board interviews will take place on December 27<sup>th</sup> at 7pm, four people have applied for the one position that is open on the Planning Board

#### PLANNING COMMITTEE REPORT

Councilman Hrycik reported that at the Planning Board meeting Nussbaumer & Clarke Engineering firm did a presentation on possible realistic approaches to Colden's review and possible updating of the Master Plan.

#### WATER COMMITTEE REPORT

Councilman Pietraszek reported that hydrants have been exercised and flags placed on them.

- Three valves need to be repaired
- Annual RPZ checks are in progress, waiting on final two due in December letters have been sent and calls made.
- Water price adjustment added to Williamson Law computer program. The increase in the minimum quarterly charge is \$42.00 and \$4.45 per each additional 1,000 gallons.
- A letter or postcard will be sent to water residents advising of the increase and water leak issues.

#### YOUTH & ADULT RECREATION REPORT

Councilman Zurbrick reported that everyone who attended the Christmas Ornament Tree Lighting Party and painting with Love party had a great time. Thank you to Tina and Jaime for organizing the holiday activities. Thank you to everyone who attended. Floor hockey sign up is ongoing through the first week of January.

#### OLD BUSINESS

None

#### NEW BUSINESS

None

#### RESOLUTIONS:

None

#### BUDGET TRANSFER

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

From: DA5110.4 General Repairs	\$3,021.22
Into: DA5130.4Machinery Contractual	\$3,021.22

**TOWN CLERK REPORT**

Town Clerk Kerlin asked to set the Organizational Meeting for January 2017.

MOTION made by Councilman Zurbrick and seconded by Councilman Arcara and unanimously approved to hold the Organizational Meeting on January 5, 2017 at 7:00pm with the Regular Town Board Meeting for January to follow after the Organizational meeting.

**SUPERVISOR'S REPORT**

Supervisor DePasquale reported that the Christmas party that he planned was postponed for a later date.

-Erie County Sheriffs inmates are not available to help work in communities at this time if they do become available they town will be notified.

-Supervisor DePasquale stated that this is the finish to his third year as Supervisor and he has enjoyed working with the Town Board and looks forward to next year.

Highway Superintendent Clarkson reported that the needed repair of the railing on the Mill Street Bridge in Glenwood is complete.

**PAY THE BILLS:**

MOTION made by Councilman Zurbrick and seconded by Councilman Pietraszek to approve the payment of the November bills.

General Fund Warrant Voucher #2016-407 to #2016-442	\$46,632.45
Highway Fund Abstract Voucher #2016-1191 to #2016-207	\$44,820.83
Refuse District Voucher #2016-38	\$17,586.84
Water District Voucher #2016-68 to #2016-74	\$ 6,141.29
Lighting District Voucher #2016-23 to #2016-24	\$ 2,017.61

**PRIVILEGE OF THE FLOOR**

Linda Antkowiak asked if the Special Use Permit for a dog kennel requirements for having more than three dogs in the Town Code have been changed at this time.

Supervisor DePasquale stated that the Planning Board was looking at changing some of the requirements and language last year and possible having the changes ready at the time the Town Code is updated.

Community Liaison Karl Simmeth represented Assemblyman David DiPietro at tonight's meeting to wish everyone in Colden a Happy Holidays. Karl stated that Assemblyman David DiPietro was not in favor of the pay increase that was proposed in the assembly budget.

ADJOURN

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously adjourned the meeting at 8:21pm.

Respectfully Submitted,

Christina M. Kerlin,  
Town Clerk