

TB Mtg July 13, 2017
REGULAR TOWN BOARD MEETING
COLDEN TOWN HALL – July 13, 2017

MEETING CALLED TO ORDER AT 7:00PM.

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE
IN MEMORY OF WENDY BUS, ALMA GUTEKUNST AND ARTHUR MILLER
FOLLOWED BY THE PLEDGE OF ALLEGIANCE

PRESENT: Councilman David Arcara – yes
Councilman Jesse Hrycik – yes
Councilwoman 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 12 residents

MINUTES:

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved the minutes of June 8, 2017 Town Board Workshop and the June 8, 2017 Regular Town Board Meeting as presented Councilwoman Zurbrick stated that there is a correction to the regular Town Board meeting minutes under Community Development Cathy Arcara was omitted from being “Thanked “for her help serving refreshments at the Senior Center on Memorial Day.

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COMMITTEE REPORTS

HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that the baseball backstop has been removed, the area where the playground equipment is going has been marked and the tennis wall was torn down. The rain we have been receiving lately has been rough on getting road work complete as well as cutting the grass.

BUILDING REPORT

Councilman Arcara reported that we are waiting for the Senior Center front door to be installed and the Bilco door is being looked into for repair or replacement. The gutters will either need to be removed from the Senior Center or replaced.

Supervisor DePasquale stated that there was a form that needed to be signed and returned for the front door at the Senior Center so that has been taken care of and the front door should be here soon.

CODE ENFORCEMENT OFFICER REPORT

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

- 19 Building Permits Issued
- 12 Certificates of Compliance
- 1 Order to Remedy
- 1 Court Appearance

Bach property at 8680 State Road took about a week in half to cleanup. The asbestos report came back and there is asbestos on the south and east side of the siding on the house. The back wall and the stairs are still not safe and need to either be repaired or removed. Supervisor DePasquale stated that he will give Paul Bach an opportunity to fix the house and try to sell the property to recoup some money for all the expenses that he will have to pay back to the town. The decision has to be made soon otherwise the house will be torn down because it is not safe. The Town Attorney will contact Paul Bach's Attorney on the matter to see what his intentions are for the property.

COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported that the Farmers Market is open from 8:30am – 1pm at the Bread of Life on the schedule for this weekend is Doggy Dress Up Day or any pet - July 22nd Colden History Day with Joe Marren. Gabriel's Closet will be open on the first Sundays of the month. Colden Art Festival will take place on September 30th and October 1st. Vendors are needed and applications are available on the table in the Town Hall.

DOG CONTROL OFFICER REPORT

Councilman Arcara read DCO Kathy Horschel's monthly report for June 8, 2017 – July 9, 2017: Tickets were sent out to residents whose dogs have had complaints from neighbors. Responded to calls about dogs loose and running around upon arrival they were gone. Picked up two dogs from an accident and reunited them with their families. Received a call from the Sheriffs about a dog running around during a traffic stop owner had picked the dog up before the DCO arrived.

ENVIRONMENTAL BOARD REPORT

Councilman Pietraszek reported that at the Environmental Board meeting the board reviewed a SEQR for a Change of Use on State Road for Steven Press.

INSURANCE REPORT

Councilman Arcara reported that Health Insurance is up for renewal for the employees that receive the benefit. The Town Budget covered for this year's renewal but next year the Town Board will have to take a look at the new rates.

Health Insurance Renewal

MOTION made by Councilman Arcara and seconded by Supervisor DePasquale and unanimously approved to renew the Blue Cross Blue Shield Health Insurance Plan for a year for the employee's that receive the health insurance benefit.

LIBRARY REPORT

Councilman Hrycik reported that the Boston Library Summer Youth Program Events are:
Summer Lapsit for age 6 months – 2 years, Mondays 10:30am
Story Time for ages 3-5 Tuesdays 5:30pm, July 11 – August 15
Summer Fun Club for the 1st - 5th grades Thursday July 6-August 10
Battle of the Books for 6th – 9th grades Tuesdays May 9 – August 5
Bookmobile hours at the Fire District at the corner of Center Street and Partridge Road are from 2pm – 3pm and the Town Hall from 5pm – 7:30pm.
Discussion took place on changing the hours of the bookmobile

PERSONNEL & TRAINING REPORT

No report

PLANNING BOARD REPORT

Councilman Hrycik reported that the Planning Board reviewed Special Use Permit application for dog kennels. Reviewed Commercial Solar Panel Code changes New York State has added a new guideline to be included on water run off on solar panels and the impact to the ground eroding. Once that issue has been discussed the Planning Board will submit a draft copy of Solar Panel code for the Town Board to review.

WATER REPORT

Councilman Pietraszek reported :

-Valve repair is being scheduled – Valves still need repair and rebuilding, the valves should be replaced every 8 years and the town is going on 12 years

Ross gave an estimate to service/repair

1-2" pilot valve

2-8" pilot valve

COST estimate of \$5,000.

-Water usage is being followed weekly

-Talked with Dennis Ball from County and he suggested that we talk to Steve Denzler who is working on county lines in Lancaster, on solving the same "hole" issues we have with long pulls.

Greg to follow up

-Steve from ECWA stopped to figure out why are chlorine reading varied so much

* Dependent on water temp

*Water usage

*Leaves tank 1.1, post tank filling at 2am

-19,000 gallons of water was flushed out on July 13th
There was discussion on selling water that is being flushed from hydrants and what the water could be used for if sold.

YOUTH/ADULT RECREATION REPORT

Councilwoman Zurbrick reported that a grant was received in the amount of \$400.00 from the United States Tennis Association. All summer programs are underway.

OLD BUSINESS

8820 State Road progress update was previously discussed at the Town Board Workshop prior to tonight's meeting.

NEW BUSINESS

Yearly Special Use Permit Inspections

Supervisor DePasquale read the Yearly Special Use Permit inspections forms that took place on June 10, 2017 Councilman Pietraszek, CEO John Kotlarsz and Planning Board Chairman Walt Kammer.

Approve Yearly Special Use Permits

Motion made by Supervisor DePasquale and seconded by Councilman Pietraszek and unanimously approved the following Special Use Permits for 1 year. Councilman Hrycik abstained from Frank Hrycik's Junkyard permit due to his Uncle owning the property.

FRANK HRYCIK

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

-Type of Special Use Permit – Junkyard Permit

- Inventory of Vehicles – 25 vehicles
- General Appearance – Very organized. Grass cut
- Fencing & Shrubs - OK
- Disposition of Oil - OK
- 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 condition, good paint. Deck is in very good condition
- Conformity to SUP – OK
- Recommendations- Bridge inspection due in Spring 2018 as per permit

KAEFER GRAVEL PIT

Al Kaefer – Wohlhueter Road, Colden, NY 14033

- Type of Special Use Permit– Gravel Pit
 - General Appearance – Neat area and one active area
 - Conformity to SUP – Confirms to permit.
 - Recommendations – None

KLOIBER AUTO RECYCLING

David Kloiber
10349 Darien Road
Holland, NY 14080

- Type of Special Use Permit – Junkyard Permit
 - Inventory of Vehicles – 567 vehicles and 6 buses
 - General Appearance – Good, no spilling of vehicle fluids.
Batteries stored properly. Good drainage
Note: Hundreds of tires remain in wooded area at rear of property.
 - Fencing or shrubs - OK
 - Disposition of Oil – OK
 - Recommendations – tires should be removed, however not an urgent problem now.

PAUL COHN

8213 Center Street, Holland, NY 14080

- Type of Special Use Permit – Windmill
 - General Appearance – Very good
 - Conformity to SUP – Good. Tower area good, Anti-climb device in place
 - Recommendations - None

The following Special Use Permits will be approved after clarification on some and others need to be inspected.

Buffalo Ski Club, SBA Tower
Carl's Trucking & Repair
SAIA Communications Tower
Dog Kennel permits
Gene Long "2nd Hand Lions" Retail Automobile Dealer License
Charles McMicken Motorsports, LLC Retail Automobile Dealer License
John Kruska Retail Automobile Dealer License

RESOLUTIONS

The following resolutions were read:

**ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR
CERTAIN TOWN BUILDINGS**

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows Town officials and the public to understand the energy performance of Town buildings relative to similar buildings nationwide, and equipped with this information the Town of Colden is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Colden's Town Board desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on Town building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Colden; and

WHEREAS, the Colden's Town Board desires to establish procedure or guideline for the Town of Colden staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

- (1) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.
- (2) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.
- (3) "Energy Benchmarking Manager" shall mean the Colden citizen assigned to perform duties as required to comply with the annual reporting requirements of the Benchmarking initiative.

(4) “Covered Town Building” shall mean a building or facility that is owned or occupied by the Town of Colden that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Colden Planning Board under the guidance and approval of Colden’s Town Board

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Town Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Town Buildings as defined in Section 2 of this policy.

(2) The Energy Benchmarking Manager, with Town Board approval, may exempt a particular Covered Town Building from the benchmarking requirement if the Energy Benchmarking Manager determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED TOWN BUILDINGS

(1) No later than May 1, 2018, and no later than May 1 every year thereafter, the Energy Benchmarking Manager or his or her designee shall enter into Portfolio Manager the total Energy consumed by each Covered Town Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Town Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Energy Benchmarking Manager, or his or her designee, shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Town Board shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than October 1, 2017 for the 2016 energy data, and by June 1st of each year thereafter for annual energy usage of the prior calendar year for all Covered Town Buildings; and

(2) The Town Board shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Town Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Town Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 4(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Energy Benchmarking Manager shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Town for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Energy Benchmarking Manager, or his or her designee, shall be the Chief Enforcement Officer of this Policy with approval by the Town Board.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Colden Town Board including but not limited to summary statistics on Energy consumption for Covered Town Buildings derived from aggregation of Benchmarking Information, a list of all Covered Town Buildings identifying each Covered Town Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

MOTION made by Councilman Hrycik and seconded by Councilman Arcara and unanimously approved the resolution on establishing energy benchmarking requirements for certain town buildings.

**ADOPTING STANDARDIZED SOLAR PERMIT PROCESS FOR THE TOWN OF
COLDEN**

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) is offering financial incentives to municipalities that adopt a uniform New York State solar permit process, and

WHEREAS, the Town of Colden Planning Board and the Town of Colden Code Enforcement Officer has advised the Colden Town Board that the New York State Uniform Process is consistent and compatible with the Town Zoning Code and permitting practices for residence roof mounted and residential accessory structure ground mounted Solar/PV systems, 25kw or less only, and

WHEREAS, the Colden Town Board supports the use of solar energy as a renewable energy source which is consistent with Town of Colden land use, the Colden Master Plan, and Colden Zoning.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN BOARD OF THE TOWN OF COLDEN that the Town of Colden hereby fully and formally adopts the New York State Unified Solar Permit (USP) process for NY - Sun Solar Powering New York, and establishes the permit fee at \$50.00 (effective at resolution adoption, and as updated, from time to time, as part of the Colden Fines & Fees chart periodically reviewed and approved by the Colden Town Board). The USP effective on the date of this resolution is the governing form under this resolution, and is attached to this resolution for use in the Town of Colden on projects eligible for permitting via the USP. Further, the Town Board authorizes the Town of Colden Planning Board to incorporate the usage of the USP into the Town's local laws and zoning for residential Solar PV installations, as allowed by the USP, and as permitted under the Town of Colden Zoning, including any requirements which regulate residential Solar PV installations in the Town.

FURTHER RESOLVED, the Colden Town Board, in regular session duly convened, does hereby authorize and direct the Supervisor or Town Clerk of the Town to execute such other and additional documents as may be required for to perfect the resolutions herein;

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved the resolution on adopting standardized solar permit process for the Town of Colden.

CERTIFIED RESOLUTION OF SUPPORT - A6505 / S4630 - Relates to prohibiting the collocation of certain children's facilities with adult facilities in Erie County.

WHEREAS: The Western New York Children's Psychiatric Center opened in West Seneca in 1970. The center takes seriously emotionally disturbed children between the ages of 4 to 18 years old from 19 Western New York counties. . The 19 different counties in New York State include: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Herkimer, Livingston, Monroe, Niagara, Ontario, Orange, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates; and

WHEREAS: Despite the significant volume from these 19 counties the Western New York Children's Psychiatric Center has the lowest 30 day and 90 day reinstatement or re-institutionalization rate of any facility in New York State. The costs of long term hospitalization and institutionalization are drastically reduced and eliminated when the readmission rates are low; and

WHEREAS: Governor Cuomo in his 2017 Budget proposed that the West Seneca Children's Psychiatric Center be moved to the Buffalo Psychiatric Center, an adult facility and campus. Moving these children into an adult setting would not be therapeutically beneficial and may in fact be detrimental to the psyches of many of these children; and

WHEREAS: The medicinal and therapeutic benefits of treating and counseling children with mental illnesses in both rural and school settings have been documented in many medical journals and academic papers. The Governor's proposal to place these children in a lock down facility with adults runs counter to science, logic and common sense; and

WHEREAS: The New York State Assembly and Senate unanimously passed A6505 / S4630 which prohibit the collocation of certain children's facilities with adult facilities in Erie County; and

WHEREAS: Governor Cuomo needs to sign this bill and save WNY Children's Psychiatric Center in West Seneca.

NOW THEREFORE BE IT RESOLVED: The Town of Colden legislative body supports the passage of the above bills in the New York State Legislature and also strongly encourages Governor Cuomo to immediately sign this necessary legislation into law.

MOTION made by Councilwoman Zurbrick and seconded by Councilman Arcara and unanimously approved the resolution on Certified Resolution of Support - A6505 / S4630 - Relates to prohibiting the collocation of certain children's facilities with adult facilities in Erie County.

BUDGET TRANSFERS

None

TOWN CLERK REPORT

Town Clerk Kerlin asked to set a Public Hearing for Janis Kidd, 8860 Phillips Road requesting a Special Use Permit for a Dog Kennel permit she has more than 3 dogs. The Town of Colden requires a dog kennel permit if you have more than three dogs.

Set Public Hearing - Janis Kidd, 8860 Phillips Road – Requesting a Dog Kennel Permit

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved to set a public hearing on August 10, 2017 at 7:00pm for Janis Kidd, 8860 Phillips Road requesting a Special use Permit for a dog kennel permit she has more than three dogs.

Set Town Board Workshop to Review Local Law on Commercial Solar Energy Panels

MOTION made by Supervisor DePasquale and seconded by Councilman Pietraszek and unanimously approved to set the Town Board Workshop for August 3, 2017 at 7:00pm to Review a Local Law on Commercial Solar Energy Panels.

SUPERVISOR’S REPORT

Supervisor DePasquale reported that there are 3 Public Hearings coming up on the State Shared Service Property Plan he will be attending the hearings and will keep the Town Board and residents updated on any issues that will affect the Town of Colden

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Hearing 1: July 17th from 5:30pm – 6:30pm at ECC North Campus, Lecture Hall B207

Hearing 2: July 18th from 12:00pm – 1:00pm at ECC City Campus, Lecture Hall 420

Hearing 3 July 19th from 5:30pm – 6:30pm at ECC South Campus, Lecture Hall 5101

Budget requests sheets will be handed out to all departments once completed return to the Supervisors office as soon as possible. Supervisor DePasquale would like to have the 2018 budget completed before the general election.

PAY BILLS

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

General Fund Warrant Voucher #2017-234 to #2017-294	\$63,087.85
Highway Fund Abstract Voucher #2017-64 to #2017-83	\$41,938.98
Refuse District Voucher #2017-33 to #2017-34	\$18,499.37
Water District Voucher #2017-38 to 2017 #-44	\$ 3,963.57
Lighting District Voucher #2017-10 to #2017-12	\$ 1,849.69

PRIVILEGE OF THE FLOOR

Joan Montgomery sked if the town roads could be striped it least the sides of the road at night time it can be very difficult to see the edge of the roadways.

Supervisor DePasquale will check whether the roads are able to be striped or not.

Roz Fishbaugh “Thanked” Supervisor DePasquale for rescuing her daughter’s cat she stated that you are a Supervisor with a “Good Heart.”

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ADJOURN

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik and
unanimously adjourned the meeting at 8:35pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk