

TB Mtg August 10, 2017
REGULAR TOWN BOARD MEETING
COLDEN TOWN HALL – August 10, 2017

MEETING CALLED TO ORDER AT 7:07PM.

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE
IN MEMORY OF MICHAEL LEWANDOWSKI, FRANCES COLE, JOSEPH SMITH, RUTH
HEILER AND BARBARA FRANTZ 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 Karl Simmeth representing Assemblyman David DiPietro
Bldg. Insp/Code Enf Officer John Kotlarsz
Highway Superintendent Paul Clarkson
Town Clerk Christina Kerlin
Approximately 20 residents

MINUTES:
MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and
unanimously approved the minutes of July 13, 2017 Town Board Workshop and the
July 13, 2017 Regular Town Board Meeting as presented.

PUBLIC HEARING-JANIS KIDD – DOG KENNEL PERMIT

Supervisor DePasquale read the requested letter from Janis Kidd for a SUP for a dog kennel
permit. Janis has more than three dogs and the Town of Colden requires a SUP for a dog kennel
permit for more than three dogs. The required paperwork was reviewed at the Town Board
workshop prior to the meeting.

Public Hearing opened at 7:10pm

Supervisor DePasquale asked for any comments from the public.
Eric Schlenker from 8824 Phillips Road was in favor of the kennel permit.
Cheryl and Larry Johnson from 8932 Phillips Road submitted a letter in favor of the kennel
permit

Public Hearing closed at 7:11pm

Approve SUP for Janis Kidd on 8860 Phillips Road

MOTION made by Councilwoman Zurbrick and seconded by Councilman Arcara to approve Janis Kidd for a Special Use Permit for a Dog Kennel permit at 8860 State Road.

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

CHANGE OF USE- STEVEN PRESS – ORGANIC FOREST FARM

Supervisor DePasquale read the requested Change of Use for Steven Press for an Organic Forest Farm on State Road. The vacant property will be considered a principal use for an Organic Forest Farm. There was no Public Hearing needed for the Change of Use and all required paperwork was reviewed prior to tonight's meeting and is on file in the Town Clerk's office. Supervisor DePasquale asked Steven Press if he understood the Change of Use and he responded that he understood.

There was no comment from the public.

Approve the Change of Use for Steven Press – Organic Forest Farm

MOTION made by Councilman Hrycik and seconded by Councilman Arcara to approve the Change of Use for Steven Press for an Organic Forest Farm at vacant property on State Road.

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

COMMITTEE REPORTS

YOUTH/ADULT RECREATION REPORT

Recreation Director Kip Palmateer reported that the summer programs ended on August 10th, swim lessons end on August 17th. A field trip will take place on Saturday, October 7th to the Beaver Meadow Enchanted Forest.

BUILDING REPORT

Councilman Arcara reported that the front door at the Senior Center has been installed by Imperial Door Inc. Town Hall offices are in the process of being painted.

CODE ENFORCEMENT OFFICER REPORT

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

- 7 Building Permits Issued
- 23 Certificates of Compliance
- 1 Order to Remedy
- 1 Court Appearance

Gould barn on State Road has been torn down and cleaned up.
Erie County had 32 properties in Town that were up through the Land Bank, none of the properties would benefit the Town to purchase.

COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported that the Colden Art Festival is on September 30th and October 1st - Vendors are needed and applications are available on the table in the Town Hall and online. Farmers Market is open from 8:30am – 1pm at the Bread of Life. Gabriel's Closet is open during the week. On the fourth Thursday of the month the Food Bank Truck is at the Bread of Life bring a bag or a box with you and ID.

DOG CONTROL OFFICER REPORT

Councilman Arcara read DCO Kathy Horschel's monthly report for July 10, 2017 – August 6, 2017: July was a slow month there were a few robo calls and calls on bats and cats. Two dogs picked up on the same day. Attended court on three different cases and did a follow up visit on one the cases to make sure fencing and runner were in as reported. A dog bite occurred and are following protocol and having the dog under a ten day observation. The DCO has made two surprise visits and the Vet and Health Department were called to help with some questions.

Rabies Clinic

Wednesday, September 13th, 4-7pm at ECC South Campus
4041 Southwestern Blvd.
Building #7, Orchard Park

Wednesday, September 20th, 4-7pm at ECC North Campus
Noonan Center
Maintenance Garage
6205 Main Street, Williamsville

Wednesday September 27th, 4-7pm at West Seneca Highway Garage
39 South Avenue (off Union, near Rt. 400)
West Seneca

ENVIRONMENTAL BOARD REPORT

No report

HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that Heath Road pipe work is complete.

- Three crossover culverts were done on Bleistein Road
- DI on Finch Road
- Chip and Sealing will be done on the rest of the Town Roads
- Mowing will continue

Councilwoman Zurbrick asked if the highway department is drug tested and if there is a log on each truck.

Highway Superintendent Clarkson stated that the three MEO's and Highway Superintendent is drug tested with having CDL licenses and the two seasonal workers are not tested. Log books are kept on all the Town Trucks which included maintenance and inspections on the trucks.

Approval of Tractor and Lawn Mower from LandPro Equipment

MOTION made by Councilman Arcara and seconded by Councilman Hrycik and unanimously approved the purchase of a John Deere Select Series X350 Tractor with 48 Accel Deep Mower Deck at a cost of \$2,951.18 and a John Deere 1023E Sub-Compact Utility Tractor with a John Deere D120 Loader and a John Deere 60D 7-Iron Mid Mount Side Discharge Mower at a cost of \$5,150.00 for a total cost of \$8,101.18 for both tractor and lawn mower from LandPro Equipment.

INSURANCE REPORT

No report

LIBRARY REPORT

Councilman Hrycik reported that the Bookmobile is thinking of splitting time between the Senior Center and Colden Elementary. Legislator John Mills held the Annual Hot Dog Roast Fundraising event at the Boston Library and collected \$1,335.00 for this year. Boston summer hours will end after Labor Day and winter hours will start.

PERSONNEL & TRAINING REPORT

Councilwoman Zurbrick reported that annual training is being coordinated with the Town of Aurora for the month of September.

PLANNING BOARD REPORT

Councilman Hrycik reported that the Planning Board will be reviewing and updating some changes to the Solar Code. Recommendations were completed at the last meeting for the Special Use Permit for a dog kennel permit and a Change of Use.

WATER REPORT

Councilman Pietraszek reported:

- Williamson Law computer program updated, new feature added for work order tracking
- Valve repair is complete 2 behind Town Hall and 1 on Lower East Hill Road
- Valve exercising finished
- Continue to run survey at Town Hall in morning and night then giving results to Steve and verify with tank output records still having variations with chlorine residuals
- DC 1200 Colorimeter chlorine reader issues, under warranty, returned for repair, have a loner for time being.
- Sturgeon Point pipe issue not affecting the water quality on water restraint usage
- Continue to narrow down leakage area will check service line long pulls at least twice a year.

OLD BUSINESS

Yearly Special Use Permit Inspections

Supervisor DePasquale read the following Yearly Special Use Permit inspections forms for 2017 that needed additional information.

Buffalo Ski Club, SBA Tower

SBA Communications Corp.
8051 Congress Avenue
Boca Raton, FL 33487

Type of Special Use Permit – Tower

- General Appearance – Clean area, secure fencing around tower. One more generator added at the base of tower. Apparent additional user on Tower
- Conformity to SUP –Good
- Recommendations- Check on 2 year structural inspection report as per permit.

Carl's Trucking & Repair

Carl W. Metzler
8033 Lewis Road
Holland, NY 14080

-Type of Special Use Permit – Automobile Sales & Service

- Inventory of Vehicles – 176 vehicles upper & lower
- General Appearance – Acceptable could be neater.

NOTE: Carl is retiring. Ownership changes to vehicle repair only on July 1, 2017. All vehicles are being removed from the site.

- Fencing or Shrubs- OK
- Disposition of used oil - Good
- Recommendations – Reinspect after ownership change for proper reduction of vehicles.

SAIA Communications Tower

Michael Saia
100 Stradman Street
Buffalo, NY 14206

- Type of Special Use Permit – Tower
 - General Appearance – Secure fence
 - Conformity to SUP – OK
 - Recommendations – None

Gene Long “2nd Hand Lions” Retail Automobile Dealer License

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

Charles McMicken Motorsports, LLC Retail Automobile Dealer License

10818 Crump Road
Holland NY 14080

- Type of Special Use Permit – Motor Vehicle Sales
 - General Appearance – Good
 - Conformity to SUP – Meets Conditions
 - Recommendations – None

John Kruska Retail Automobile Dealer License
8515 Heath Road
Colden, NY 14033

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

SUP - Dog Kennel Permits inspected by DCO Kathy Horschel and Asst. DCO Bernie Horschel:

David & Allison Giambra
Anthony & Nancy Wurzer
Mark Leitzen
Daniel Geile
Kevin & Mary Suplicki
Daryl & Jackie Gallagher
Chris Matschke

Approve Yearly Special Use Permits

Motion made by Councilwoman Zurbrick and seconded by Councilman Arcara and unanimously approved the above Special Use Permits for September 30, 2017 – September 30, 2018.

NEW BUSINESS

None

RESOLUTIONS

Supervisor DePasquale explained the following resolution for appointed officials:

**NEW YORK STATE RETIREMENT SYSTEM
CERTIFICATION FOR HOURS WORKED FOR APPOINTED OFFICIALS**

Be it resolved, that the Town of Colden, location code 30539, hereby established the following as standard work days for the appointed officials and will report the following records or the records of activities maintained and submitted by these officials to the clerk of this body:

Recreation Director	8 hours per day
Recreation Assistants	8 hours per day
Code Enforcement Officer	8 hours per day
Dog Control	8 hours per day

MOTION made by Councilman Pietraszek and seconded by Councilwoman Zurbrick to approve the following resolution on New York State Retirement System Certification for Hours Worked for Appointed Officials.

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

BUDGET TRANSFERS

None

TOWN CLERK REPORT

Town Clerk Kerlin reported that there will be Flu Shots on Tuesday, September 26th at the Colden Town Hall Courtroom from 11am to 1pm.

AARP Defensive Driving Course is being arranged further details to follow.

SUPERVISOR'S REPORT

Supervisor Depasquale reported that the State Shared Service Property Plan will be coming up for a vote on September 5th the Town has opted out of the Tax Collector and the Town Assessor being eliminated from the Town and moved to the Erie County Real Property Tax office to collect tax and for the assessments of the towns property. The reason for opting out is that the town's residents would be better served with the positions staying in town.

There was discussion on posting a speed limit for Murray Hill Road after receiving a letter from a concerned citizen on Murray Hill Road. Tabled for a later date.

PAY BILLS

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

General Fund Warrant Voucher #2017-234 to #2017-332	\$13,294.39
Highway Fund Abstract Voucher #2017-103 to #2017-120	\$15,031.43
Refuse District Voucher #2017-35	\$18,305.58
Water District Voucher #2017-45 to 2017 #-51	\$97,635.61
Lighting District Voucher #2017-13 to #2017-14	\$ 1,823.31

PRIVILEGE OF THE FLOOR

Joseph and Gertrude Rebisz had a complaint on a home on Stanfield Road that looks like it is becoming a junkyard. Advised to fill out a complaint form and the CEO will check on the issue. Peter Newsom submitted a letter to the Town Board on Solar Energy Conversion Systems and setbacks.

Community Liaison Karl Simmeth representing Assemblyman David DiPietro was an attendance at tonight's meeting and stated that if anyone has any concerns do not hesitate to contact the office.

Jesse Hrycik asked about the procedure for a dog barking complaint late at night. There is a dog that is let out late at night around 12:30am and continuously barks.

Advised to fill out a complaint form and submit to the DCO.

ADJOURN

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

Respectfully submitted,

Christina M. Kerlin
Town Clerk