

TB Mtg November 9, 2017  
REGULAR TOWN BOARD MEETING  
COLDEN TOWN HALL – November 9, 2017

MEETING CALLED TO ORDER AT 7:01PM.

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE IN MEMORY OF ERIC PEFLY, VICTIMS OF THE TEXAS SHOOTING AND THE VICTIMS FROM THE NEW YORK CITY TERROR ATTACK ON A BIKE PATH, 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 10 residents

MINUTES:

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved the minutes of the 2018 Budget workshop held on October 5, 2017, and the October 12, 2017 Town Board Workshop and the October 12, 2017 Regular Town Board Meeting as presented.

#### PUBLIC HEARING – 2018 TOWN BUDGET

Opened Public Hearing at 7:03pm

Supervisor DePasquale stated that the Preliminary Budget was date stamped by the Town Clerk on October 12, 2017 and was made available to the public and placed on the town website.

There was one correction on the salary schedule page 14 line item A7310.11 was changed to \$15.45 an hour.

Supervisor DePasquale asked for any public and Town Board comments.

Linda Antkowiak asked how much is in the budget for the town website and who is responsible for updating the website.

Supervisor DePasquale stated that his secretary Tammy Nuttle places items on the website and that there is a request form to be used now this will help with placing the item and removing it off the website in a timely matter.

#### Approve to increase the Library Donation

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved to increase line item A7410.4 to \$2,000. for the Library donation to help fund programs.

Public Hearing Closed at 7:15pm

Approve 2018 TOWN BUDGET

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek to approve the 2018 Town Budget.

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

BUILDING REPORT

Councilman Arcara reported that the Adirondack chairs at the Veterans Memorial Park have been stored for the winter months.

CODE ENFORCEMENT OFFICER REPORT

Report for the month of October– CEO John Kotlarsz reported that there were:

10 Building Permits Issued  
1 New Dwelling Permit Issued  
1 Certificates of Compliance  
1 Court Appearance

The Larson house at 7852 State Road has been secured and cleaned up CEO John Kotlarsz “Thanked” Supervisor DePasquale for his assistance with finding the proper people to secure the property.

COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported the following events:

- Bread of Life Pancake Breakfast, Sunday, November 12<sup>th</sup> at 9:00am till 1:00pm – Cost is \$8.00 and children under 5 are free.
- Holiday Gift Fair at the Colden Fire Hall on Sunday November 12<sup>th</sup> from 11:00am to 3:00pm
- Bread of Life Thanksgiving Service will be held on November 21<sup>st</sup> at 7:00pm
- Christmas Ornament and Tree lighting at the Senior Center will be held on Friday, December 1<sup>st</sup> at 6:00pm
- Polar Express Pajama Party at the Bread of Life on Friday, December 8<sup>th</sup> at 7:00pm
- Santa will be at the Colden Fire Hall on December 9<sup>th</sup> at 6:00pm

#### DOG CONTROL OFFICER REPORT

Councilman Arcara reported that since DCO Bernie Horschel has taken on the responsibility of DCO and the amount of work that has been performed since September 13<sup>th</sup> that there is a possibility of retro actively paying him for the amount of work that has been done as well as work being done during normal business hours. Discussion on this matter will take place at the next workshop.

#### ENVIRONMENTAL BOARD REPORT

Councilman Pietraszek reported that there was no meeting this month for the Environmental Board.

Supervisor DePasquale stated there is an upcoming emergency project to stabilize the creek bed behind the school and the Solly residence that will take place as soon as next week. Permits have been obtained through the Erie County Soil and Water and Jim Skora will be present at the time the tree and debris will be removed from the creek. The highway department will assist with the removal of debris and the emergency project will probably need to be approved by phone or email to get the project started before there is any damage.

#### HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that they have been cleaning ditches.

- There is a problem with five culverts on South Hill Road that will need to be replaced, residents will be notified about purchasing the pipe for the culverts. There is an issue with a new resident on Creekend Road who purchased the last house on the road. In previous years the highway department has used the turnaround at the end of the driveway the new resident has his camping trailer parked there now. There is another area to turnaround but a tree will need to be removed in that area. Three quotes will be obtained to have the emergency removal of the tree to be removed before the weather gets bad so the highway department has a place to turnaround.
- The electric pole on Heath Road that is right by the edge of the road will be removed by November 17<sup>th</sup>.

#### INSURANCE REPORT

No report

#### LIBRARY REPORT

Councilman Hrycik reported that he received a “Thank you note” from the Boston Library for attending the Library Gala Fundraiser and presenting a donation check from the town. Bookmobile new hours are the 2<sup>nd</sup> & 4<sup>th</sup> Tuesday from 12:00pm to 3:00pm at the Colden Senior Center.

#### PERSONNEL & TRAINING REPORT

No report

#### PLANNING BOARD REPORT

Councilman Hrycik reported that the Planning Board reviewed past topics and passed revisions on fees and fine code book changes to the Town Board for review.

#### WATER REPORT

Councilman Pietraszek reported:

- Steve Noyes from ECWA has received the tracking of chlorine levels due to poor delivery issues with ECWA. Continue to run survey at Town Hall in morning & night then results are given to ECWA to verify with tank output records.
- Water usage at present is 44,500 a day
- Hydrant greasing and exercising are done. One pit and valve to exercise
- Relevy info given to Town Clerk
- DOT did repair work at Route 240 and Gutekunst Road and disturbed the insulation around the water pipe. The cost for material and time will probably run around \$250.00, water department is looking into billing the DOT for the repairs.

#### YOUTH/ADULT RECREATION REPORT

Councilwoman Zurbrick reported that the ornament and tree lighting activities will be Friday, December 1<sup>st</sup> starting at 6:00pm at the Senior Center. Advanced sign up is encouraged. Floor Hockey will start on January 11, 2018 at Colden Elementary School. 6:30 to 7:30

#### OLD BUSINESS

Supervisor DePasquale asked the Town Board if they are ready to hold a Public Hearing on a Local Law for Solar Project Codes. Town Board agreed that they were in favor.

The following resolution was read to set a Public Hearing:

WHEREAS, Local Law Intro. No. 2017-02 has been introduced to the Town Board on November 9, 2017, and

WHEREAS, Municipal Home Rule Law Section 20(5) requires a public hearing upon five (5) days' notice, and

WHEREAS, Municipal Home Rule Law Section 20(4) provides that no such local law shall be passed until it shall have then in its forum and upon the desks or table of the members at least seven (7) calendar days, exclusive of Sunday, prior to its final passage or mailed to each of them in post-paid properly addressed and secured closed envelopes or wrappers in a post box of a post office of the United States Post Office Department within the local government at least ten (10) calendar days, exclusive of Sunday, prior to its passage,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Colden does hereby set the 30th day of November, 2017 at 7:00pm at the Town of Colden Town Hall, S8812 State Road, Colden, New York, for the purpose of conducting a public hearing on the proposed Local Law to amend Local Law #1-1984 known as the “Adoption of Code”, adopted by the Town Board of Colden on December 29, 1984, by enactment of the Chapter entitled “Solar Energy Conversion Systems” in the Town of Colden.

RESOLVED, that the Town Clerk is hereby directed to publish a notice of said public hearing in the Springville Journal.

Approve Public Hearing Solar Energy Conversion Systems

MOTION made by Councilwoman Zurbrick and seconded by Councilman Arcara and unanimously approved to set a Public Hearing for the adoption of Solar Energy Conversion Systems as read in the above resolution.

NEW BUSINESS

Supervisor DePasquale stated that he received a letter from a resident on Darien Road asking for a speed study on Darien Road between Center Street and Hayes Hollow Road. A TE-9 form will be submitted by the Town Clerk to the Department of Transportation for a speed study.

Darien Road Speed Study

MOTION made by Councilman Arcara and seconded by Councilman Pietraszek and unanimously approved to have a speed study done on Darien Road between Center Street and Lewis Road.

RESOLUTIONS

Supervisor DePasquale read the following resolution:

**Supporting a Home Rule Request: Seeking Permission from New York State to Amend the Erie County Tax Act**

WHEREAS, since 2015 more than 800 homes in Western New York have been deemed “zombie houses” defined as properties undergoing the foreclosure process that can remain vacant for years; and

WHEREAS, the economic result of such vacant properties is nearly \$58 million worth of real estate in Erie County since it was last calculated; and

WHEREAS, if the home remains vacant for a long enough period of time the property value could decrease to such a level that it is no longer in a bank's financial interest to foreclose on the property implying that time is a crucial factor in these cases; and

WHEREAS, these houses remain empty typically due to homeowners' misunderstanding of proper foreclosure procedure- leaving these houses in limbo, i.e. the homeowners no longer maintain the property and banks are not legally obligated to. This means these properties are maintained oftentimes at the expense of taxpayers; and

WHEREAS, in the United States the average time it takes to foreclose on a property is two years. If a house has been deemed abandoned by the municipality the foreclosure process should only take one year; and

WHEREAS, as such the Town of Colden Town Board requests permission from New York State to make the following amendments to the legislation known as the Erie County Tax Act; and

WHEREAS, the purpose of this resolution is to recommend the New York State Senate and Assembly amend § 9-1.0 of the Erie County Tax Act to shorten the period in which the holder of a tax sale certificate may foreclose on a property that is certified by a municipality to be vacant and abandoned from two years to one year; and

NOW, THEREFORE, BE IT

RESOLVED, the following resolution is hereby adopted by the Colden; and be it further,

RESOLVED, that the Clerk of Colden forward certified copies of this resolution to the New York State Assembly attention Speaker Carl E. Heastie and New York State Senate attention Majority Leader Flanagan as well as to the Erie County Executive, the Honorable Mark Poloncarz and to all other parties deemed necessary and proper.

FISCAL IMPACT: None for resolution

Approve Supporting a Home Rule Request: Seeking Permission from New York State to Amend the Erie County Tax Act.

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved of Supporting a Home Rule Request: Seeking Permission from New York State to Amend the Erie County Tax Act.

### **RELEVY UNPAID WATER BILLS**

WHEREAS, The Town of Colden has 12 delinquent Water accounts in the amount of \$3,276.25, remaining unpaid, including late charges;

NOW THEREFORE, BE IT RESOLVED: That no further payments will be accepted after October 27, 2017, and any and all unpaid water accounts as of this date, be relevied onto the 2018 Town of Colden Property Taxes.

#### Approve Water Relevy

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik and unanimously approved the relevy of 12 delinquent Water Accounts in the amount of \$3,276.25 onto the 2018 Town of Colden Property Tax.

### **RELEVY DEMOLITION COST FOR UNSAFE BUILDING AT 8680 STATE ROAD**

WHEREAS, Mr. Paul Bach the owner of 8680 State Road located within the Town of Colden failed to comply with building code violations accessed by the Town of Colden Code Enforcement Officer

WHEREAS, The property located at 8680 State Road, Town of Colden, after a Public Hearing on Town of Colden Code Chapter 31 was deemed an unsafe building and was demolished at a cost of \$44,000.00

NOW THEREFORE, BE IT RESOLVED: That the cost of the demolition for the unsafe building at 8680 State Road at a cost of \$44,000.00 will be relieved on the 2018 Town of Colden Property Taxes.

#### Approve Relevy for 8680 State Road

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek and unanimously approved the relevy of \$44,000.00 for the demolition and cleanup of 8680 State Road, Town of Colden onto the 2018 Town of Colden Property Tax.

### **BUDGET TRANSFERS**

None

### **TOWN CLERK REPORT**

Town Clerk submitted a “Thank you” letter to the Town Board from the Colden Cemetery Association for receipt of the donation this year from the Town.

### SUPERVISOR’S REPORT

Supervisor DePasquale reported that the NYS Comptrollers audit report is finished along with the Towns response. The Town Board will look at different procedures moving forward with the highway operations and the audit will be placed on the Towns website when received. Household hazardous waste collection report was received and is on file in the Town Clerks office for review.

### PAY BILLS

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

|  |              |
|--|--------------|
| General Fund Warrant Voucher #2017-432 to #2017-471  | \$ 44,121.07 |
| Highway Fund Abstract Voucher #2017-148 to #2017-163 | \$ 46,430.62 |
| Refuse District Voucher #2017-38                     | \$ 18,215.45 |
| Water District Voucher #2017-75 to 2017 #-82         | \$ 3,846.94  |
| Lighting District Voucher #2017-19 to #2017-20       | \$ 2,065.20  |

### PRIVILEGE OF THE FLOOR

Congratulations went out to Supervisor DePasquale, Councilman Arcara and Hrycik, and Highway Superintendent Clarkson on winning the election and serving another 4 year term.

Mr. Judd from Holland-Glenwood Road asked for an update on the proposed rifle range on Holland Glenwood Road. Supervisor DePasquale stated that there is no information that has been brought to the Town Board for review on a rifle range. The process would be for the property owner to submit a “Change of Use” to the Town Board and at this time no information has been submitted. The Town Board would contact all the surrounding neighbors if the property owner submits a Change of Use request.

Linda Antkowiak expressed her thoughts to the Town Board on the town buying the property adjunct to Kummer Park.

Town Clerk Kerlin asked if there would be a change to the December Town Board Workshop and regular meeting.

### Approve December Town Board Meetings

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved to advertise the December Town Board workshop at 6:00pm and the Regular Town Board meeting for 7:00pm on Thursday, December 7, 2017.



ADJOURN

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously adjourned the meeting at 8:41pm.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk