

REGULAR TOWN BOARD MEETING CALLED TO ORDER AT 7:05 pm

THE SUPERVISOR OPENED THE MEETING WITH A MOMENT OF SILENCE IN MEMORY OF FREIDA WANGELIN, ELAINE WALKER, AND ROBERTA GARD

FOLLOWED BY THE PLEDGE OF ALLIEGIANCE

PRESENT

Councilman Dennis Robinson  
Councilman Jesse Hrycik  
Councilwoman Patricia Zurbrick  
Councilman Gerald Pietraszek  
Supervisor James DePasquale

ALSO PRESENT

Highway Superintendent Lee Wohlhueter  
CEO John Kotlarsz  
CEO Tom Dziulko  
Planning Board Chairman Walt Kammer  
Recreation Director Carrie DePasquale  
Town Clerk Deborah Jusiak  
Springville Journal Editor Max Borsuk  
ZBA Member Linda Kotlarsz  
Approximately 9 residents

MINUTES TO BE APPROVED

MOTION made by Councilman Pietraszek, seconded by Councilman Robinson, and unanimously approved the minutes from the Regular Town Board Meeting held on April 11, 2024.

PUBLIC HEARING

Supervisor DePasquale opened a Public Hearing at 7:07 pm for public input regarding the request of Lisa Holmer of 9034 Maltby Rd, for a Special Use Kennel Permit application. Ms. Holmer presented her request to keep her six dogs as family pets; she has four miniature dogs and 2 mixed breeds that are kept on her property by an invisible fence. Neighbors Mike and Inge Procknal voiced their consent to the request. Supervisor DePasquale said the Board would review the application and decide at the June 13, 2024, meeting. The Public Hearing was closed at 7:14 pm

NEW BUSINESS

2 Change of Use Applications

1. **Mr. Christopher Koepf of 9010 Center Rd**, presented his request to operate an electrical contracting battery backup business as a secondary use out of a Center Rd residence. He installs and maintains sealed “non-spillable” batteries, associated electronics, and wiring. The Board discussed the type, storage, delivery, and recycling of the batteries and the recommendations from the Environmental and Planning Boards and State Environmental Quality Review (SEQR). The Board and Planning Board Chairman Kammer also discussed the advisory boards’ recommended stipulations including using a flagman for all large trucks backing in from Center Rd, all new and used batteries and materials be stored and transported in accordance with all governmental requirements, all materials be stored inside, no pods be used for storage, used batteries be recycled in a timely manner, a “good neighbor” policy be adopted, and no deliveries before 8 am.

MOTION made by Councilman Hrycik and seconded by Councilman Robinson and unanimously approved to accept and sign the SEQR.

MOTION made by Councilman Hrycik and seconded by Councilman Robinson and unanimously approved to accept Mr. Koepf’s Change of Use Application for an electrical contracting business at 9190 Center including the stipulations as stated.

On the vote:

Councilman Dennis Robinson - aye  
Councilman Jesse Hrycik - aye  
Councilwoman Patricia Zurbrick -aye  
Councilman Gerald Pietraszek -aye  
Supervisor James DePasquale -aye

2. **CG Land LLC – vacant parcel on Blanchard Rd**, Attorney Ryan McCarthy presented the request of Ryan Solem to operate a landscaping business, CG Land LLC, on Blanchard Rd. The application includes the construction of a 14,000-sf building used for equipment storage and an office. The Board discussed the project’s SEQR and recommendations from the Environmental Board and Planning Board including meeting all NYSDOT and NYSDEC guidelines for materials and employee training, reporting all hazmat events to the Town of Colden and NYSDEC, no backing of trucks or equipment on or off of the roadway, and using a flagman if necessary, installation of wash bay oil/water separator, a clear survey showing all building and property setbacks, demonstrated illustration of adequate parking and a report/drawing calculating areas to be disturbed, and adoption of a “good neighbor” policy.

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved to accept and sign the project’s SEQR.

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik to accept the CG Land LLC Blanchard Change of Use with the stipulated conditions.

On the vote

Councilman Dennis Robinson aye  
Councilman Jesse Hrycik aye  
Councilwoman Patricia Zurbrick aye  
Councilman Gerald Pietraszek aye  
Supervisor James DePasquale aye

## BUILDINGS

Councilman Robinson reported that he, Parks Worker Brautlaucht and Highway Superintendent Wohlhueter met with Johnson Controls to walk through the Senior Center and Highway Garage to get quotes for fire alarm installation and monitoring. He will forward the quotes to the Board and CEOs upon receipt. The Board discussed the possibility of receiving a discount on building insurance once the systems are in place. CEO Kotlarsz recommended getting multiple quotes as pricing on systems can fluctuate widely.

## CODE ENFORCEMENT REPORT

Report for the month of April 2024 – CEO Kotlarsz read the following report:

20 Building Permits Issued	3 Fire Inspections
3 New Dwellings Permits Issued	6 Hours of Schooling
1 Certificate of Occupancy Issued	3 Phone Complaints
9 Certificate of Compliance Issued	1 Buildings Reported to Town Board as unsafe
1 Stop Work Order	

CEOs Kotlarsz and Dziulko discussed concerns about metal shipping containers being used for storage throughout Colden. The Board discussed the containers and asked for the Planning Board to give their regulation priority at their next meeting. Planning Board Chairman Kammer agreed and said the Planning Board would also be discussing regulation of short-term rentals at their next meeting.

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved to have the Planning Board research the regulations of metal storage containers in the Town of Colden.

CEO Dziulko said unauthorized dumping is taking place at a property on Bleistein Rd and a threatening letter was written to a homeowner on State Rd by a disgruntled person. The CEOs and

Board discussed the condition of an abandoned home on State Rd. The CEOs will investigate and cite the owner if needed.

#### COMMUNITY DEVELOPMENT

Councilwoman Zurbrick reported the Colden Seniors have an upcoming Amish Brown Bag and Railroad Museum Tour on June 18, 2024. All information about the Colden Seniors trips will be posted on the Town's website. She also reported the Colden Fire Company is having a Mother's Day Chicken Barbecue on Sunday, May 12 starting at 11:00am and the Town of Colden's Memorial Day Parade is on May 27<sup>th</sup> beginning at 8:15 am. She also asked for the following information be added to the minutes:

##### Free Lunch

BOLO will hold a free lunch and learn on May 20, 2024 from 11:30 – 1:30 with guest speaker, Sherri Papich from Organize Your Life, call BOLO for details.

##### Feed More Mobile Food Truck Feed More Food Truck

The Feed More Food Truck Giveaway will be held on the 4<sup>th</sup> Thursday each month at the Colden Fire Hall.

##### Bread of Life Outreach and Gabe's on the Hill Hours:

Tuesday, 10am – 4pm

Wednesday, 10am – 4pm

Thursday, 2pm – 5pm

Friday, 10am – 4pm

Saturday, 9am – 2pm

##### Food Pantry Hours:

Thursday, 3pm – 5pm

Saturday, 9am – 11am

#### DOG CONTROL OFFICER REPORT

Councilman Robinson gave the following DCO report:

4/20/24- 4:38 pm DCO received phone call from a resident about a loose dog by Colden Lakes.

The dog was retrieved by the owner.

4/22/24- 9:46 am A resident reported a dog bite to the Town Clerk over the weekend. The dog tore the man's pants, no skin contact. The DCO tried to figure out who the owner was but was unable to narrow it down.

4/23/24- 11:15am Sarah Mountain, LVT came from NYS Dept. of Agriculture and Markets to inspect DCO's premises and needed the lease agreements between Towns of Colden and Holland on file to pass inspection. Town Supervisor took care of rectifying situation.

4/24/24- 10:42am DCO received a phone call from Jay from NYS Health Department asking DCO to investigate a quarantined dog on 9313 State Road. 3:51pm, DCO texted resident to inquire if the dog is updated on rabies and to call back. 4:21 pm, DCO spoke with resident and quarantine was over and dog is well. She has an appointment on May 8th for re-vax of dog. DCO will be visiting after to inquire about completion of re-vax.

4/25/24- 9:47 am, DCO received phone call from a terrified resident on Lewis Road, about her neighbor's dog at 7036 Lewis Road. The dog was in her driveway growling and stomping at her while she was walking her dog. Complainant filled out a Dangerous Dog form and an appearance ticket was issued to the dog's owner for a court date for Monday May 20, 2024, at 6:00 pm

### ENVIRONMENTAL REPORT

Councilman Pietraszek reported that the Environmental Board did not meet in April. He attended the NYSDOT's pre-construction conference about an upcoming project on State Rd from Ellicott Rd into Colden. The project will include replacement of DIs, culverts and repaving. The Board discussed a section of the road to be resurfaced that is caving in and some land was purchased from residents by eminent domain for widening culverts.

### HIGHWAY AND PARKS REPORT

Superintendent Wohlhueter gave the following report:

Street sweeping has wrapped up along with cleaning up of the town. Work has begun on Maltby to finish up minor road work before the final paving of it in early June

Amendment of Agreement to Spend due to condition of the Finch Rd after winter. Highway Superintendent Wohlhueter requested a change in the scope of work planned on Finch Rd. He requested the anticipated resurfacing with oil and stone be changed to drainage work and infrastructure repairs.

MOTION made by Supervisor DePasquale and seconded by Councilman Hrycik and unanimously approved to amend the agreement to spend and reappropriate money from oil and stone to drainage and infrastructure repairs on Finch Rd.

Approval to surplus 2009 International plow truck, 1997 equipment trailer, the Miller Mig Welder, and the old shop air compressor.

MOTION made by Supervisor DePasquale, seconded by Councilman Robinson and unanimously approved to surplus the equipment as requested by Highway Superintendent Wohlhueter.

Approval to hire Josh Sullivan starting May 20<sup>th</sup> and Ben Einarson starting May 28<sup>th</sup> as our summer help at the budgeted rate of \$18.39 hr.

MOTION made by Councilwoman Zurbrick and seconded by Supervisor DePasquale to approve the Josh Sullivan and Ben Einarson as summer help at the rate of \$18.39 hr.

We received our CHIPS allotment for 2024-2025. It's been lowered by \$83.04 from last year's allotment.

In the Parks, the soccer fields that are playable right now have been striped, but the park is very wet, and we just need dry weather.

The Board thanked the Highway Department for noticeable improvements to the highway department building and vehicles.

#### INSURANCE REPORT

No report

#### LIBRARY REPORT

Councilman Hrycik reported the following:

West Falls-Colden Library had new floors installed and made other repairs, they installed a new computer program, have a book sale room where a bag of used books can be purchased for \$5.00 and is always accepting donations. The library is holding a Glass Resin Art class on May 22, 2024, for \$50.00 and a Spring Flower class on May 29, 2024 for \$35.00.

The Boston Library programming includes regularly scheduled story time, Lego club, a Father's Day Craft on Thursday June 6, 2024, and an Annual Summer Fundraiser on July 25<sup>th</sup> from 5-8 pm at the Lions Club Shelter in the Town of Boston featuring an artisan and craft market and live music. The library's Annual Report for 2023 was published as well.

#### PERSONNEL REPORT

Councilwoman Zurbrick reported that the Town of Colden employees recently completed CPR and Stop the Bleed training. Comp Alliance will be providing Stop the Bleed kits. Supervisor DePasquale reported that more online training is coming.

#### PLANNING REPORT

Councilman Hrycik reported that the Planning Board's April meeting heard two Change of Use Applications and a Kennel Permit Application. Planning Board Chairman Kammer reported that the Planning Board has also been completing NYSERDA paperwork for a potential Green Energy Community grant and completed the benchmarking needed to qualify for an energy study on one Town building. The study would focus on highway building. Planning Board Chairman Kammer also reported a possibility of putting solar panels on the proposed Highway Department Roof. Chairman Kammer also reported that the survey work has begun at Kummer Park. Nussbaumer & Clarke will install stakes at all the turning points of the survey and the boundary posts will be installed by Town personnel.

## WATER

Councilman Pietraszek gave the following water report:

Water Use: At present time consumption billed by ECWA for prior month 1,927,000 gal.  
cost \$ 7014.28 + \$361.92 = \$ 7376.20 expenditure.

ECWA water cost \$3.82 / K

Continue to rebuild meters as we replace radios with T-10 radios.

A pit meter froze from indifferent weather, 3<sup>rd</sup> time with issue, will have to dig around pit and put more insulation around it. Lost over 140,000 gallon water in 7 days because customer was away on vacation.

Forwarded request from Shkolik Law for PFAB's results in water Erie County Supplies. Long discussion, Councilman Pietraszek addressed issue with ECWA and Shkolik Law in follow-up conversations and paperwork.

Ron is working on Annual Water Quality Report for 2023

Thought we had water leak toward end of last month,

- #A0450 used 445447 g
- #A0390 used 35535 g
- Both are fixed now

Water Billing:

- Open Accounts as of 05/01/2024 billing:

Bills sent (218)	\$	23525.77	(3282989gal)
Infras Inv on billing	\$	3873.45	
Billed arrears	\$	<u>3891.30</u>	
Total Billed Sent	\$	30915.35	
Current Receipts	\$	0.00	
To date Arrears post billing	\$	23525.77	

## RECREATION REPORT

Recreation Director DePasquale gave the following report:

- We would like to send out a Summer Program Newsletter this month.
- Summer registration day will be held on June 1st, at the Town Hall, from 9:00-11:00.
- Soccer starts this week.
- Sound Bath on May 10, 2024 at 7:00 pm
- Overcoming Overwhelm Workshop will be held May 20th.
- Defensive Driving Class is planned for August 28th.
- Yoga will be running until June 19th.

- Family Disc Golf Instruction is being planned

We would like to approve Jordan Szfranski for summer program at minimum wage and approve Brooke Sellers as Recreation Assistant, at \$20/hr, starting June 1st.

MOTION made by Councilwoman Zurbrick and seconded by Supervisor DePasquale and unanimously approved to approve Jordan Szfranski at minimum wage and Brooke Sellers as Recreation Assistant at \$20.00/hr.

## RESOLUTIONS

Supervisor DePasquale read the following resolution to formally adopt the Colden Comprehensive Plan:

**TOWN OF COLDEN**  
**RESOLUTION #2024-06**  
**ADOPTION OF COLDEN 2024 COMPREHENSIVE PLAN**

**WHEREAS**, in late 2019 the Town of Colden tasked the Town Planning Board to develop the Town of Colden's Updated Comprehensive Plan

**WHEREAS** the Covid Pandemic severely affected the Town's ability to conduct the update and the project was put on temporary hold.

**WHEREAS** the Colden Town Planning Board held multiple meetings and workshops that were all open to the public to attend.

**WHEREAS** the Planning Board along with Project Consultants received valuable input from Residents during the development of the plan.

**WHEREAS** the Colden Town Environmental Board prepared and reviewed the Long Form SEQR.

**WHEREAS** The Colden Town Board acting as Lead Agency reviewed and accepted the SEQR prepared by the Environmental Board.

**WHEREAS** the Colden Comprehensive Plan draft, as well as GML Section 239-m, was reviewed and accepted by the Erie County Department of Environment and Planning.

**WHEREAS** the Colden Town Board set a public hearing for this date 3-14-2024, the Town Clerk advertised the hearing in the Springville Journal and the Colden Comprehensive Plan

draft was accessible through a link located on the Town of Colden official website.

**WHEREAS** the Colden Town board held a public hearing on 3-14-2024 for public input. Several residents appeared and made comments on the plan and the Town Board considered all citizen input regarding the draft Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that by a unanimous vote the Town of Colden Town Board adopts in its entirety the Colden Comprehensive Plan on this date the 9th day of May 2024.

MOTION made by Councilwoman Robinson, seconded by Councilwoman Zurbrick, and unanimously approved to adopt the 2024 Comprehensive Plan.

On the vote:  
Councilman Dennis Robinson - aye  
Councilman Jesse Hrycik - aye  
Councilwoman Patricia Zurbrick - aye  
Councilman Gerald Pietraszek - aye  
Supervisor James DePasquale - aye

#### BUDGET TRANSFER

None

#### TOWN CLERK REPORT

Town Clerk Jusiak received two more speed study requests:

1. On Hayes Hollow Rd between Falls Rd and Knapp Rd
2. Boston Colden Rd from the School to South Hill Rd

MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved the two speed study requests.

Special Use Permit Inspections were scheduled for June 8, 2024, beginning at 9:00 am and Kennel Inspections will be scheduled in coordination with Councilman Robinson and DCO Zak.

The Colden Cemetery Association Meeting is scheduled for May 23, 2024, at 2:00 pm. All are welcome to attend.

#### SUPERVISOR'S REPORT

Supervisor DePasquale received three complaints about a peacock, turkeys and chickens living at 8742 Woodview Dr. The neighbors say the birds are noisy at all hours of the day, their waste is smelly, some get loose, and are housed up against the property line. CEO Kotlarsz said he will investigate and cite the homeowner if necessary.

Supervisor DePasquale and Tammy attended training with the NYS Comptroller’s Office about budgeting, accounting and retirement. He asked that all elected and appointed employees that do not fill out a time sheet complete a 3-month record of activities for retirement purposes.

**PAY BILLS**

MOTION made by Councilwoman Zurbrick and seconded by Councilman Robinson and unanimously approved to pay the following bills:

General Fund	2024 Voucher #2024-161 – #2024-201	\$21,043.20
Highway Fund	2024 Voucher #2024-76 – #2024-90	\$22,101.14
Water District	2024 Voucher #2024-19 – #2024-24	\$9,456.86
Lighting District	2024 Voucher #2024-5	\$2,026.15
Refuse District	2024 Voucher #2024-4	\$26,805.59
Cares Act Fund	2024 Voucher #2024-2	\$1,360.00

**PRIVILEGE OF THE FLOOR**

Councilman Robinson submitted a list of over 1,300 addresses for the reflective address sign project. Once delivered, Councilman Robinson and Supervisor DePasquale plan to install the signs road-by-road.

**ADJOURN**

MOTION made by Councilman Hrycik and seconded by Councilman Pietraszek to adjourn the meeting. Motion carried and

**MEETING ADJOURNED AT 9:26 PM**

Respectfully submitted,

Deborah Jusiak  
Town Clerk