MEETING CALLED TO ORDER AT 7:01PM

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE, FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

PRESENT: Councilman Dennis Robinson - excused
Councilman Jesse Hrycik
Councilwoman Patricia Zurbrick
Councilman Gerald Pietraszek
Supervisor James DePasquale

ALSO
PRESENT: Highway Superintendent Lee Wohlhueter
CEO John Kotlarsz
Planning Board Chairman Walter Kammer
Environmental Board Chairman Paul Idzik
ECSO Mohawk
Town Historian Mary Fleckenstein
Town Clerk Deborah Jusiak
Approximately 8 residents

MINUTES
MOTION made by Councilwoman Zurbrick and seconded Councilman Pietraszek and unanimously approved the Workshop and Town Board minutes from September.

SAFETY
Deputy Mohawk reported the following:

Colden September Erie County Sheriff's Office Statistics

- 116 Calls for service
- 2 Vehicle Crashes
- 28 Premise Checks
- 12 Traffic Stops
- 21 Community Policing
- 3 Arrests
- 1 Complaint

The Sheriffs plan to attend the upcoming Truck or Treat and patrol during Halloween night

REQUEST TO BE ON THE AGENDA
None

PUBLIC HEARINGS:

PROPOSED LOCAL LAW – 2027 TAX CAP OVERRIDE

Supervisor DePasquale opened a public hearing at 7:07 pm for comments on a proposed local law to override the 2% New York State tax cap for the 2027 budget. He cited rising material costs, such as road oil, fuel and salt, and the refuse contract prices as major budget increases. He noted that the Town Board had already reduced the tentative budget by more than $140,000. In response to resident Marilyn Calhoun's question, he confirmed that a general fund Town tax has been proposed, and the Kummer Park pavilion project has been put on hold. The preliminary budget will be available prior to the November budget public hearing. There we no other comments and the hearing was closed at 7:14 pm.

Adoption of Local Law to override the 2027 Tax Cap

MOTION to adopt the law to override the 2027 Tax Cap made by Councilman Hrycik, seconded by Councilman Pietraszek and adopted by the following vote:

On the vote: Councilman Dennis Robinson – excused
Councilman Jesse Hrycik – yes
Councilwoman Patricia Zurbrick – yes
Councilman Gerald Pietraszek – yes
Supervisor James P DePasquale – yes

RESOLUTION #2026-8
APPROVING ADOPTION OF LOCAL LAW 2026-5
OVERRIDE THE TAX LEVY LIMIT

WHEREAS, General Municipal Law Article 2, Section 3-c places a limit upon real property tax levies by local governments, and

WHEREAS, General Municipal Law Section 3-c(5) provides for a local government to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, provided the governing body of such local government first enacts, by a vote of two-thirds (2/3) of the total voting power of such body, a local law to override such limit for such coming fiscal year only, and

WHEREAS, the proposed budget is required to accurately appropriate funds in the operation of the Town with an unprecedented increase in costs such as highway salt, medical coverage, New York State pension costs and others, and

WHEREAS, it is required to adopt a Local Law to override the tax levy prescribed by General Municipal Law Section 3-c, and

WHEREAS, the Town has complied with the provisions of New York Municipal Home Rule Law regarding the requirements for adoption of the Local Law including a Public Hearing.

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby approve and enact Local Law 2026-5 providing for an override of the tax limit prescribed by General Municipal Law Section 3-c for the fiscal year 2027, and be it further

RESOLVED, the Town Clerk is hereby directed to immediately file the Local Law with the New York Secretary of State.

Duly adopted by the following vote:

On the vote: Councilman Dennis Robinson – excused
Councilman Jesse Hrycik – yes
Councilwoman Patricia Zurbrick – yes
Councilman Gerald Pietraszek – yes
Supervisor James P DePasquale – yes

2027 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING

The Public Hearing for the Erie County funded CDBG funding was opened at 7:15pm. Supervisor DePasquale said the Senior Center is typically the only entity in Town that qualifies for the CDBG. The Town will be gathering pricing for improvements to the front ramp, entrance, gutter and facia of the Senior Center. There were no comments. Public hearing closed at 7:17pm.

OLD BUSINESS:

Adoption of a Local Law to add "Commercial Recreation Facility" as a permitted principal use by Special Use Permit (SUP) in the Agricultural (Ag) Zoning District

The Town Board reviewed a proposed local law to add "Commercial Recreational Facilities" as a permitted use by SUP in the Ag zoning district. The proposed law had previously been discussed at a public hearing held during the September Town Board meeting. The Planning Board recommended against establishing a "recreation corridor" and instead recommended allowing Commercial Recreational Facilities by Special Use Permit in all Ag zoning. There were no questions or comments.

MOTION to adopt the local law to add "Commercial Recreation Facilities" as a permitted use in Ag zoning made by Councilman Pietraszek, seconded by Councilwoman Zurbrick and approved by the following vote

Vote: Councilman Dennis Robinson - excused
Councilman Jesse Hrycik - yes

Councilwoman Patricia Zurbrick - yes
Councilman Gerald Pietraszek - yes
Supervisor James P. DePasquale - yes

RESOLUTION #2026-9
Adoption of Town of Colden Amendment to Ag Zoning Permitted Uses

WHEREAS, the Town Board of the Town of Colden has proposed Local Law No. 2026-4, entitled:
"A LOCAL LAW TO AMEND CHAPTER 108 (ZONING) OF THE CODE OF THE TOWN OF COLDEN BY ADDING "COMMERCIAL RECREATIONAL FACILITY" AS A PERMITTED PRINCIPAL USE BY SPECIAL USE PERMIT IN THE AGRICULTURAL (AG) ZONING DISTRICT, AND BY ADDING A CORRESPONDING DEFINITION AND SUPPLEMENTAL STANDARDS" (the "Local Law"); and
WHEREAS, the Local Law amends the Town's Zoning Law to establish commercial recreational facilities as a principal use within the Agricultural (Ag) Zoning District, subject to a Special Use Permit and Site Plan approval, including compliance with all applicable Town Code and State and Federal law; and

WHEREAS, the Town Board has determined that the proposed use is subject to a discretionary Special Use Permit and Site Plan Review so that the Town may evaluate the characteristics and impact of each facility; and

WHEREAS, the Town Board recognizes the importance of maintaining viable agricultural operations while protecting agriculture and recognizes land-use decisions in an Agricultural District includes review of existing agricultural activities and any effects of non-agricultural development upon farm operations; and

WHEREAS, the Town Board further recognizes that the protection of agricultural resources while offering recreational opportunities for Town residents *are not mutually exclusive objectives* and the Town's zoning regulations should provide a mechanism for balancing those considerations; and

WHEREAS, the Town Board determines that the Local Law does not itself authorize the establishment of any particular recreational facility or conversion any particular parcel from agricultural to recreational use; rather it defines this use as an allowable principal use, subject to a Special Use Permit and Site Plan approval; and

WHEREAS, an applicant seeking to establish a commercial recreational facility in the Agricultural District must obtain approvals per the Town's Zoning Law before the use could be established; and

WHEREAS, the Special Use Permit and Site Plan Review processes will permit the Town to evaluate the specific circumstances of each proposed facility, including, the extent of existing agricultural activity on the property, the potential effect upon neighboring farm operations, traffic generation, road access, parking, emergency access, drainage, stormwater, lighting, noise, screening, buffering, hours of operation, building location, impervious surfaces, vegetation removal, compatibility with neighboring uses, and other relevant land-use and environmental considerations; and

WHEREAS, the Town Board has reviewed Town agricultural resource information and understands that the Town has varied classifications of soils and the suitability for agriculture via data detailed in Section IV of Colden's Agriculture & Farmland Protection Plan; and

WHEREAS, notwithstanding that information, the Town Board recognizes that productive agricultural land may exist without being Prime Farmland and that actual agricultural use of farm operations are important considerations in reviewing any recreational facility; and

WHEREAS, the Town Board determines that agricultural impacts are more appropriately evaluated on a parcel-specific basis via a Special Use Permit than through a blanket prohibition based upon geographic location within the Ag-Zoning; and

WHEREAS, the Town Board further determines that a parcel-specific review process allows the Town to distinguish between parcels containing active productive agricultural operations and other parcels containing existing non-agricultural structures, previously disturbed or developed areas, underutilized areas, or other circumstances where a commercial recreational use may be accommodated with minor impact on active agricultural operations; and

WHEREAS, each application will remain subject to the Town's Special Use Permit and Site Plan Review, environmental review and other regulatory requirements thus allowing the Town to consider actual characteristics and impacts of each project before authorization is granted; and

WHEREAS, where applicable, future applications located within an agricultural district containing a farm operation or within 500 feet of a farm operation located in a County/NYSDAM agricultural district will also be subject to the Agricultural Data Statement requirements of Agriculture and Markets Law §305-b, requiring the municipal board to consider potential impacts on functioning of farm operations; and

WHEREAS, Agriculture and Markets Law §305-b specifically requires an Agricultural Data Statement for qualifying applications for Special Use Permits and requires the municipal board to evaluate and consider the statement in reviewing impacts upon farm operations; and

WHEREAS, the Town Board determines this agricultural review provides an additional mechanism for identifying and evaluating impacts upon neighboring agricultural operations when a specific recreational facility is proposed; and

WHEREAS, the Town Board determines that geographic restrictions would prevent consideration of suitable recreational parcels elsewhere within Ag-Zoning, including parcels where existing development, existing structures, prior disturbance, parcel configuration, road access, surrounding land uses, lack of active agricultural use, or other site-specific characteristics may accommodate recreational uses with less impact upon agricultural resources; and

WHEREAS, the Town Board further determines that allowing the use via a Special Use Permit will provide additional recreational opportunities for residents of the Town *while retaining municipal authority* to evaluate and regulate the location, intensity, design and operation of individual recreational facilities; and

WHEREAS, the Town Board determines that the Local Law does not create an entitlement to approval of any particular recreational facility and does not prevent the Town from denying an individual Special Use Permit application where the applicable statutory and local standards are not satisfied; and

WHEREAS, the Town Board has considered traffic and roadway access as part of its evaluation of the County recommendation and determines that traffic impacts associated with a particular recreational facility are appropriately evaluated in connection with the actual proposed use, including the anticipated number of users, hours of operation, parking requirements, driveway configuration, emergency access, roadway characteristics and other relevant factors; and

WHEREAS, the Town Board has considered the Town's Comprehensive Plan and determines that the Local Law is consistent with the Town's objectives concerning recreational opportunities, agricultural land, rural character and land-use per the Comprehensive Plan and the Agriculture and Farmland Protection Plan; and

WHEREAS, the Town Board has conducted the public hearing required by Town Law §264 and has considered all comments received concerning the Local Law; and

WHEREAS, the Town Board has considered the recommendation of the Town Planning Board dated August 10, 2026; and

WHEREAS, the Town Board has considered all relevant reports, maps, studies, public comments and other materials included in the legislative record concerning the Local Law; and

NOW, THEREFOREE, BE IT RESOLVED, that the Town Board finds that the reasons for its action are set forth in this Resolution, including, without limitation, its determination that:

1. the County's agricultural-conservation objective is recognized and supported by the Town;
2. the Proposed Local Law does not authorize recreational facilities by right, but instead requires Special Use Permit and Site Plan approval;
3. actual agricultural impacts can be evaluated on a parcel-specific basis before a recreational facility is authorized;

4. applicable agricultural review requirements, including Agriculture and Markets Law §305-b where applicable, provide an additional mechanism for evaluating impacts upon farm operations;
5. a parcel-specific review process permits the Town to distinguish among parcels based upon existing agricultural activity, existing development, site characteristics, surrounding land uses and other relevant factors, including setting of conditions;
6. the Town Board determines that the Local Law provides a means of expanding recreational opportunities while retaining authority to evaluate and address site-specific agricultural, environmental, traffic, neighborhood and community impacts and minimize any negative impact on productive agricultural land uses;

BE IT FURTHER RESOLVED, that the Town Supervisor, Town Clerk and Town officials are authorized to take all actions necessary to implement this Resolution and complete all filing, publication and notice requirements applicable to the adoption of the Local Law.

WHEREAS, on October 8th, 2026, the Town of Colden adopts this resolution to establish an amendment to the Colden Ag-Zoning's Permitted Uses; and

THEREFORE, BE IT RESOLVED, that the Town Board authorizes and hereby adopts this zoning amendment, as filed with the Town Clerk, and attached to this resolution.

MOTION to approve the resolution made by Councilman Pietraszek, seconded by Councilman Hrycik and

Duly adopted this 8th day of October 2026, by the following vote.

Vote: Councilman Dennis Robinson - excused
Councilman Jesse Hrycik - yes
Councilwoman Patricia Zurbrick - yes
Councilman Gerald Pietraszek - yes
Supervisor James P. DePasquale - yes

NEW BUSINESS:
A new girl scout troop has requested use of the Senior Centers on Tuesdays from 5-7pm. The Town Board had no concerns.

COMMITTEE REPORTS

BUILDING REPORT
Supervisor DePasquale gave the following report:

- Protection of the Senior Center generator is needed, some bricks need to be repointed,
- Veteran's Park kiosk needs to be replaced and some of the bricks in the paver walkway need to be re-engraved.

CODE ENFORCEMENT OFFICER REPORT
Report for the month of September 2026 – CEO John Kotlarsz read the following report:

14 Building Permits Issued	2 Fire Inspection
1 New Dwelling Permit Issues	12 Certificates of Compliance
1 Certificate of Occupancy	24 Hours of School

Two annual SUP inspections have not been approved; the Bridge at BSC was recommended to need protection and the SBA tower has a faulty bolt. The Town has sent letters with the recommended repairs.

COMMUNITY DEVELOPMENT REPORT
Councilwoman Zurbrick reported the following upcoming events:

- The FeedMore Farm Market Truck will return to the Town Hall on October 23, 2026.
- Veteran's Banners applications are available at Town Hall.
- The final Colden Seniors mystery trip is on October 21, 2026.
- Colden Fire Company Meat Raffle is on October 17, 2026, at 6:00pm.
- Colden Fire Company Auxiliary Craft Fair is on November 8, 2026.

Zurbrick requested that the following information be added to the minutes:

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

Gabe's on the Hill Hours:

Tuesday, 10am – 4pm	Friday, 10am – 4pm
Wednesday, 10am – 4pm	Saturday, 9am – 2pm
Thursday, 2pm – 5pm	

BOLO Food Pantry Hours:
Thursday, 3pm – 5pm
Saturday, 9am – 11am

DOG CONTROL OFFICER REPORT
Supervisor DePasquale read the following DCO report:

- 9/7/2026 - DCO received a phone call from NYS troopers reporting an aggressive dog that needed to be removed from the home of the owner who had passed away. DCO referred it to East Aurora because she is unable to kennel an aggressive dog.
- 9/8/2026 - DCO was informed that the dog was not dangerous and took the dog from East Aurora.
- 9/10/2026 - Rehomed the dog after doing 3 meet and greets.

The Town's dog census is ongoing. Please submit a response whether or not you own a dog.

ENVIRONMENTAL BOARD REPORT
Councilman Pietraszek reported that the Environmental Board met in October to review the battery energy storage systems law. Planning Board Chairman Kammer was present to answer questions. Member Paul Idzik was voted to replace Craig Bouquin as chairman of the Environmental Bboard.

HIGHWAY REPORT & PARKS
Highway Superintendent Wohlhueter reported the following:

October Highway Report

- Final round of road grass cutting should be wrapping up soon.
- Road work season has come to a close. We will finish filling the salt barn with sand and salt, doing preventative maintenance and harnessing up the plow fleet
- We are anticipating severe salt shortages again this winter. We will be doing our best but expect de-icing products to be in short supply were told. This isn't just a town issue; this is a state and countywide issue so we aren't the only ones that will be affected
- Yearly posting for annual posting of no maintenance of Murray Hill and no plowing snow into the roads
- Renewed Shared Services with NYSDOT with a 4-year contract.

Parks Report

- Daily maintenance continues in town, in the park, and on the frisbee golf course.
- Looking to do site prep for the shipping container donated to the park at the park building once a decision is made on exact location.
- 18 new gravel tee pads were installed on the frisbee golf course for beginners, kids, or anyone wanting to play an easier layout.

Approve the Seasonal Closing of Murray Hill Road and Notice of Snow on the Right of Way
MOTION made by Supervisor DePasquale and seconded by Councilwoman Zurbrick and unanimously approved to post the Seasonal Closing of Murray Hill Road from 8958 Murray Hill Road to 8743 Murray Hill Road from November 15, 2025 – April 1, 2026.

Approve Notice of Snow on the Right-of-Way and Property Owners Mailboxes Notice
MOTION made by Councilwoman Zurbrick and seconded by Supervisor DePasquale and unanimously approved to post the Notice of Snow on the Right-of-Way and Property Owners Mailboxes Notice.

INSURANCE REPORT
No report
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LIBRARY REPORT
Councilman Hrycik reported the following:

West Falls Library Hosting a writing club

Boston Free Library normal programing, a Fall Book Sale from Oct 10 – 17th, a painted pumpkin class on October 15,

PERSONNEL
Councilwoman Zurbrick reported that comp alliance training is available for those that need it. There were two resignations, Steve Leman resigned as constable in September 2026, and Crystal Barrett will be resigning as recording secretary at the end of December 2026.

Accept Steve Leman and Crystal Barrett Resignations
MOTION to accept the resignations made by Councilman Hrycik, seconded by Councilman Pietraszek, and unanimously approved.

PLANNING BOARD REPORT
Councilman Hrycik reported the Planning Board met in September to continue working on the commercial recreational facility law, proposed BESS law, and poultry regulation.

WATER REPORT
Councilman Pietraszek gave the following report:

- **Usage update:** At present time consumption billed by ECWA 2,070,000 gal. cost $ 9,045.90 + $20 + $434.87 = $ 9,500.77 expenditure for March water usage.
  - Billed $20 for late fee, will take off on next bill
  - ECWA water cost $4.6 / K
  - Water usage – 47 G/M/30D
- Continue working on nonreading meters & registers
- National Fuel contractors are still using filling station for line flushing on Hayes Hollow line
- Fox Construction hauled water for NFG , payment pending
- Allstate Insurance billed for water used on structure fire on Supervisor Rd, payment pending
- Water leak at 8786 Lower East Hill Rd resolved
- Chlorine residuals within limits,
- Relevy letters sent

Water Billing:

- Open Accounts as of 08/01/2026 billing:

Water Charge (224 units) this qtr.	$	27,208.12 (3,470,320gal)
Infras chg- $7 / unit / this qtr.	$	1,568.00

Capital Surchg -$14.90 / unit this qtr.	$	3,337.60
Total Billed Sent this qtr.	**$**	32,113.72
Payments rec'd this qtr.	$	27,064.84
TOTAL OUTSTANDING YR TO DATE	$	14,044.82

YOUTH/ADULT RECREATION REPORT
Councilwoman Zurbrick read the recreation report:

- Crochet classes will be held on Monday nights in October. The class is full.
- Trunk or Treat & Family Ghost Hunt will be held on Sunday October 25th from 1-4.
- Vibrational Sound Bath will be held Friday November 6th from 7-8 pm.
- A Pottery class for November is in the planning stages.

Full information is posted on The Town of Colden Recreation Facebook page

BUDGET TRANSFERS
None

RESOLUTION
None

TOWN CLERK REPORT
Early voting begins October 24, 2026, the Town received the NYS DOS filing for the Battery Energy Storage System moratorium, and a public hearing was set for the 2027 preliminary budget on November 12, 2026, at 7:00pm

SUPERVISOR'S REPORT
Supervisor DePasquale reported the following: Town Historian Mary Fleckenstein attended Colden Art Festival, and a historian conference and he received a complaint about the smell near the gazebo and hopes it won't affect concert attendance. The Colden Fire Company will be fundraising for 4th of July event, see DePasquale for more information.

PAY BILLS

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

General Fund Warrant	2026 Voucher #377 - #420	$27,567.25
Highway Fund Abstract	2026 Voucher #112 - #124	$30,347.46
Water District	2026 Voucher #43 - #50	$10,673.24
Lighting District	2026 Voucher #12 - #14	$ 4,718.81
Refuse Fund	2026 Voucher #9	$36,426.24

PRIVILEGE OF THE FLOOR
Town Historian Fleckenstein asked whether she could create a Facebook page for the Town Historian. The request was approved, with the conditions that comments be turned off and hard copies of all content be maintained. Resident Jessica Gavin asked when the garbage cans at the Park are put away for the season. It was explained that the garbage cans are usually put away when the Park bathrooms are closed. Resident Michael Gloekler asked where the shipping container at the Park would be placed and whether it could be used to help block noise from the Park building. It was noted that using the container for noise mitigation may be possible. Gloekler requested a meeting to discuss the location of his building on Park land. He was advised to contact Councilman Hrycik to arrange a meeting with Supervisor DePasquale and the Town Attorney.

ADJOURN
MOTION made by Councilman Hrycik, seconded by Councilman Pietraszek and unanimously approved to adjourn the meeting

Meeting adjourned at 8:12pm

Respectfully submitted,

Deborah Jusiak
Town Clerk