

MASTER PLAN

2002

town of

GOLDEN

ny

M A S T E R P L A N 2 0 0 2

TOWN OF COLDEN, NEW YORK

As adopted by the Town Planning
Board of the Town of Colden, NY
[in map form] April 21, 1992
pursuant to Section 272, Article
16 of the New York State Town Law
as a guide for the development
and growth of the Town of Colden,
subject to possible future re-
visions, to the Year 2002.

study conducted by,

THE TOWN PLANNING BOARD

study authorized & funded by

THE TOWN BOARD

consultant services by

Charles R. Dawson, AICP
Community Consultant
Springville, New York

September 1993

..... elected and appointive Town officials
1990-91 working together to ensure orderly
development of the Town of Colden now and
in the future

Supervisor Marilyn J. Calhoun

Councilmen David A. Bower
Perry G. Christ
Philip J. Schueler
Dawn L. Dittmar

Planning Board Murray Warner, Chairman
Arthur Butler, Vice-Chrm
Roy Bergman
Gretchen Dalmer
Robert Hatch
Linda Kotlarsz
Kathleen Mahler

Consultant Charles R. Dawson, AICP
Community Consultant

Other elected and appointive Town officials
who contributed to the Master Plan 2002 in
1992:

Councilmen Henry Poplewski
Richard H. Sheldon

Planning Board Richard S. Sheldon



CHARLES R. DAWSON
Community Consultant

C.R. DAWSON - MGA, MBA, AICP
J. L. DAWSON - ASSOCIATE
G.L. DAWSON - SENIOR ADVISOR

POST OFFICE BOX 514
SPRINGVILLE, N.Y. 14141
(716) 592-7776

September 1993

To the Citizens & Public Officials of the Town of Colden, NY:

I am pleased to submit this Summary Report on "Master Plan 2002" as adopted by the Town Planning Board on April 21, 1992. Said Plan serves as a guide for the orderly growth and development of the Town of Colden over the next 10-year period.

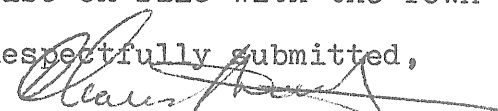
The text of this Report is presented in a popular, non-technical style conducive to easy reading and understanding. It attempts to scribe the conditions of the Town in the 1990-92 period, relate to the factors [both positive and negative] that will influence the extent and pattern of growth and development in the future, pinpoint some public needs to achieve an improved quality of life for all Town residents and provide a comprehensive framework for such orderly pursuits.

The study period [as related in the Methodology section of this Report] leading to the adoption of Master Plan 2002 encompassed a span of approximately 2 1/3 years [1990-April 1992]. The adopted Plan was in map form only [1000' scale in a multi-colored format to depict various forms of existing and proposed land use]. The map of Master Plan 2002 is in the custody of the Town Planning Board. Along with this explanatory summary report, said map fulfills the Town Law requirement [Article 16] of a "comprehensive plan" [a prerequisite to the preparation of a new Zoning Ordinance]. Town officials felt it was appropriate to up-date Colden's 20-year old former Master Plan before starting on any comprehensive revision of the Town's Zoning Ordinance.

In the Spring of 1992, the Town chose to temporarily defer the preparation of this Summary Report until 1993 and switch attention and effort toward the development of a new Zoning Ordinance. During the balance of 1992 and on into 1993, your consultant prepared and completed a proposed new Zoning Ordinance for the Town [both text and map portions] and submitted same for Town review and possible revision prior to enactment.

You will notice that reference is made herein to the Master Plan 1970-90 for the Town of Colden as prepared by the professional firm of Herbert H. Smith and Associates. The Master Plan prepared by the Smith firm was a so-called 701-funded effort [using Federal-State-Local funding of a magnitude far beyond the most modest resources of the current study]. Therefore, it is considered to be redundant to discuss many planning factors [in-depth] such as topography, vista, etc. aptly treated in the Smith Report also on file with the Town Planning Board.

Respectfully submitted,


Charles R. Dawson, AICP

since 1961 a professional service to local government & private clients in all aspects of

PLANNING - ZONING - MANAGEMENT - FINANCE - LABOR RELATIONS - ECONOMICS - DEVELOPMENT

TABLE OF CONTENTS

<u>SUBJECT</u>	<u>PAGE NO.</u>
Front Cover	
Title Page	
Officials Page	
Letter of Transmittal from Consultant	
Table of Contents	
. Methodology in Preparation of Master Plan 2002	01 - 03
. Population Analysis 1990 ... Future Estimate 2002	04 - 05
. Major Factors Influencing Growth & Development 1992-2002	06 - 09
. Traffic Circulation Pattern	10 - 11
. Residential Usage 1990 ... Residential Plan 2002	12 - 14
. Business-Industrial Usage 1990-Business-Industrial Plan	15 - 17
. Public Facilities & Quasi-Public Recreation 1990	18
. Public Facilities Plan 2002	19 - 20

APPENDIX

6 Data Sheets
1990 U.S. Census
for Colden, NY

METHODOLOGY IN PREPARATION
OF MASTER PLAN 2002

General Note ... The following planning and zoning efforts were accomplished in 3 calendar years for the modest cost of only \$ 7,200. They were considered as Special Studies.

In addition, during the same 1990-92 period, the Consultant was retained by the Town to attend the regular monthly meetings of the planning board, render advisory opinions on current planning matters and conduct educational sessions on planning and zoning practice. Said Basic Services were rendered at a cost of only \$ 2,400 per year.

Special Studies 1990 ... Existing Land Use Study

The first step in the Master Plan process was to determine the use of every lot of record in the entire Town. It is essential that a Master Plan for the future recognize the current patterns of land use. A complete set [19 maps] of Town Assessor's Tax Maps was used [varied scales of 100,200 & 400 ft. to the inch] to record current land use information in a color-coded fashion based on the State's land use numerical coding system [from the most-recent Tax Rolls]. Subsequent to said office recordation, a windshield field inspection was conducted to verify existing land use patterns throughout the Town.

This method of utilizing the Assessor's information is far superior to the reliance on said vehicular windshield inspection [the method used back in 1970]. It is not only more accurate but it permits periodic up-dates [which should be undertaken by the Town yearly or on a biennial basis].

Special Studies 1991

From the data compiled in step one above, a Master Plan 2002 was prepared on a 1000'-scale wall map in multi-color fashion to depict existing and proposed land use for the next 10-year period. Shown thereon were residential areas [of various types], business areas [of a general commercial or local retail nature], one proposed industrial district [light] for the future, proposed new public facilities and the locations of various existing commercial recreation sites. At this point in time, said Master Plan 2002 was entirely the Consultant's proposal.

During the course of 1991 [at sessions of the Planning Board], the Consultant conducted educational seminars utilizing the well-respected text " All you ever wanted to know about zoning " as prepared by the late James A. Coon, Esq. in collaboration with Sheldon Damsky, Esq. recognized experts on legal case lore on planning and zoning in New York State. The timing of this educational process was appropos since the Planning Board and its Consultant were right in the middle of the development of a new Master Plan for Colden and subsequently, the revision of the Town's Zoning Ordinance.

Special Studies 1992

On February 15, 1992 the Consultant conducted a "marathon" session on his proposed Master Plan 2002 at the Town Fire Hall in the hamlet sector of Colden. Two identical presentations of said Plan were held [morning and afternoon] to acquaint interested residents of the Town with all aspects of the proposed Plan. In addition, questionnaires were passed out to all attendees and comments on the proposed Plan were solicited. The response was most gratifying. Sixty-five persons were in attendance which represented 4+% of the adult population of Colden [a valid sampling of public opinion]. About 4 out of every 5 persons [77%] liked the Plan as presented. Almost everyone who returned a questionnaire expected to live in Colden by the year 2002.

The value of said marathon method was evidenced by two constructive suggestions for changes in the proposed Plan [one major, one minor]. The Consultant had proposed two small retail convenience-goods locations on Center Road [one at the intersection with Darien Rd. and the other at the intersection with Glenwood-Holland Rd.]. Residents voiced opinions that only one such business area would be needed in the future and suggested the intersection with Partridge Road. The Consultant agreed to make such a change in the proposed Plan before it was submitted to the Town Planning Board for adoption. The other suggestion was a possible future bridging of Cazenovia Creek [near the proposed Community Center at the rear of the current Town Hall]. This suggestion was intended to provide ready access to said locale to and from the Colden School grounds [west side of said Creek].

This marathon methodology also validated the technique of having such citizen meetings after an initial Plan is proposed [when the residents have something of a comprehensive nature to reflect on based on professional effort and judgement]. Many times others have such meetings before any future proposed Plan is developed. Thus, citizens have no point of reference to base their comments and suggestions. That method usually results in a "laundry list" of hopes or wishes. Most of them cannot be fulfilled if good planning practice is respected and implemented.

After tabulation of the results of the questionnaires, said tally along with the Consultant's proposed Plan [as amended per above] was submitted to the Town Planning Board for its final review and eventual adoption [April 21, 1992]. As a result of its deliberations, one additional change was made in the Plan prior to adoption. An additional industrial area [south of the hamlet area along Route 240] was approved for inclusion. The purpose of this form of land use in said location was to take advantage of any future utilities within the Town emanating from the adjacent Town of Boston [to the west of Colden] and improved traffic orientation between Colden and Route 219 [Town of Boston] resulting from the improvements to Rice Hill Road interchange.

Subsequent to the Planning Board adoption of the Master Plan 2002 [in map form only], a local decision was made to temporarily defer the preparation of this Summary Report to explain Master Plan 2002 until after a new Zoning Ordinance [to implement the new Plan] was prepared.

Special Studies 1992 [cont'd]

The remaining eight months of 1992 were devoted to the Consultant's preparation of text for the new Zoning Ordinance. Sections of said text were periodically submitted to the Town Planning Board for its review and possible revision. A series of work sessions of said Board [open to the public] were held during the balance of 1992 in addition to the regularly scheduled Planning Board meetings to undertake said task. Due to the length of the Consultant-proposed text [over 80 pages], it was necessary to carryover the completion of same into 1993 along with the preparation of the Consultant-proposed Zoning Map (s) and the preparation of this Summary Report on the Plan.

Special Studies 1993

Although the Town Board did not provide the required funding for the Consultant to continue his Basic Retainer work with the Planning Board [\$ 2,400] for 1993, the Special Studies work related above did continue.

In early 1993 the Consultant turned over the balance of the proposed zoning text to the Town Planning Board for its continued review and possible revision. Also, the Consultant turned over his proposed zoning map [in 19 sections] again utilizing a set of the Assessor's Maps [as used in the Existing Land Use Study ..see page 1]. Said zoning text and map(s) provided for 4 residential districts, a mixed residential-restricted business district, 3 types of business districts, a light-industrial district and a residential-agricultural district. Said zoning map portion of the new Zoning Ordinance was also subject to Town Planning Board review and possible revision.

Once the Planning Board has completed its review, possible revisions and recommendations to the Town Board, the new Zoning Ordinance will be subject to the SEQR review [conducted by the County], a local public hearing and final passage by the Town Board [which is possible by the end of 1993].

Once said new Ordinance is in effect, the Town will begin to appreciate the methods used to record existing land use and the delineation of new zoning districts in the Town. Identical scaled maps for same can be related to as each new proposal for development in Colden and this will ease the process of local zoning administration.

After the adopted Master Plan 2002 map was returned to the Consultant in mid-July 1993 [after its usage by the Planning Board in its zoning review], this Summary Report was prepared thereon.

POPULATION ANALYSIS 1990 ... POPULATION ESTIMATE 2002TOWN OF COLDEN, NY

There are many population groups a community has to plan for including the resident population, the local employment population [where a community is a major employment center] and the transient population [embracing recreational facilities and other attractions] catering to the tourist-trade. This report basically focuses on the resident population of the present and future.

Population Profiles
Town of Colden, NY

<u>Year</u>	<u>Population</u>
1940	1,528
1950	1,720
1960	2,384
1970	3,020
1980	3,128
1990	2,899
Est. 2002...	3,300

Numerical & Percentage Population ChangesTown of Colden, New York

<u>Decennial Census</u>	<u>Numerical</u>		<u>Percentage</u>	
	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
1940 - 1950	192		12.6	
1950 - 1960	664		38.6	
1960 - 1970	636		26.7	
1970 - 1980	108		3.6	
1980 - 1990		229		7.3

Note: The historical total Town population figures from 1940 thru 1990 from the U.S. Census as reported by the Smith Report [1940-1960] & the Erie County Planning Department [1970 & 1980].

In population forecasts to 1990, the aforementioned Smith Associates Report suggested estimates of 3,973 [based on Colden's relationship to historic Erie County's overall population] ... 3,752 [based on the combined natural increase and in-migration in Colden] and a 3rd future estimate of 4,040 [based on an averaging of the first two methods]. All of said estimates were "off" by 853 .. 1,074 or 1,141 all on the "hi" side.

In all fairness to the Smith Associates projections to 1990, they did not have the benefit of the official U.S. Census figures for 1970. Also, they were dependent on a special census in 1966 in Erie County. Like many others who were projecting population trends into the future, they were also influenced by past growth trends in the 1950-1960 era and expected them to continue. The actual slowing growth trend between 1970 and 1980 [including some Towns like Colden] and the eventual decrease in community populations between 1980 and 1990 was not envisioned.

It should be understood that it is not absolutely essential that future population forecasts be "right-on-the button" at any given time interval. Reasonableness is the keyword. Said forecasts are directly linked to such factors as public utilities and facilities especially when a time interval is introduced [e.g. capital expenditures budget for 5 to 10 year period].

In 1991 [after the 1990 Census figures were announced], various Town officials met to discuss a number of developmental factors in Colden including a future population estimate to the year 2002. The census at said meeting was a figure of about 3,300 residents in the Town by said date.

That would add about 400 new residents in a 12-year period [an increase of 13.8% from 1990]. Based on the average of 2.76 persons per occupied dwelling unit [1990 figure], it would mean an additional 145 dwelling units in 12 years [about 12 per year or 1 per month].

According to the latest construction trends [courtesy of the Town's Code Enforcement Officer], the Town experienced the 12-units-per-year pattern in 1991 and 1992 but it is now beginning to grow to 1.5 to 2 new dwelling units per month [18 to 24 per year]. Thus, if the current rate [1993] continued to the year 2002, Colden would have a future [2002] population ranging from 3,462 to 3,628.

However, as seen in the Town's Population Profile table on page 4, up-charged population growth is not necessarily sustained [especially under conditions of lack of public utilities and the uncertainty if and when they may be provided].

Therefore, it seems REASONABLE to estimate a Colden Population in the YEAR 2002 in the 3,300-3,500 range. The 2002 estimate on page 4 reflects the lower end of said range.

Characteristics 1990 Population

Some of the more interesting population factors revealed in the 1990 Census are as follows:

- . 99.2 % of the population are white with a median age of 35 yrs.
- . Based on a total area of 36 square miles [6 x 6], the overall density of population is 80.5 persons per square mile or 29.2 occupied dwelling units per square mile.
- . Age groupings:
 - .. Up to 5 years old 219 [pre-school].
 - .. 5 years thru 19 years. 601 [school-aged].
 - .. 20 yrs. thru 64 years. 1758 [college, working, child-bearing, pre-retirement].
 - .. 65 years and over 321 [normal retirement years].
- . Household Incomes 1989 [total 1,036 households]:
 - .. Under \$ 15,000 192
 - .. \$ 15,000 - \$ 25,000 .. 174
 - .. \$ 25,000 - \$ 35,000 .. 167
 - .. \$ 35,000 - \$ 50,000 .. 242
 - .. \$ 50,000 - \$ 75,000 .. 196
 - .. \$ 75,000 & over 65

MAJOR FACTORS INFLUENCING
GROWTH & DEVELOPMENT 1992
THRU 2002

As is the situation in most communities, there are both positive and negative factors to take into consideration when attempting to forecast future growth and development. There is also the interplay among such factors that will largely determine the size and tempo of growth in the form of additional development [not natural growth].

For purposes of discussion and analysis, the following non-inclusive listing of some of these factors as they pertain to Colden is presented.

1. Availability of Developable Land for Growth

By inspection of the Map depicting Master Plan 2002 [adopted by the Planning Board], it is evident that Colden's 36 square miles will remain in a basic rural status. At the present time agricultural pursuits are minimal and no real growth therein is predicted for the future. By no means is such a forecast meant to demean farming. To the contrary, it is based on the following factors:

- . Uncertain continued interest of the family-farm status by younger generations tempted in other vocational directions.
- . Poor soil conditions in Colden for crop farming.
- . Continued escalation of costs in farm establishment and operation.
- . Continued uncertain levels of price supports for any form of agriculture.

In all justice, Colden should be considered more of a rural area than an agricultural area.

Aside from:

- . Down slopes of various hillside skiing areas
- . Major restrictive topographic areas of woodland beauty unsuitable, due to severe grade conditions, for extensive interior development [pointed out in the Smith Report]
- . Small hamlet sectors in the western valley area
- . Remaining existing development in intermittent strip fashion along some current roadways

the vast interior area extending easterly from said valley floor beyond the topographic restrictive sectors has vast acres of developable land available [within Colden's overall 36 square miles] in a rural setting ... BUT said lands lack other amenities normally required for any extensive growth.

Thus, AVAILABLE LAND is a PLUS FACTOR for Colden.

2. Environment

In a few words ... Colden is picturesque and diverse ... an inviting combination. Its western sector provides a winding valley area edged by creekside-type waterways and bordered by lush green hillsides. Easterly from the valley the woodland terrain leads to an upland, undulating plateau in the central and eastern sectors of the Town. This topographic mix provides breath-taking vistas, the envy of other less fortunately endowed communities in Erie County.

It is ski country in the Winter, a blaze of foliage in the Fall and its quaintness an allure to tourists as well as residents throughout the year.

Although Colden lacks many of the service amenities associated with comprehensive appeal for residential development, it has a small Town charm with all the basic qualities [including an elementary school] needed for raising a family in an un-hurried setting.

Thus, the ENVIRONMENTAL QUALITY is a PLUS FACTOR for Colden.

3. Public Utilities

For all intents and purposes, Colden is currently bereft of the public utilities ... water ... sanitary sewers ... storm sewers so essential to growth and development of any major residential and non-residential investment.

The Town is currently dependent on individual wells and septic tanks. Open-ditch drainage provides the conduits for storm water runoff in conjunction with local streams and Cazenovia Creek. While Colden has sometimes been criticized for large-area lots [minimum 3 acres], the poor soil conditions dictate such a land use policy, in the absence of a public utility system. A salient "plus" to this current land development scheme is that recreation for pre-teen youth [normally taken care of by neighborhood playground area] can be provided on residential premises, at no public cost, while providing opportunities for better parental supervision of said youngsters.

There are probably two main corridors to be explored by local officials interested in bringing basic public utility services to Colden. One is the narrow valley sector extending [north-south] from the adjacent Town of Aurora [West Falls sector] thru the western portion of Colden [including the hamlet areas of Colden and Glenwood]. The Erie County Water Authority already provides service to West Falls [which could be extended southerly thru the valley sector]. Most of the same area [particularly the hamlet of Colden and its environs] could be served by connection with the Authority's water line from Lower East Hill Road in the adjacent Town of Boston. Said valley sector contains most of the non-residential development in Colden at the present time and is the location where most of any future non-residential development should occur according to Master Plan 2002. This factor is extremely important in the establishment of utility districts and in the initial financing of same.

A second main corridor to be investigated for future utility districts is the upland sector in the general locale of Center Street.

It could be eventually served by extending public water lines southerly thru this central part of Colden from existing facilities in the adjacent Town of Aurora. This would be a major undertaking, however, since even said facilities in Aurora are extended only to the vicinity of East Aurora High School & the BOCES property southerly of the Village of East Aurora. There may be other avenues to extend water from the Aurora-area but with the current sparse population in the Center Street sector, and the fact that the Master Plan 2002 does not foresee any extensive non-residential development in said area [to help share in the costs of such utilities], it would appear that the cost involved would be prohibitive now and in the near future.

Ironically, the central part of Colden [Center Street and environs] offers extensive area of developable land [especially future subdivisions] eclipsing the potential of the western valley sector.

Thus, the current LACK OF PUBLIC UTILITIES ... is a distinct MINUS FACTOR for Colden.

4. Transportation

The element of Transportation in Colden will be dealt with in a discussion of the Traffic Circulation System which follows this section of the Report dealing with Major Growth Factors.

However, for the record ... with new trafficway improvements underway that will enhance access to and from the Town ... IMPROVEMENTS in TRAFFICWAY ACCESS between Colden and other sectors of the Buffalo Metropolitan Area should turn out to be a PLUS FACTOR for Colden from the standpoint of increased opportunities for local growth and development [in both the residential and non-residential tax base].

5. Competition with Other Communities

It must be acknowledged by even the ardent devotee for local growth and development in Colden that there are other communities in Erie County that simply have more amenities, in place, to attract development [especially large-scale] of a residential or non-residential nature than does the Town of Colden.

A case in point is the aforementioned current lack of public utilities in Colden. The more-endowed communities can focus on balanced growth in residential and non-residential development and thus provide for an improved local property tax base that can afford opportunities for new public facilities ... and the enhancement of the quality and diversity among varied local lifestyles.

While this competitive condition does not provide Colden with a "level playing field", and thus must be considered as a NEGATIVE FACTOR to the Town's growth potential, Colden should continue to accentuate the PLUS FACTORS recited herein and hope to gain its fair share of growth and development under said circumstances.

6. Public Attitudes Toward Change

There will be change from time to time ... trickle-type growth ... a more pronounced pattern ... or large-scale development. As reflected in the future population estimate to the year 2002, the Master Plan anticipates a slow by steady residential growth pattern in Colden. Regardless of the actual pace of growth in the Town, the Master Plan attempts to channel whatever development occurs into an orderly pattern.

In such effort, local governmental policies to implement said Plan must relate to regulations governing zoning, subdivision and site planning.

Such governmental policies, subject to public hearing, are reflective of the local attitudes of the Town's population only at a given time ... regardless of whether such attitudes are narrow, seeking to perpetuate the present, and resistant to change [even though such change is accomplished in an orderly manner] ... or more enlightened [within reason] in a progressive posture.

Neither of these perspectives is right or wrong ... and they may be consistent or fluctuating. However, they DO INFLUENCE local public officials and the decisions they make [especially in the areas of public utilities and public facilities].

Aside from all the foregoing factors enumerated and discussed herein, public attitudes toward change is perhaps the most basic as an influence on a community's growth and development [as to extent and tempo].

This is NEITHER a PLUS or MINUS factor ... It's up to Colden to determine what it wants!

TRAFFIC CIRCULATION PATTERN

With minor exception, the traffic circulation system that Smith Associates analyzed in the 70's is the same movement pattern in Colden in the 90's. Also, the Smith Plan for a Route 240 Bypass of the Colden Hamlet area in the western valley sector of Town, the proposed Partridge Road collector extension to Heath Road and said Hamlet ... though desirable proposals ... appear to be unrealistic over the next 10-year span. With the advent of the new Rice Hill Road Interchange to connect, in more direct fashion, the Boston Valley area to the Route 219 Freeway, the Smith Associates emphasis on Center Street as the major link of Colden to downtown Buffalo is highly questionable.

Existing Trafficways

State-Route 240 thru the western valley sector and County-route Center Street in the upper central plateau sector are the principal North-South thoroughfares in Colden which handle local as well as the bulk of inter-Town vehicular movements in said directions. Principal East-West collector routes are: Boston-Colden Road which connects to Center Street via Heath Road, the Holland-Glenwood Road which connects Route 240 in the valley with Center Street in the upland sector and continues easterly down into the Town of Holland and State Route 16. Other existing roads in Colden, in a type of grid pattern, serve as collector routes [as well as property-access roadways] for intra-Town travel and linkage with the aforementioned inter-Town arteries.

New Accessway - Rice Hill Road Interchange with Route 219

Scheduled for completion in late 1994, a new accessway connecting the Route 219 Freeway atop the west hill of the Town of Boston via the existing Rice Hill Road Interchange with the Boston-Colden Road in the southern valley sector of the Town of Boston could have important ramifications for the Town of Colden.

While northerly and southerly travel on existing Route 240 to penetrate the suburban employment and shopping centers in the Towns of Orchard Park and Concord will continue, and the same pattern will continue on Center Street for access to the Town of Aurora, longer-distance travel into the Buffalo Metropolitan Area may be altered significantly. It will be especially helpful to the residents and business interests [especially tourist and recreation devotees] in the western valley sector of Colden. It should also magnify serious consideration for a permanent traffic light in the center of the Colden Hamlet area [intersection of Route 240 and Boston-Colden Road]. An off-shoot of the new accessway should be additional traffic in the heart of the business district of said Hamlet area not only from development along Route 240, from the environs of the Hamlet ... but also from the eastern and central upland sectors of Colden desiring a shorter and faster orientation to the Freeway System in Erie County [in this case Route 219 in neighboring Boston].

The advent of this new accessway to Route 219 should also lessen vehicular travel to and from Colden via the Boston-Springville Road [old 219] for connection with the Route 219 Freeway in the North Boston Area and perhaps discourage the current volume of traffic seeking the Route 400 Freeway [via northerly travel on Center Street or via the east-west Holland-Glenwood connection to Route 16 in the Town of Holland thence northerly to South Wales.

Protection to Route 240 - Residence-Restricted Business District

One of the main features of Master Plan 2002 is the use of the Residence-Restricted Business designation along major sectors of Route 240. This planning technique seeks to protect the current traffic-carrying capacity of Route 240 by controlling the type of non-traffic generating land use that could continue to develop along said trafficway. Colden does not need just a continuous strip of business uses along Route 240 of the traffic-generating variety.

This R-RB designation would permit all forms of residential development [other than mobile-home parks that would have their own district in the Plan]. The R-RB would also permit such non-traffic generating business uses as a mortuary or an insurance office [plus others of a similar nature]. Said R-RB designation appears along Route 240 southerly of Colden in the Town of Concord in the new Concord Master Plan 2000.

This R-RB technique has worked well over the years where it has been employed to encourage the smooth flow of traffic and the elimination of adjacent land use friction [resulting from the uncontrolled business usage of a traffic-generating nature].

Other Recommendations on Roads in Colden

In new subdivisions, the Town should not permit any culs-de-sac longer than 500 to 600 feet from an intersecting roadway. This measure is well-recognized in site plan design and provides a response to public safety in newly-developed residential areas.

Also, when a residential developer proposes that all interior roads in a subdivision remain private [vs. dedication as public roadways], the Town should insist that all such right-of-way meet the normal standards for public roads. This measure would protect the Town in case of future clamor from the residents of a new subdivision for the Town to take over such right-of-way as a public responsibility.

There should be no "head-in" parking permitted [especially along a busy trafficway such as Route 240] for adjacent business development of any kind.

Many of the Smith Report suggestions for the improvements to existing roadways in Colden are just as valid Today as they were in the 70's.

RESIDENTIAL USAGE 1990
& RESIDENTIAL PLAN 2002

Current Residential Pattern

The 1990 Census figures provide insight concerning the current residential development in Colden.

- . There are 1,141 housing units in the Town to accommodate a population of 2,899. This equates to approximately 2.5 persons per dwelling unit.
- . 96+% of said dwelling units are non-farm accommodations.
- . Nearly 88% of the dwelling units are single-family home-steads. Only 6% are in 2-family structures, another 2% are in buildings housing 3-4 dwelling units [about the same degree as are in mobile homes].
- . Of the 1,141 housing units ... nearly 900 [80%] are owner-occupied. About 150 [13%] are renter-occupied and the remainder are considered vacant though they are occupied occasionally.
- . The construction of said housing units is as follows:

Built 1939 or earlier - 385	[33+%	
Built 1940-1959 - 287	[25 %]	WWII-Korean Era
Built 1960-1969 - 186	[16+%	Vietnam Period
Built 1970-1990 - 283	[25 %]	Since Smith As-
		sociates Report
- . Of 1,065 dwelling units surveyed, 93% were dependent on individual wells for water.
- . In owner-occupied housing units, there was an average of 2.83 persons living therein. In rental units, the average was 2.35.

About 60% of the residents live in the western sector of the Town, another 20% live in the central part of Colden and the remaining 20% reside in the eastern portion of the Town. Most of the older housing is located in the western valley area in strip fashion along Route 240, in the Hamlet of Colden and its immediate environs, and in the Glenwood sector. The only major subdivision [interior] is the Seneca Brook area, westerly of the Hamlet of Colden near the Boston Town Line. This could be considered as an estate area.

Newer housing has occurred along the roads leading upward thru the topographically-inviting hillsides leading to the central sector of the Town from the western valley area [Route 240]. It has also become pronounced along sections of Center Street [south of Darien Road] and at various other eastern locales [such as Lewis Road].

The only mobile-home concentration in Colden [small] is located on the west side of Route 240, south of Finch Road.

Residential Plan 2002

The Residential Plan in Colden to the year 2002 envisions a continuation of the predominant low-density, single-family housing pattern on large lots historic to the Town. It is expected that such R-1 type development will occur mostly along existing roads via the extension and in-filling process. While there is some justification to spur added R-E [estate] type development based on the successful Seneca Brook estate subdivision development, the absence of basic public utilities will hamper this potential.

Specific north-south roadways that should be designated for the R-1 designation are as follows:

- . Hayes Hollow Road from Heath Road to the Aurora Town Line.
- . Center Street ... short segments north and south of Partridge Road and Darien Road.
- . Crump & Phillips Roads in eastern 1/3 of the Town.
- . Bleistein Road in the vicinity of Blanchard Road.
- . Lewis Road [northern sector] in vicinity of Blanchard.
- . South Hill Road .. expected in-filling.

Specific east-west roadways suitable for the R-1 designation are:

- . Most of Knapp Road.
- . Darien Road easterly to Center Street.
- . Blanchard, primarily Hayes Hollow east to Center, and easterly from Lewis Road.
- . Partridge Road, from Center easterly to the Holland Town Line.
- . Sectors of Holland-Glenwood Road, uphill toward Center and in vicinity of Holland Hills Golf Club easterly to the Holland Town Line.
- . Heath Road from the Hamlet of Colden area to Hayes Hollow.

There should also be some in-filling of singles along sectors of the Boston-Colden Road and Lower East Hill Road. Portions of Finch Road and Stanfield Road could qualify for R-1 treatment. The Supervisor-Fairview sector along with the Sunset-Franz area are akin to a mini-subdivision treatment that are already well-developed in the R-1 pattern.

As previously indicated in this Report, there is hardly any residential development of a 2-family or multi-family [3 or more] nature in Colden. What development of said type is currently used is mainly situated in the western valley sector along Route 240 and in the hamlets. The R-2 [General Residential] District is normally established to accommodate the mix of single-family, two-family and multi-family residential usage according to density regulations. However, the need for establishing the R-2 District in Colden at this time [particularly in areas outside the western valley sector] is somewhat remote [especially with the lack of utilities even in the hamlet areas]. The advent of the R-RB [Residence-Restricted Business] District along major portions of Route 240 can satisfy housing needs of all types in the area most susceptible to public utilities in the future. It negates action at this time for the R-2.

There is little evidence of mobile-home development in Colden at the present time. A concentration [small] of said usage is indicated on page 12. The Plan provides for a small R-M [residential-mobile home] District to cover the small development as described off Route 240 south of Finch Road. It is recommended that the Town only consider mobile-homes in mobile-home courts [not on individual lots] under the R-M classification. Furthermore, it is suggested that said consideration be on a petitioned basis and essentially in the western valley sector.

No further explanation of the R-RB District [its purposes and composition] is required. Please refer to page 11 herein.

While there is no particular disagreement with the Smith Associates "residential nodes" concept [relating especially to the hamlet areas], the full-blown effect of same has just not materialized in Colden to date.

Overall, the Residential portion of Master Plan 2002 attempts to preserve and enhance the rural-residential charm of Colden while providing a format for added growth and development [if it occurs] in an orderly pattern. Colden, even with some added development, should remain as a picturesque "small town."

BUSINESS-INDUSTRIAL USAGE 1990
&
BUSINESS-INDUSTRIAL PLAN 2002

Before analyzing the current content and pattern of business and industrial land use in Colden, a reflection on the 1990 Census statistics relating to employment characteristics of local residents is in order.

- . About half of the 1990 Colden population was in the labor force [16 yrs & older].
- . Of said labor force [1,409] almost 100% were in the civilian labor force and about 93+% were employed.
- . A breakdown of occupational categories of the employed [1,311] is as follows:

<u>Category</u>	<u>No.</u>	<u>% Total</u>
. Manufacturing	260	19.8
. Retail & Wholesale Trade	243	18.5
. Construction	136	10.3
. Professional & Related Health	125	9.5
. Professional & Related Education	115	8.7
. Finance, Insurance, Real Estate	93	7.1
. Other Professional & Related	64	4.9
. Business & Repair Services	64	4.9
. Transportation	63	4.9
. Agriculture, Forestry, Fisheries	60	4.5
. Public Administration	42	3.2
. Communication, Public Utilities	27	2.0
. Other [combined]	19	1.4

- . The average travel time to work was nearly 1/2 hour.
- . The average household income was \$ 37,718.
- . Only 198 persons [6.8%] of the population of 2,888 adjudged for poverty levels were below the poverty level.

The above factors validate that Colden has a hard-working population, with about average unemployment [based on the metropolitan area standards], a decent average household income for the same area and most of all ... most workers are employed elsewhere in the Buffalo Metropolitan Area about one-half an hour from home. Agriculture and related activities account for only 4.5% of employment.

From a planning standpoint, the statistics reaffirm that Colden continues to be a residential dormitory community for workers employed elsewhere and avenues of transportation are most important to the work force.

Current local business development, with emphasis on convenience goods and services for local residents and tourist-type retail enterprise, is centered in the west valley area along Route 240. The major concentration of this business activity is in the Colden Hamlet sector and its environs.

Included are a mix of such uses as: a food store, an up-scale restaurant, florist shop, professional offices of a dentist and an architect, a country store and quilt shop catering to the tourist trade, a deli store, a tavern-hotel, vehicular service garage, small engine shop, ski shop, small restaurant, hardware store, storage yard for log homes, and a common building for the activities of insurance, water conditioning and a beauty shop. In the southern environs of said Hamlet [across the RR tracks at their at-grade intersection with Route 240] is another service garage [across from the Town's Highway garage and storage area].

Said railroad extends north-south thru the western valley sector in companion fashion [most of the way] to the winding channel of Cazenovia Creek. Another at-grade intersection with Route 240 occurs in the Glenwood Hamlet sector. This railroad is a freight line with no local stops.

There is a secondary focus of business activity in the aforementioned Glenwood area [south of the Holland-Glenwood Road's intersection with Route 240] containing a handful of uses. Included therein are 2 tavern-restaurants, a pizza parlor, ski shops, collision shop and construction company.

The third sector of commercial activity is situated in an elongated intermitent pattern along Route 240 northerly of the location of the new post office all the way to the Aurora Town Line. It is co-mingled with strip residential usage along said trafficway. Non-Residential uses include: a utility storage & equipment yard, a couple of structures formerly used for restaurant purposes, a service garage for repairs, a nominally light-industrial machine and tool operation, a couple of retail craft and country store enterprises, a building contracting outfit and a large nursery. Most of the residential usage along this sector is older housing.

Some broadcast antenna on Center Street rounds out the principal commercial land usage in Colden at the present time.

There are some obvious factors that emerge from the analysis of current business and industrial development, as follows:

- . Local industrial-type operations are scant.
- . Major shopping facilities are not located in Colden. Residents have to travel to such Towns as Concord, Aurora and Orchard Park to do their weekly food shopping.
- . There are no comparative shopping facilities in Colden for its residents who wish to purchase such items as clothing, major household items, etc. Again said nearby Towns offer some of the facilities needed and major malls [e.g. Hamburg] can supply the wants and needs of local residents.
- . From strictly a planning standpoint, one of the main advantages Colden has is the relative lack of any business development [of a sporadic nature] in the vast central and eastern sectors of the Town. This gives Colden the opportunity to properly plan for any future business development in said sectors without being compromised by an scatter-pattern of non-conforming uses of a business nature.

Business & Industrial Plan 2002

The basic scheme for Business and Industry [as reflected on the map of Master Plan 2002] is geared to the following concepts:

- Perpetuation and extension of local retail [C-1] and tourist trade uses in the Colden Hamlet area and its immediate environs northerly to the location of the new Fire Station. Southerly of the core of the Hamlet, a general commercial district [C-2] could be established extending to the area of the Town Highway facilities. Route 240 would be affected.
- A controlled general commercial district [C-2] along Route 240 from approximately Stanfield Road to Finch Road [about a 1-mile corridor]. Said district would allow retail and tourist-trade uses in addition to general commercial uses.
- Another C-2 type general commercial area from Knapp Road northerly to the vicinity of the Aurora Town Line.
- In between the above-described C-1 and C-2 areas and extending to both the Concord and Aurora Town Lines is the R-RB district [Residence-Restricted Business] as described on pg.11.
- Most of the future C-1 and C-2 development along Route 240 would be of the "in-filling" nature and complimentary to the scatter-pattern of said uses [particularly general commercial uses] currently along said trafficway.
- A planned future convenience-goods locale is at the Center Street-Partridge Road intersection in the upland plateau sector of Colden. This site was favored by some local residents of that sector [who attended the Master Plan Marathon] instead of two such business areas [at Center and Darien & at Center and Holland-Glenwood Road] as proposed by the Consultant. Regardless of the future exact locale of such a C-1 retail area, it is justified based on the growth trends in the central and eastern sectors of the Town. Current residents of said areas now have to travel down into the western valley sector [Hamlet of Colden] for even the most basic necessities of daily life. Their other current option for goods and services is easterly down the hillsides to the business section of the Town of Holland.
- The current pattern of out-of-Town shopping for weekly food purchase and for major comparative goods will continue into the future indefinitely. Colden's current and projected population just does not warrant such facilities being provided in the Town on any major scale.
- The subject of commercial recreation facilities in the Town will be dealt with in the next section of this Master Plan Report.
- The Plan does provide for 2 light-industrial areas in Colden. One is located near the northern end of Route 240 [Knapp Road area]. It is situated on about 10 acres to the rear of business frontage on the west side of Route 240. A second site of approximately 30 acres [included in the Town's current zoning ordinance] is situated southerly of the Hamlet of Colden, easterly of Route 240 and the railroad tracks. Although the factors mentioned on pages 7 & 8 are not particularly favorable for additional light-industrial development, at least the Town can direct such interest in that direction.

PUBLIC FACILITIES & QUASI-
PUBLIC RECREATION 1990

Due to its existing amenities [e.g. waterways, forestation, hillside topography], Colden already enjoys a bevy of outdoor recreation facilities, of a public and quasi-public nature, that provide a fine quality of life environment.

Along with the adjacent Towns of Boston and Concord, Colden is a part of the ski country within Erie County. Several down slopes [from ski clubs located on the Lower East Hill in Boston] are a prominent hillside consideration in central part of the western sector of Colden [northerly of the Hamlet of Colden] and a commercial ski enterprise is located in Town in the northern part of the western valley along Route 240. In addition, Colden abuts a major commercial ski facility in the neighboring Town of Concord. Thus, plenty of skiing opportunities are available to local residents [as well as non-residents] and none of said facilities involves public enterprise.

Colden is also the situs of two private, though commercially-operated golf clubs. One is a small 15-acre, par-3 course located near the Colden-Aurora Town Line off Route 240. A major 18-hole course is located on the Holland-Glenwood Road easterly of Center Street. Both of these facilities have clubhouse apurtenances. Again, local golf enthusiasts have facilities at their disposal without public funds being involved.

A branch of Cazenovia Creek cuts [north-south] thru the western valley sector of Colden but individual property owners have access rights thereto that thwarts a continuous public access [for hiking purposes] along said waterway.

Colden is also the locale of a major campgrounds facility on nearly 34 acres with accommodations for approximately 75 campers. A major local restaurant facility is also included in the complex. This facility has access from both Heath Road and Center Street in the central part of Colden [in upland sector]. Again, no local public finance is involved.

The Town has a 20-acre Town Park in the Hamlet of Colden area which has some future opportunities for expansion, if needed. Colden is also minutes away from the County-owned Sprague Brook Park [with facilities for camping, picnicing and tennis], off Route 240.

In the Hamlet of Colden is the only school facility [public] in Town. It is an elementary school and part of the Springville-Griffith Institute Central School System. This is one dis-unifying aspect to the present and future of Colden. Like the adjacent Town of Boston, Colden's school children are dispersed into attendance in several surrounding school systems.

The remaining public facilities of note include a small Town Hall and an older Fire Hall in the center of the Hamlet of Colden, a new site for a modern Fire Hall about 1/2 mile northerly of the Hamlet [along Route 240], another Fire Hall on Center Street and a Town Highway Department storage area in the southern Hamlet area.

PUBLIC FACILITIES PLAN 2002

The Master Plan 2002 embraces all of the facilities [public & quasi-public] delineated on page 18. However, the Plan provides for the re-arrangement of some of these existing facilities and makes some suggestions for new public facilities.

Parks & Recreation

The National Recreation Association has long-established standards for various types of recreation facilities [both passive & active]. They have suggested, for general-purpose parks, a standard of 1 acre per 100 persons served. In terms of Colden, that would mean approximately 30 acres devoted to park purposes. In consideration of Colden's current Town Park [20 acres that allows for some expansion, if necessary] and Colden's proximity [minutes away] to the County's Sprague Brook Park, the Plan does not provide for any additional public recreational acreage [of an active nature] over the next 10-year span. It is suggested that via County-Town study and cooperation, a more direct connection to Sprague Brook from the central part of Colden [via Center Street] would be a decided benefit to the Town.

It is also suggested that consideration be given to the public acquisition of a reasonable strip of land [now in various private ownerships] along Cazenovia Creek as a Nature Trail open to all. Various means to accomplish said acquisitions include: private land donations to the Town, perhaps a County-Town negotiation for said purchases or outright eminent domain action.

It is suggested that the Town establish a Park-Recreation Fund for the purpose of funding future Town Parks [as needed based on growth] or the embellishment of its existing Town Park [and its possible expansion]. A longer-range possibility for a second Town Park in the central part of Colden is not unreasonable. Monies from new subdivisions [in lieu of land dedication] for recreational purposes has long been acknowledged in State Law.

New Community Center

The Plan includes the proposal for a Colden Community Center to be erected to the rear of the present Town Hall in the Hamlet of Colden [adjacent to the east bank of Cazenovia Creek]. One suggestion voiced at the Marathon was for a future possible bridge connection across said Creek to link the present Elementary School property to the proposed Community Center. Certainly said idea is worth pursuing if the Center is constructed.

As previously indicated, the thrust in current recreation facilities [public or quasi-public] is OUTDOOR locales. In consideration of Colden as being in "snow country", the need for adequate facilities particularly for teen-agers and facilities for the senior citizens ... the idea of a new Community Center makes a lot of sense. Lands southerly of the Town Hall site might be included in the development of a proper facility [of a multi-purpose nature].

Re-use Older Fire Hall

With the future advent of the new Fire Hall on Route 240, just northerly of the Hamlet of Colden, the question remains of just what to do with the present facility. With crowded conditions in the present Town Hall [across the street from the older Fire Hall], the Plan suggests that the older Fire Hall be converted into a combination Town Hall-Town Court-Sheriff's Department facility. The first floor could house the Court and space for the Sheriff's sub-station while the second floor is suitable [with some interior re-design] for Town Administrative Offices and a meeting room for the Town Board [and other Boards]. At the time the Master Plan was adopted by the Planning Board, there was space on the south side of the building [adjacent to the old Colden Hotel] for off-street parking [by acquisition by the Town].

Under the circumstances cited above, said suggestion seemed to be a reasonable solution to two situations requiring a remedy. In case the suggested parking area is insufficient, some of the parking attendant to the proposed Community Center could be utilized.

Re-use of Current Town Hall

In connection with the establishment of the new Community Center, the Plan suggests incorporating the facilities of the current small Town Hall [perhaps for library purposes] with a common parking area [using some space from the current off-street parking in that locale. Added off-street parking required for the new Community Center-Town Library could be obtained by acquiring the land just southerly of the Town Hall [currently occupied by an old service garage building].

One of the salient advantages of the structural uses outlined above is that it should cut down on pedestrian traffic crossing Route 240 in the Hamlet area [which is currently a dangerous crossing in front of the current Town Hall due to sight limitations in connection with the bridge over Cazenovia Creek and no stop light at the intersection of Route 240 and the Boston-Colden Road].

A P P E N D I X

6 Tabular Pages of 1990
U.S. Census Data about
the Town of Colden, NY

1990 CENSUS OF POPULATION AND HOUSING -- SUMMARY TAPE FILE 3 -- SELECTED CHARACTERISTICS
 PREPARED BY THE NEW YORK STATE DATA CENTER, DEPARTMENT OF ECONOMIC DEVELOPMENT -- 4/92
 AREA NAME: COLDEN TOWN PLACE: TRACT/BHA: BG:

AREANAME: COLDEN TOWN

COUNTY: 029 MCD: 045

P80/81/107/108 HOUSEHOLD AND FAMILY INCOME IN 1989										P117/119/120 POVERTY STATUS IN 1989 (UNIVERSE: PERSONS FOR WHOM POVERTY STATUS IS DETERMINED)										P114A&B/115A/116A PER CAPITA INCOME IN 1989																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
HOUSEHOLDS					FAMILIES					PERSONS					AT OR ABOVE POVERTY 2690					BELOW POVERTY 198					TOTAL PERSONS IN HOUSEHOLDS IN GROUP QUARTERS INSTITUTIONAL NONINSTITUTIONAL					ALL PERSONS \$13,369 \$13,369 \$0 \$0																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
\$0	-	4,999	31	6	AGE	219	0	WHITE	198	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

1990 CENSUS OF POPULATION AND HOUSING -- SUMMARY TAPE FILE 3 -- SELECTED CHARACTERISTICS
 PREPARED BY THE NEW YORK STATE DATA CENTER, DEPARTMENT OF ECONOMIC DEVELOPMENT -- 4/92
 COUNTY: 029 MCD: 045 PLACE: TRACT/BNA: BG:

AREANAME: COLDEN TOWN

P70/71/72. LABOR FORCE STATUS BY SEX AND RACE/HISPANIC ORIGIN (UNIVERSE: PERSONS 16 YEARS AND OLDER)							P78 OCCUPATION (UNIVERSE: EMPLOYED PERSONS 16+) MANAGERIAL & PROFESSIONAL SPECIALTY OCCUPATIONS EXEC, ADMIN, & MANAGERIAL PROFESSIONAL SPECIALTY TECHNICAL, SALES, & ADMINISTRATIVE SUPPORT TECHNICIANS & REL SUPP SALES ADMIN SUPP, INC CLERICAL SERVICE OCCUPATIONS PRIVATE HOUSEHOLD PROTECTIVE SERVICE SERVICE, EXC PROT. AND HOUSEHOLD FARMING, FORESTRY, & FISHING PREC PROD, CRAFT, & REPAIR OPERATORS, FABRICATORS, AND LABORERS MACHINE OPER, ASSEMBLERS, & INSPECTORS TRANS & MATERIAL MOVING HANDLERS, EQUIP CLEANERS, HELPERS, & LABORERS	
MALE	WHITE	BLACK	AMER IND/ ESK/ALEUT	ASIAN/ PAC ISL	OTHER	HISPANIC ORIGIN		
TOTAL								
LABOR FORCE	866	0	0	0	0	0		163
IN ARMED FORCES	5	0	0	0	0	0		240
CIVILIAN	861	0	0	0	0	0		
EMPLOYED	809	0	0	0	0	0		43
UNEMPLOYED	52	0	0	0	0	0		109
NOT IN LABOR FORCE	239	0	0	0	0	0		119
FEMALE								
LABOR FORCE	543	0	0	0	0	0		7
IN ARMED FORCES	0	0	0	0	0	0		15
CIVILIAN	543	0	0	0	0	0		
EMPLOYED	502	0	0	0	0	0		74
UNEMPLOYED	41	0	0	0	0	0		23
NOT IN LABOR FORCE	562	0	0	0	0	0		257
P79 CLASS OF WORKER (UNIVERSE: EMPLOYED PERSONS 16+)								
WAGE AND SALARY	886							101
PRIVATE FOR PROFIT	141							72
PRIVATE NOT FOR PROFIT	86							88
SELF-EMPLOYED								
P73 PRESENCE AND AGE OF CHILDREN AND EMPLOYMENT STATUS (UNIVERSE: FEMALES 16 YEARS AND OVER)								
WITH OWN CHILDREN UNDER 18 YEARS UNDER 6 YEARS ONLY								
IN LABOR FORCE	108							361
EMPLOYED OR IN ARMED FORCES	58							292
UNEMPLOYED	25							57
NOT IN LABOR FORCE	7							6
WITH OWN CHILDREN UNDER 18 YEARS UNDER 6 YEARS ONLY								
IN LABOR FORCE	109							60
EMPLOYED OR IN ARMED FORCES	0							12
UNEMPLOYED	6							46
NOT IN LABOR FORCE	823							103
EMPLOYED OR IN ARMED FORCES	0							0
UNEMPLOYED	63							71
NOT IN LABOR FORCE	0							30
WITH OWN CHILDREN UNDER 18 YEARS UNDER 6 YEARS AND 6 TO 17 YEARS								
IN LABOR FORCE	60							5
EMPLOYED OR IN ARMED FORCES	0							38
UNEMPLOYED	0							
NOT IN LABOR FORCE	0							309
WITH OWN CHILDREN UNDER 18 YEARS UNDER 6 YEARS AND 6 TO 17 YEARS								
IN LABOR FORCE	0							24
EMPLOYED OR IN ARMED FORCES	91							407
UNEMPLOYED								
NOT IN LABOR FORCE								
P77 INDUSTRY (UNIVERSE: EMPLOYED PERSONS 16+)								
AGRICULTURE, FORESTRY, & FISHERIES	60							60
MINING	12							12
CONSTRUCTION	136							136
MANUFACTURING	13							13
NONDURABLE GOODS	247							247
DURABLE GOODS	63							63
TRANSPORTATION	27							27
COMMUNICATIONS & OTHER	58							58
PUBLIC UTILITIES	185							185
WHOLESALE TRADE	93							93
RETAIL TRADE	64							64
FINANCE, INSURANCE, & REAL ESTATE	7							7
SERVICES	0							0
BUSINESS & REPAIR	125							125
PERSONAL	115							115
ENTERTAINMENT & RECREATION	64							64
PROFESSIONAL & RELATED HEALTH	42							42
EDUCATIONAL								
OTHER PROF & REL								
PUBLIC ADMINISTRATION								

P45/46/47/48 PLACE OF WORK (UNIVERSE: WORKERS 16+)		P50/51 TRAVEL TIME TO WORK MINUTES		P33/34/35 ANCESTRY		FIRST MULTIPLE ANCESTRY		SECOND MULTIPLE ANCESTRY	
WORKED IN STATE OF RESIDENCE		1257	0 - 4	38	ARAB	0	0	0	0
WORKED IN COUNTY OF RESIDENCE		24	5 - 9	103	AUSTRIAN	0	0	0	0
WORKED OUTSIDE COUNTY OF RESIDENCE		5	10 - 14	148	BELGIAN	0	0	0	0
WORKED OUTSIDE STATE OF RESIDENCE			15 - 19	205	CANADIAN	17	22	6	0
LIVING IN AN MSA			20 - 24	93	CZECH	0	0	0	0
WORKED IN MSA OF RESIDENCE			25 - 29	162	DANISH	0	0	0	0
CENTRAL CITY		212	30 - 34	48	DUTCH	0	0	0	0
REMAINDER OF THIS MSA		1045	35 - 39	114	ENGLISH	139	0	14	14
WORKED OUTSIDE MSA OF RESIDENCE			40 - 44	204	FINNISH	0	0	365	280
CENTRAL CITY		10	45 - 59	55	FRENCH	3	41	0	74
REMAINDER OF A DIFFERENT MSA		14	60 - 89	11	FRENCH CANADIAN	30	44	0	22
WORKED OUTSIDE OF ANY MSA		5	90 OR MORE	27	GERMAN	615	1207	0	312
NOT LIVING IN AN MSA			WORKED AT HOME		GREEK	0	0	0	0
WORKED IN AN MSA			AVG TRAVEL TIME	28	HUNGARIAN	0	8	0	227
CENTRAL CITY		0	P53 PRIVATE VEHICLE OCCUPANCY		IRISH	135	235	0	58
REMAINDER OF MSA		0	CAR, TRUCK, OR VAN		ITALIAN	67	156	0	0
WORKED OUTSIDE OF ANY MSA			DROVE ALONE	1021	LITHUANIAN	0	0	0	141
LIVING IN A PLACE			IN 2-PERSON CARPOOL	137	NORWEGIAN	0	421	0	0
WORKED IN PLACE OF RESIDENCE			IN 3-PERSON CARPOOL	8	POLISH	291	0	0	0
WORKED OUTSIDE PLACE OF RESIDENCE			IN 4-PERSON CARPOOL	0	PORTUGUESE	10	10	0	0
NOT LIVING IN A PLACE		1286	IN 5-PERSON CARPOOL	14	ROMANIAN	0	0	0	24
WORKED IN MCD OF RESIDENCE		157	IN 6-PERSON CARPOOL	0	RUSSIAN	33	38	0	13
WORKED OUTSIDE MCD OF RESIDENCE		1129	IN 7-OR-MORE CARPOOL	43	SCOTCH IRISH	18	30	5	11
			OTHER MEANS	63	SCOTTISH	5	5	0	5
P49 MEANS OF TRANSPORTATION TO WORK		P52 TIME LEAVING HOME TO GO TO WORK							
CAR, TRUCK, OR VAN	1021	12:00 AM - 4:59 AM	14	SUBSAHARAN AFRICAN	0	0	11	5	15
DROVE ALONE	202	5:00 AM - 5:29 AM	20	SWEDISH	6	6	5	5	5
CARPooled		5:30 AM - 5:59 AM	20	SWISS	5	5	22	22	5
PUBLIC TRANSPORTATION		6:00 AM - 6:29 AM	140	UKRAINIAN	6	6	6	6	0
BUS OR TROLLEY BUS	0	6:30 AM - 6:59 AM	187	U.S. OR AMERICAN	0	0	18	18	45
STREETCAR/TROLLEY CAR	0	7:00 AM - 7:29 AM	229	WELSH	0	0	0	0	0
SUBWAY	0	7:30 AM - 7:59 AM	154	WEST INDIAN	0	0	0	0	5
RAILROAD	0	8:00 AM - 8:29 AM	163	(EXC HISPANICS)	0	0	0	0	0
FERRYBOAT	0	8:30 AM - 8:59 AM	67	YUGOSLAVIAN	64	70	36	36	23
TAXICAB	0	9:00 AM - 9:59 AM	47	RACE OR HISPANIC ORIGIN GROUPS	36	36	0	0	0
MOTORCYCLE	0	10:00 AM - 10:59 AM	14	UNCLASSIFIED OR NOT REPORTED	129	129	129	129	1615
BICYCLE	6	11:00 AM - 11:59 AM	0	P27 SEX BY MARITAL STATUS					
WALKED	25	12:00 PM - 3:59 PM	133	NEVER MARRIED	MALE	FEMALE			
OTHER MEANS	5	4:00 PM - 11:59 PM	71	MARRIED	319	180			
WORKED AT HOME	27	WORKED AT HOME	27	SPOUSE PRESENT	725	780			
				SPOUSE ABSENT	12	7			
				SEPARATED	9	6			
				OTHER	31	110			
				WIDOWED	38	43			
				DIVORCED					
H37/38 VEHICLES AVAILABLE TOTAL		OWNER	RENTER						
HONE	19	11	8						
1	318	238	80						
2	532	472	60						
3	87	85	2						
4	72	72	0						
5	21	21	0						
MEAN VEHICLES	1.94	2.04	1.37						

1990 CENSUS OF POPULATION AND HOUSING -- SUMMARY TAPE FILE 3 -- SELECTED CHARACTERISTICS
 PREPARED BY THE NEW YORK STATE DATA CENTER, DEPARTMENT OF ECONOMIC DEVELOPMENT -- 4/92
 COUNTY: 029 MCD: 045 PLACE: TRACT/BHA:

BG:

AREANAME: COLDEN TOWN

H70 PLUMBING FACILITIES BY UNITS IN STRUCTURE											
H1/2/3 HOUSING UNITS		H8 THROUGH H12 TENURE BY RACE AND HISPANIC ORIGIN OF HOUSEHOLDER (UNIVERSE: OCCUPIED HOUSING UNITS)		H43/44 GROSS RENT		H52/53 MORTGAGE STATUS AND SELECTED MONTHLY OWNER COSTS (UNIVERSE: SPECIFIED OWNER OCCUPIED HOUSING UNITS)		COMPLETE PLUMBING FACILITIES		LACKING COMPLETE FACILITIES	
TOTAL	UNWEIGHTED SAMPLE COUNT	TOTAL	OWNER	RENTER	1, DETACHED	1, ATTACHED	WITH A MORTGAGE	COMPLETE PLUMBING FACILITIES	COMPLETE PLUMBING FACILITIES	LACKING COMPLETE FACILITIES	LACKING COMPLETE FACILITIES
1141	174	1049	899	150	1, DETACHED	1, ATTACHED	\$ 0 - 99	991	991	5	0
1141	174	1049	899	150	2	3	\$ 100 - 149	0	74	0	0
		0	0	0	4	5	\$ 150 - 199	22	22	0	0
		0	0	0	9	10	\$ 200 - 249	0	0	0	0
		0	0	0	19	20	\$ 250 - 299	0	0	0	0
		0	0	0	49	50	\$ 300 - 349	0	0	0	0
		0	0	0	OR MORE	MOBILE HOME	\$ 350 - 399	0	0	0	0
		0	0	0	OTHER	OTHER	\$ 400 - 449	23	23	0	0
		0	0	0			\$ 450 - 499	18	18	8	8
		0	0	0			\$ 500 - 549				
		0	0	0			\$ 550 - 599				
		0	0	0			\$ 600 - 649				
		0	0	0			\$ 650 - 699				
		0	0	0			\$ 700 - 749				
		0	0	0			\$ 750 - 999				
		0	0	0			\$ 1000 OR MORE				
		0	0	0			NO CASH RENT				
		0	0	0			MEDIAN RENT				
		0	0	0			MEAN RENT				
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							
		0	0	0							

Chapter 5

SUPERVISOR

- § 5-1. Supervisor.
- § 5-2. Suburban Town supervisor.
- § 5-3. Duties and responsibilities.
- § 5-4. Deputy supervisor.
- § 5-5. Additional supervisor.

§ 5-1. Supervisor.

The supervisor in every town is its chief administrative officer and presides at all meetings of the town board. [Tn Lw 63]

The supervisor is elected for a 2-year term of office [Tn Lw 20 (1)(a) & (b)]. This may be changed to a 4-year term on a town board resolution, adopted at least 150 days before a biennial election and voted on at such election. Publication and posting of a notice of the proposition is required (See Ch 1 sec 1-7(B). If approved by a majority voting, the new term begins after the next biennial election [TN Lw 24-a; Atty Gen 83-49].

As an elected officer, the supervisor must be a resident when elected and during the term of office [Tn Lw 23c

Atty Gen 85-49]. The town board appoints a qualified person to the office on a tie vote [Matter of Furk, 1 NY 2d 128] and for the unexpired term for a resigning supervisor St Comp Op 76-286].

The supervisor performs "official duties solely in the public interest" [Atty Gen 85-22] and has absolute immunity from liability on remarks made while performing duties but not for statements at a news conference [Clark v. McGee, 49 NY 2d 613].

The supervisor is responsible for, and cannot delegate, all fiscal responsibilities and decisions [Tn Lw 29(4)].

§ 5-2. Suburban town supervisor. See Ch 4 § 4-8(5)

§ 5-3. Duties and responsibilities.

The supervisor has the following duties and responsibilities:

1. Chief administrator. He is responsible for administrative duties set by town board resolution for both town and improvement district affairs [Tn Lw 29(16)] but “. . . did not have implied authority to bind the Town by acts in excess of his powers.” [Town of Clay v. Helsby, 357 NYS 2d 291; 45 AD 2d 292]

A supervisor was not “dishonest” or “corrupt” and so not discharged from office [Pub Off Lw 36] for cancelling, as a waste of money, a special referendum which was set by the town board on a petition to increase the number of councilmen and was defeated when the election was held. [Deats v. Carpenter, 1978, 403 NYS 2d 128, 61 AD 2d 320]

The supervisor has no authority to penalize a councilman for not attending town board meetings. [St Comp Op 78-642] The town board agenda can be prepared by the supervisor or revised, when prepared by the town clerk, unless the town board has adopted a rule for the agenda. [St Comp Op 77-869]

2. Treasurer. The supervisor is the treasurer and fiscal officer in each town. [Tn Lw 34; Lo Fin Lw 2.00(5)(c)] Accounting duties may be transferred to the comptroller. [Tn Lw 34, 124; St Comp Op 76-100] The supervisor is to receive and have custody of all town money regardless of which other officer first received it. [Tn Lw 29(1)]

Being responsible for all money and other records, the supervisor can lock the office for security. [St Comp Op 78-231] The supervisor is liable for theft or loss of such funds [Tillinghast v. Merrill, 152 NY 135] but the town board can insure against such loss. [Tn Lw 116(5c); St Comp Op 78-270]

All temporary investments of town funds are made by the supervisor. [Gen Mun Lw 11; St Comp Op 78-535] (See Ch 4, § 4-2 (1))

3. Improvement district treasurer. He is the treasurer and disbursing officer for each special improvement district in the town except as otherwise explained in Chapter 18. [Tn Lw 29(1)]
4. Financial records. He must keep a complete and accurate record of all money received and spent on forms set by State Comp-

troller. These accounts are public records kept in the town hall and may be inspected in supervisors presence. [St Comp Op 78-231] At the end of his term he files his accounting books with the town clerk. [Tn Lw 29(4)] +

5. Deposit of moneys. The supervisor must deposit any money received within ten (10) days. Where the bank has been designated by the town board, he is not liable for the loss of any deposited money if the bank should default or become insolvent. [Tn Lw 29(2)]
6. Separate bank account. He should keep separate bank accounts for the general fund, the highway fund and other separate funds. [Tn Lw 125]
7. Payments authorized. He shall pay out money only after the town board has audited and approved a payment and the town clerk or town comptroller has issued a draft or warrant. [Tn Lw 125]
8. Use of checks. All payments are made by check, signed by the supervisor and payable to the person entitled to receive payment. The town board may also require a countersignature [Tn Lw 29 (3)] e.g. comptroller [St Comp Op 76-726]
9. Identify appropriations. The supervisor must not overdraw an account and shall not pay from one account something that should be charged to another account. Each check must state the appropriate account on which it is being drawn [Tn Lw 125]. For an illegal transfer of capital reserve fund to the general fund the supervisor is liable personally [Town of Evans v. Catalino, 88 AD 2d 780, 451 NYS 2d 523 (4th AD 1982)].
10. Highway funds. Payments from the highway fund are made on order of the superintendent of highways [Tn Lw 125, Hgy Lw 284, Myrerski v. Town Board of Goshen, 386 NYS 2d 984, 87 Misc 2d 1063].
11. Payments without audit. See payments before audit, Ch 11 sec 11-1 (D) and (F).
12. Receipt of town moneys. He is to receive the fees and money collected by any town officer except the town justices. This must

be done by the 15th of the month after collection [Tn Lw 27(1)]; otherwise the officer's salary is withheld [Tn Lw 29(1)]

13. State aid. Revenue sharing and other State funds are sent to the supervisor [St Fin Lw 54].

[St Fin Lw 54]

14. Highway aid. He receives the payments on state and county aid for highways in the town. He must give a bond with personal sureties or bonding company. [Hgy Lw 195(8)]
15. Petty cash fund. He has a petty cash fund to two hundred dollars (\$200.) and may pay for materials, supplies and services for the town from such fund. He must get a bill to submit to the town board for approval and authority to reimburse the petty cash fund from the appropriate budget account. [Tn Lw 64(1a)]
16. Expenditure books. He must keep a record of expenditures made under provisions of the Highway Law in books prescribed by the State Department of Audit and Control. [Tn Lw 29(4)]
17. Labor dispute. The supervisor receives findings of fact and recommendations from the fact-finding board when negotiations for a new contract with the employee organization representing town employees have reached an impasse. He then makes recommendations to the town board for settling the dispute. [C Ser Lw 209(3e)] In the event of a strike he notifies the Public Employment Relations Board. [C Ser Lw 210(3b)]
18. Monthly statement. He must present at the end of each month a statement on money received and disbursed. This report is made to the town board and a copy is filed with the town clerk. [Tn Lw 125]
19. Budget officer. The supervisor is budget officer or appoints and dismisses such; see Ch 10, sec 10-3].
20. Annual town budget. He presents a copy of the annual town budget to the board of supervisors so that the tax levies can be made. [Tn Lw 115]

21. Annual financial report. A town board resolution can authorize filing with the town clerk by March 1 a copy of his report to the Comptroller. (See No. 23 below) Otherwise a report must be filed by February 1 with the clerk showing all receipts and disbursements together with bank certificates of deposit. [Tn Lw 29(10)]

The town clerk has a summary published in a newspaper unless the town board, by resolution, has authorized the publication of the fiscal report sent to the State Comptroller.
22. Additional information. He must furnish any additional data that the town board may require about his financial report. [Tn Lw 29(10)]
23. Report to Comptroller. Within 60 days after December 31 or before May 1, if approved by the State comptroller [Tn Lw 29(10a)], the office holder, not the former supervisor [St Comp Op 80-22 & 80-415], sends the annual report to the State Comptroller [Gen Mun Lw 30(5)].
24. Bookkeeper, secretary. In a Town of the First Class he may appoint a bookkeeper or confidential secretary, or both. In a Town of the Second Class a town board resolution is necessary for such employees and fixes the compensation. [Tn. Lw 29(15)]
25. Appoint committees. He may appoint committees of town board members to aid the full board. [Tn Lw 63]
26. Special board meetings. He can call a special meeting of the town board on two (2) days' notice. [Tn Lw 62]
27. Signing contracts. The supervisor signs all contracts in the town name after approval by the town board. [Tn Lw 64(6)] "... the supervisor merely has a ministerial duty to execute a contract awarded by the Town Board and so must do it." [Municipal Consultants v. Town of Ramapo, 1978, 403 NYS 2d 115]
28. Signing real property papers. After town board approval, he signs all papers for the town where town property is leased, sold or conveyed or an easement is granted. [Tn Lw 29(11)]
29. Collection of money. He prosecutes for all money due the town and for all lawful penalties that are not paid. [Tn Lw 29(8)]
30. Debt statement for bonds. He, as chief fiscal officer, prepares a debt statement required before the public sale of town bonds. [Lo Fin Lw 132a]

31. Public housing statement. If the town has authorized public housing, he files a verified statement of unpaid indebtedness after each fiscal year. This is filed with the State Comptroller and the State Commissioner of Housing. [Lo Fin Lw 151]
32. Survey map of town. If requested by the State Department of Transportation, he has a survey made of the town bounds and sends the map and description to the Department within sixty (60) days of the request. If there is more than one (1) town involved, all share in the expense in a percentage set by the board of supervisors. [Tn Lw 29(9)]
33. Condemnation payments. He pays a property owner where the town has taken property under condemnation proceedings. [Hgy Lw 182]
34. Highway machinery. He buys the highway machinery and equipment when the town board has approved. [Hgy Lw 266]
35. Code of ethics. The supervisor shall give a copy of the town code of ethics to each officer and employee [Gen Mun Lw 806(2)], and shall post a copy conspicuously in each town building. [Gen Mun Lw 807]
36. Board of review. Where a town has but one (1) assessor, the supervisor is a member of the board of review to hear complaints. [Tn Lw 21(2)]
37. Board of health. He is a member of the board of health of a consolidated health district. [Pub Hlth Lw 391]
38. Vacancy in office. He must notify the county clerk when the office of the town clerk becomes vacant, with the date of such vacancy. [Tn Lw 30(4)]
39. Superintendent of fires. He is responsible for preventing and extinguishing forest fires and is superintendent of fires in the town. [Tn Lw 29(12)]
40. Repairs to dams or locks. He must send written notice within ten (10) days to the State Department of Transportation when repair or construction work is being done on a dock or pier or on a dam over ten (10) feet above normal water level or holding one million (1,000,000) gallons of water or water covering one (1) square mile. [Tn Lw 29(13)]

41. Notice of claim. He is to receive any notice of claim for injuries. [Gen Mun Lw 50e] He also receives service of legal papers on the town. [CPLR 311(5)]
42. Release of books. He must turn over all books and documents of the town to his elected successor. [Tn Lw 29] The successor can compel this. [Re Brady, 141 NY 527] This does not apply to account books and papers filed with the town clerk. [Tn Lw 29(4); '69 St Compt 696; Re Ferguson, 259 AD 1068]
43. Emergency powers. In the event of a disaster, rioting, catastrophe or similar public emergency, the supervisor, upon finding public safety to be imperiled, may proclaim a town "state of emergency" and issue orders to protect life and property. [Ex Lw 24(1)] Such can include a curfew, traffic prohibitions, restrictions on public assembly and sale of firearms, areas prohibited to the public and, when the state officials have acted, suspending any local laws impeding emergency action. [Ex Lw 24(1)(a) — (f)]
This applies in all or part of the town and aid from local personnel and other municipalities can be sought [Ex Lw 25(1)].

§ 5-4. Deputy supervisor.

Any town board may set up the office of deputy supervisor unless there is an additional supervisor. This is a public officer who is appointed by, is responsible to, and can be discharged by the supervisor. [Tn Lw 42]

If a deputy is not appointed within five (5) days of the town board's action in establishing the office, the board makes the appointment. [Tn Lw 42]

If qualified to be an officer (See Ch 2), a town officer or employee can be appointed, including a council member [St Comp Op 78-17] or the town clerk, although fiscal problems develop in signing checks when the supervisor is absent. [St Comp Op 77-948] A village trustee can be appointed as no voting is involved. [Atty Gen (inf) 5/26/78; 6/22/78; St Comp Op 78-481]

The deputy acts when the supervisor is absent but without vote on the town board, and is paid the full amount of salary as deputy [St Comp Op 81-371; Pub Off Lw 9; Atty Gen 85-57].

When established, the office can be abolished by a later town board. "The power to enact necessarily implies the power to repeal, and one Legislature cannot be limited or bound by the actions of a previous one . . . unless restricted by the Constitution, and the wisdom of doing so is a matter of legislative direction." [Stetter v. Town Board, 362 NYS 2d 97, 46 AD 2d 1006]

§ 5.5 Additional supervisor.

Any town having a population of more than one-half (1/2) the county population shall have one (1) additional supervisor. Thus at each biennial election, two (2) supervisors are elected, one (1) as presiding supervisor. [Tn Lw 41(1)]

Each supervisor is a member of the town board, with a vote on all matters. [Tn Lw 41(4)]

Before an additional supervisor is made a regular officer, there must be a resolution of the town board passed on a majority vote. If rejected by the town board, only one (1) supervisor is authorized in the town. If the town board approves the additional supervisor, an interim appointment is made until the biennial town election is held. [Tn Lw 41(1)(5)]

If the presiding supervisor is ill or out of the state or the office is vacant, the town board may, by resolution, have the additional supervisor act in the place of the presiding supervisor. He must file a bond and meet all other requirements of the supervisor. [Tn Lw 41(4)]

The salary of the additional supervisor is fixed by the town board. [Tn Lw 41(6)]

ing course of the judicial conference [Tn Lw 31(3); UJCA 105]. A non-attorney was "barred as unfit for judicial office" in not completing the course, as instructed [Lobdell v. State Commission on Judicial Conduct, 59 NY 2d 338, 464 NYS 2d 999 (1983)]. The town reimburses expenses, but not lost salary [Tn Lw 31(4); St Comp Op 77-760].

- F. Reporting. Each justice must maintain books or dockets for criminal and civil matters. [UJCA 107, 2019] On expiration of the term of office, all dockets are filed with the town clerk. [UJCA 2019c, 2021] for later audit by the State Comptroller. [St Comp Op 76-356] These are not kept by the new justice but by the town clerk, [Tn Lw 30] even though the town board designated a local cabinet for storage. [St Comp Op 74-1332]

[UJCA 2019-c & 2021], including the civil docket with required details [Tn Lw 31(1a)] for State Comptroller audit [St Comp Op 76-356]. These are kept by the town clerk, not the new justice [Tn Lw 30].

The justice is not to receive or disburse any money without making a memorandum as prescribed the the State Comptroller. [Tn Lw 31 (1a)]

At least once each year the justice must submit his dockets to the town board for examination. [Tn Lw 31 (1b)]

The justice must submit a report and pay all fees he receives to the State Comptroller before the 10th day of each month following the receipt. A report is necessary even if no fees have been received. If a report or payment has not been made, the State Comptroller notifies the town supervisor, and the justice's pay or compensation is withheld until he complies with this requirement. [Tn Lw 27]

- G. Assessment review. One (1) of the justices may be a member of the board of review to hear complaints on assessments in towns having only one (1) assessor. [Tn Lw 21(2)]
- H. Employees. The town board authorizes and appoints all non-judicial personnel, e.g. court clerk, and all must reside in the town, file the oath of office and the required bond [UJCA 109 & 111(6); Atty Gen 83-6]. The justice fixes the hours of work. A court stenographer on annual salary is not paid extra for court transcripts [St Comp Op 75-607].