

May 8, 2013

Supervisor Michael Kasprzyk called the Regular Town Board Meeting to order at 8:00pm at 47 Pearl St., Holland

Officials Present Were:

COUNCILMAN GEOFFREY HACK  
COUNCILWOMAN ROBERTA HERR  
COUNCILWOMAN KAREN KLINE  
COUNCILMAN WILLIAM KOLACKI

Other Officials Present Were:

ZONING ENFORCEMENT OFFICER MICHAEL SLUCE  
BOOKKEEPER JILL ZIENTEK  
TOWN ENGINEER DAVID PRATT  
PLANNING BOARD CHAIRMAN MARTIN REGAN  
TOWN ATTORNEY RONALD BENNETT  
DOG CONTROL OFFICER WILLIAM NEWELL  
BOARD OF APPEALS CHAIRMAN WILLIAM O'DELL

**RESOLUTION #32**

Motion made by Councilman Hack and seconded by Councilwoman Kline, resolve the Town of Holland approve the minutes of the April Board Meeting. ALL AYES. CARRIED.

**MEALS ON WHEELS** – each of the 5 towns has increased their donation.

**CODE REVIEW** - work session on May 15<sup>th</sup> and May 22<sup>nd</sup> at 7:30pm at which time the board will review the codes of the town. All departments are asked for their input.

**TOWN INSURANCE** – added to the policy this year are the bleachers at the park and the new pump house.

**RESOLUTION #33**

Motion made by Supervisor Kasprzyk and seconded by Councilman Kolacki, resolve the Town of Holland renew their insurance with NYMIR for the cost of \$31,637.21. ALL AYES. CARRIED.

**TOWN CLERK PROCLAMATION**

**RESOLUTION #34**

Motion made by Supervisor Kasprzyk and seconded by Councilwoman Herr,

***PROCLAMATION***  
***MUNICIPAL CLERKS WEEK***  
***MAY 5 – 11, 2013***

*Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and*

*Whereas, The Office of Municipal Clerk is the oldest among public servants, and*

*Whereas, The Office of Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and*

*Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.*

*Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meeting of their state, province, county and international professional organizations.*

*Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.*

*Now Therefore, I, Michael Kasprzyk, Supervisor of Holland, do recognize the week of May 5 through May 11, 2013, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Sandra Smith and to all Municipal Clerks for the vital service they perform and their exemplary dedication to the communities they represent.*

*Dated this 8<sup>th</sup> day of May 2013.*

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*Michael Kasprzyk, Supervisor*

ALL AYES. CARRIED.

#### **ASSESSORS ASSOCIATION FRANCHISE HOLDERS TAX STATUS**

##### **RESOLUTION #35**

The following RESOLUTION was adopted by the Town Board of the Town of Holland at a regular meeting held on Wednesday, May 8, 2013:

Resolution #35

SUPPORT FOR LEGISLATION AMENDMENT TO RPTL SECTION 102 (i)

On a motion made by Councilman Hack, seconded by Councilman Kolacki, the following was

ADOPTED                    AYES    #    5                    ,

\_\_\_\_\_                    NAYES    #    0                    ,

Resolve to support the Erie County Assessor's Association regarding the proposed amendment to RPTL section 102(i).

WHERE AS, Fiber optic cable located on private property has been part of the Outside Plant roll section 6 assessment under Section 102(i) of Real Property Tax since the 1980's. Which is consistent with the valuation of fiber optic cable located within the public right of way defined as Special Franchise property and,

WHERE AS, Amendments to Section 102 (i) of Real Property Tax in 1985 and 1987 were never intended to exclude fiber optic cable or other emerging technology from Outside Plant roll section 6 and,

WHERE AS, Until a recent decision by the Appellate Division, First Department removing fiber optic cable from Outside Plant roll section 6, fiber optic cable had been part of the Outside Plant assessment for over 25 years, and

WHERE AS, Across New York State hundreds of millions of dollars in tax base are in jeopardy of being lost creating a significant impact on Town, County and School tax,

NOWTHEREFORE, BE IT RESOLVED That the Town of Holland hereby supports the Erie County Assessor's Association and respectfully request the New York State Legislature to amend Section 102 (i) of Real Property Tax Law to defining, include and memorialize fiber optic cable as part of Outside Plant for tax assessment purposes consistent with the intent of a 1986 amendment to Section 102. And which is consistent with the valuation of fiber optic cable as Special Franchise property.

ALL AYES. CARRIED.

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**HEARTS AND HANDS: Faith in Action - Wales/Holland/Marilla Office (716)652-0003**  
There are approximately 22 volunteers in Holland. If you need assistance please call this number.

**PLANNING BOARD –**

**RESOLUTION #36**

Motion made by Supervisor Michael Kasprzyk and seconded by Councilman Hack, resolve the Town of Holland accept the resignation of Oliver Berry from the Planning Board with regret. ALL AYES. CARRIED.

**RESOLUTION #37**

Motion made by Councilwoman Kline and seconded by Councilman Hack, resolve the Town of Holland appoint Julie Smith to the Planning Board. ALL AYES. CARRIED.

**CONSTABULARY –** wish to appoint Jeffrey Koch as a Constable. He does all the background checks. Councilman Hack asked about his background check.

**RESOLUTION #38**

Motion made by Councilman Hack and seconded by Councilman Kolacki, resolve the Town of Holland appoint Jeffrey Koch as a Constable. ALL AYES. CARRIED.

**COMMITTEE REPORTS**

**BUILDINGS –** Councilman Kolacki: new windows for the Town Hall have been ordered

**CEMETERY –** Councilman Hack: no report

**PLANNING BOARD LIAISON –** Councilwoman Kline: nothing formal on the agenda. Will be discussing code review.

**TOWN PARK & COMMUNITY CENTER –** Councilman Hack: question as to the height of the lights for the football field.  
The hallway work is complete.

**ENVIRONMENTAL COMMITTEE –** Councilman Kolacki: Household Hazardous waste drop off day is May 18, 2013 from 9:00am to 2:00 pm at Erie Community College North Campus.

**BEAUTIFICATION –** Councilwoman Herr: after the Tulip Festival the planter boxes will be set out and filled.

**BUILDING ZONING OFFICER'S REPORT –** Scott Hess: report given

**DOG CONTROL OFFICER'S REPORT –** William Newell: report given

**FACILITIES MANAGER –** Pat Joyce: no report

**GRANT WRITER –** Jill Zientek: no report

**HIGHWAY SUPERINTENDENT'S REPORT –** Pat Joyce: report given

**ZONING ENFORCEMENT OFFICER'S REPORT –** Michael Sluce: report given

**COMMENTS FROM THE PUBLIC –** Karl Everts questioned the Supervisor regarding the Town Insurance.

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**RESOLUTION #39**

Motion made by Councilman Hack and seconded by Councilwoman Kline, resolve the Town of Holland pay the following vouchers:

General District Claims as set Forth in Abstract A-5	#170-200	in the amount of \$15,813.01
Highway District Claims as set Forth in Abstract DA-5	#61-77	in the amount of \$27,385.68
Water District Claims as set Forth in Abstract SW-5	#32-38	in the amount of \$3,135.41
Light District Claims as set Forth in Abstract SL-5	#4	in the amount of \$1,407.64
Garbage District Claims as set Forth in Abstract SR-5	#4	in the amount of \$22,077.12
Trust & Agency Claims as set Forth in Abstract TA-5	#12	in the amount of \$6,190.04
Cemetery District Claims as set Forth in Abstract CM-5	#2-4	in the amount of \$1,030.10

ALL AYES. CARRIED.

**RESOLUTION #40**

Motion made by Supervisor Kasprzyk and seconded by the public to adjourn the meeting at 8:30pm in memory of: Deborah Moore  
Russ Wohlgemuth

ALL AYES. CARRIED.

RESPECTFULLY SUBMITTED

SANDRA SMITH  
TOWN CLERK