

**TOWN OF HOLLAND
TOWN BOARD MINUTES
JANUARY 8, 2014**

Holland Town Supervisor Michael Kasprzyk called the Regular Town Board Meeting to order at 8:17 p.m., at the Holland Town Hall, 47 Pearl St., Holland, NY 14080. The Pledge of Allegiance and official roll call followed.

Town Board Members Present:

Councilman Geoffrey Hack
Councilwoman Roberta Herr
Councilwoman Karen Kline
Councilman William Kolacki

Other Officials Present:

Town Clerk Merilu O'Dell
Bookkeeper Jill Zientek
Highway Superintendent Pat Joyce
Town Engineer David Pratt
Zoning Enforcement Officer Michael Sluce
Town Attorney Ronald Bennett
Board of Appeals Chairman William O'Dell
Dog Control Officer William Newell

RESOLUTION #1

Motion made by Councilman Kolacki and seconded by Councilwoman Kline, resolve the Town of Holland approve the minutes of the December 2013 Regular Town Board Meeting.

5 YEA / 0 NAY / 0 ABSTAIN
MOTION CARRIED

NO PUBLIC COMMENTS

SUPERVISOR'S REPORT

- A. First week with the new Western New York Meals on Wheels providers. Missing three meals and was closed due to inclement weather on one day, but MOW Coordinator June McArthur says they are working out the details. Eight clients in town are served five days per week.
- B. The proposed Shared Services Agreement for highways was postponed, due to the Town Attorney looking at "technicalities."
- C. Information for the Home Energy Assistance Program (HEAP) is available in the Town Clerk's office. Funds are available.
- D. Information on the Association of Towns training in New York City in February; see Jill Zientek for information.

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- E. Appointment of Supervisor Michael Kasprzyk as the Town of Holland's representative to the Association of Towns business meeting. Supervisor Kasprzyk asked town officials to get back to him regarding their wishes in how he should vote on the meeting's resolutions.

RESOLUTION #2

Motion made by Councilman Hack and seconded by Councilman Kolacki, resolve the Town of Holland designate Supervisor Michael Kasprzyk as the delegate for the Association of Towns.

5 YEA / 0 NAY / 0 ABSTAIN
MOTION CARRIED

- F. Southtowns Rural Preservation has new state-approved funds available for low- to moderate-income homeowners to fix or maintain their homes. Interested parties may see him or Karen DeMuensch, the program director. Different loans and grants are available, with some 100% grants.
- G. Dog Control Officer William Newell has also contracted with the Town of Wales, as its DCO.
- H. An electronics drop-off recycling event will be held in East Aurora on January 11. The Town of Holland has a schedule of recycling drop-off events in town, beginning in June. This was made available to meeting attendees.

BUDGET AMENDMENTS

RESOLUTION #3

Motion made by Councilman Hack and seconded by Councilwoman Herr, resolve the Town of Holland approve the following budget amendments, to temporarily cover the water project expenditures which will be reimbursed via Erie County, Holland-Glenwood Road Tank Rehabilitation Project:

GENERAL FUND

From A391	Due from other funds	\$100,000.00
To: A201	Water Savings	\$100,000.00

WATER FUND

From:	SW200	Checking	\$100,000.00
To:	SW630	General	\$100,000.00

5 YEAS / 0 NAY / 0 ABSTAIN
MOTION CARRIED

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RESOLUTION #4

Motion made by Councilman Hack and seconded by Councilman Kolacki, resolve the Town of Holland approve the following year-end budget transfers:

BUDGET MODIFICATIONS

12/31/2013

General Fund

From:	A1620.1	Personal Service- Buidlings	\$820.00	
To:	A1620.11	Personal Service CC Building		\$820.00
		to cover expenses and close the year		
From:	A1620.41	Buildings Community Center	\$6,785.09	
To:	A1620.21	Buildings Community Center Cap Imp		\$6,785.09
		to cover expenses and close the year		
From:	A1990.4	Contingency Account	\$1,516.26	
To:	A1680.4	Central Data Processing		\$137.90
	A3120.1	Constabulary- Crossing		\$493.00
	A3120.4	Constabulary- Contractual		\$400.44
	A6772.4	Programs for the Aging		\$476.72
	A7510.4	Historian-Contractual		\$8.20
From:	A8020.4	Grant Writing Contractual	\$1,532.42	
To:	A9060.8	Hospitalization		\$1,532.42
		to cover expenses and close the year		

Highway Fund

From:	DA599	Unappropriated Fund Balance	\$13,413.18	
To:	DA960	Appropriations		\$13,413.18
		DA5130.4 Machinery Contractual		\$1,907.35
		DA5142.4 Snow Removal		\$10,184.74
		Contractual		
		DA9060.8 Hospitalization		\$1,321.09
From:	DA5110.1	Personal Services- Road Repairs	\$6,061.91	
To:	DA5142.1	Personal Services- Snow Removal		\$6,061.91
		to cover expenses		
		CHIPS funds currently unearned		

Water Fund

From:	SW8320.4	Power and Pumping	\$42.39	
To:	SW8310.4	Water Administration		\$42.39
From:	SW9060.8	Hospitalization	\$573.18	
To:	SW9040.8	Workers Compensation		\$573.18
		to cover expenses		
From:	SW8310.111	Water Admin- Per Service Trainee	\$3,250.00	
To:	SW8310.11	Water Admin Part time operator		\$3,250.00
		to vcover expenses to buy out sick time		

Cemetery Fund

From:	CM599	Unappropriated Fund Balance	\$2,812.81	
To:	CM960	Appropriations		\$2,812.81
		CM8810.1 Personal Services		\$2,492.81
		CM8810.4 Contractual to cover		\$320.00
		expenses		

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5 YEAS / 0 NAY / 0 ABSTAIN
MOTION CARRIED

**BREAK FROM REGULAR MEETING TO OPEN PUBLIC HEARING
ON PROPOSED LOCAL LAW #1-2014 AT 8:32 P.M.**

Prepared by Town Attorney Ronald Bennett, and modeled after law enacted in East Aurora, regarding fire alarms.
Supervisor Kasprzyk asked three times if there were any public comments. No one responded.
Public Hearing closed at 8:34 p.m.

RESUMED REGULAR MEETING AT 8:34 P.M.

COMMITTEE REPORTS

Buildings – Councilman Kolacki: The Town Hall air conditioning project will wait until warmer weather.

Cemetery – Councilman Hack: Both stone columns at the entrance to the town cemetery may have to be rebuilt, due to inability to match stone on the column recently damaged by a vehicle. Also, getting prices on mounting the plaques on the existing columns onto an existing building; perhaps covering the building façade with a stone veneer.

Planning Board Liaison – Councilwoman Kline: There was no meeting in January.

Town Park & Community Center – Councilman Hack: A new telephone was installed at the Community Center. He is looking into where to get rid of the piano there.

Environmental Committee – Councilman Kolacki: No report

Beautification – Councilwoman Herr: No report

Planning Board Minutes: None

Zoning Board Of Appeals Minutes: None

Building Zoning Officer's Report – Scott Hess: Report given

Facilities Manager – Pat Joyce: GPS mapping of water system is underway, with mapping of the cutoff valves not yet completed.

Highway Superintendent's Report – Pat Joyce: Highway Monthly Report for December 2013

Zoning Enforcement Officer's Report – Michael Sluce: Report given

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NEW BUSINESS

Special Use Permit request from Richard Borowski of ARB Heating & Cooling. Purchasing former fireplace/consignment building on Olean Road. Request to operate his business out of the building; there will be no showroom; for deliveries and storage of equipment. Supervisor Kasprzyk stated that this would constitute a continued use of the building, so the matter would not be referred to the Planning Board.

RESOLUTION #6

Motion made by Councilman Hack and seconded by Councilwoman Herr, resolve the Town of Holland approve the Special Use Permit for Richard Borowski of ARB Heating & Cooling.

5 YEAS / 0 NAY / 0 ABSTAIN
MOTION CARRIED

ADOPTION OF LOCAL LAW #1-2014

**TOWN OF HOLLAND
LOCAL LAW INTRO. NO. 1-2014
LOCAL LAW 1-2014**

**A LOCAL LAW TO AMEND LOCAL LAW 2-1988 “ADOPTION OF CODE”,
ADOPTED JULY 13, 1988 BY THE TOWN BOARD OF THE TOWN OF HOLLAND, AS
AMENDED, BY ADDING CHAPTER 3, ALARM SYSTEMS.**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HOLLAND AS
FOLLOWS:**

SECTION 1. LEGISLATIVE INTENT

This Local Law amends Local Law 2-1988, known as “Adoption of Code”, adopted by the Town Board of the Town of Holland on July 13, 1988, as amended, relating to the administrative, legislative and general legislation of codes within the Town of Holland, as herein set forth.

SECTION 2. CHAPTER 3, ALARM SYSTEMS

§ 3-1. Title.

This chapter of the Holland Town Code shall be known as the “Town of Holland Alarm Code”.

§ 3-2. Purpose.

The purpose of this chapter is to protect and promote the health, safety and general welfare of the residents of the Town of Holland by reducing the number of false alarms, via proprietary alarm systems, of fire, intrusion, holdup, emergency medical systems or other emergencies which contribute to ineffective utilization of police and fire and emergency response agencies. Such emergency responses are susceptible to high accident rates, interfere with genuine emergencies (responses) and produce unnecessary alarm noise to the surrounding community.

§ 3-3. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ALARM SYSTEM – A device or an assembly of equipment which is designed to detect smoke, abnormal rise in temperature, fire, water flow, medical emergency or an entry into or exit from a building, structure or facility or a holdup alarm and, by reason thereof, emits an audible response intended to alert persons outside of the premises and/or transmit a signal or message to an emergency agency, either directly or through a private or commercial relay facility.

AUTOMATIC DIALER – A device that automatically dials and relays a prerecorded message to any emergency agency or to a commercial relay facility.

EMERGENCY AGENCY – The Police Department or Fire Department, Central Fire Alarm Office, Emergency Medical Services (EMS) or other emergency dispatch center.

FALSE ALARM – An activation of an alarm system where either an emergency situation does not exist or the activator does not have a reasonable basis to believe that an emergency situation does exist.

§ 3-4. Existing Alarm Systems.

The owners and lessees of premises having existing alarm systems shall comply with §3-5 and §3-6 of this chapter within 90 days of the effective date described in §3-14.

§ 3-5. Automatic cutoff system.

- A. No person shall install or maintain an external alarm system which does not contain an operational automatic cutoff system which turns off the external audible alarm once activated after a period not to exceed 10 minutes.
- B. An automatic dialer connected directly to an emergency agency shall automatically disconnect and/or terminate its message after the message has been transmitted a

maximum of two times. Notwithstanding the foregoing, however, the total transmission time of all messages shall not exceed five minutes.

§ 3-6. Direct communication to emergency agency.

There shall be no automatic alarm system with direct communication to any type of an emergency agency without prior written authorization from the emergency agency where the alarm terminates.

§ 3-7. Charges for false alarms.

An owner or lessee of real property to which an emergency agency responds as a result of a false alarm shall pay a fee for each such response in each calendar year as follows:

A. Police Department response.

- 1) First false alarm response: no charge.
- 2) Second false alarm response: \$50.
- 3) Third or more false alarm responses: \$100 each.

B. Fire Department response.

- 1) First false alarm response: no charge.
- 2) Second false alarm response: \$50.
- 3) Third or more false alarm responses: \$100 each.

C. EMS response.

- 1) First false alarm response: no charge.
- 2) Second false alarm response: \$50.
- 3) Third or more false alarm responses: \$100 each.

§ 3-8. Notice of excessive use.

The owner or lessee of real property which received an emergency response by reason of a false alarm shall be notified, in writing, by means of first-class mail, of all false alarms, including police alarms, fire alarms and/or EMS alarms, in a calendar year. The letter shall inform the owner or lessee of the times and types of emergency responses provided to the address location and, where applicable, contain a copy of

the Alarm Code and notify the owner or lessee of any changes due pursuant to § 35-7 of this chapter.

§ 3-9. Maintenance and installation of systems.

The New York State Uniform Fire Prevention and Building Code, the New York State Fire Code and the National Fire Prevention Association prescribe minimum standards for the maintenance and installation of all fire and smoke detector systems, including alarms generated for fire suppression systems. All such standards shall be adhered to within the Town of Holland.

§ 3-10. Payment of charges.

Charges for false alarms shall be made to the Town Clerk of the Town of Holland at 47 Pearl Street, Holland, New York 14080, within 30 days of the mailing date of any notice provided pursuant to § 3-8 of this chapter.

§ 3-11. Failure to remit charges.

Failure of a real property owner or lessee on which an alarm system is installed to pay any false alarm charges, as defined in § 35-7 of this chapter shall be deemed a violation of this chapter and may result in said real property owner or lessee, as the case may be, being served with a summons.

§ 3-12. Enforcement.

Any police agency serving the Town of Holland shall enforce this chapter for alarm systems which detect intrusions or holdup alarms at a building, structure or facility. The Code Enforcement Officer shall enforce this chapter for alarm systems which detect smoke, fire, water flow or abnormal rate of rise in temperature or emergency medical systems.

SECTION 3. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

RESOLUTION #7

Motion made by Councilman Hack and seconded by Councilwoman Kline, resolve the Town of Holland adopt Local Law #1-2014, Fire Alarms.

5 YEAS / 0 NAY / 0 ABSTAIN
MOTION CARRIED

REQUEST TO ADDRESS BOARD: David Blendinger of Creekside Saddlery requested to address the Board regarding a lighted sign at his place of business, but did not show up for the meeting, for the second consecutive month.

REQUEST TO ADDRESS BOARD: James Peacock of East Aurora, regarding property and small cabin he owns on 63 acres off Vermont Hill Road. Peacock cited Code 120-3: Seasonal/Six Months or Less. Went to Permit Officer Scott Hess and paid \$50 for a building permit. On a subsequent hearing of the Zoning Board of Appeals last September, interpretation of the code had the ZBA send it back to the Planning Board. Peacock stated the new building would be 800-900 square feet, in violation of the minimum size requirement. He was “looking for code clarification,” and says his family uses the property “a lot.”

Town Attorney stated the ZBA has interpretive powers, and because this was a variance issue, the Town Board would not be involved. He offered to meet with the Chairman of the ZBA, to go over this power.

Supervisor Kasprzyk said the town had run into problems several years ago with “inadequate” housing being constructed, and new requirements were then instituted. He said the ZBA has the jurisdiction to decide the issue, and the board is appointed specifically to have an independent voice.

Peacock said he would take the matter back to the ZBA, and stated his building would be 800-900 square feet in size, with a foundation and basement.

OLD BUSINESS: None

TOWN ATTORNEY: Assessment Challenge: Proceed to the appraisal stage of the assessment challenge by Suzanne Draper, of property located at 400 North Main Street, Holland.

Motion made by Supervisor Kasprzyk and seconded by Councilman Hack, resolve the Town of Holland authorize the hiring of an appraisal firm, according to Article 7 of the Real Property Tax Law.

5 YEAS / 0 NAY / 0 ABSTAIN
MOTION CARRIED

TOWN CLERK – MERILU O’DELL: No report

COMMENTS FROM THE PUBLIC – None

PAYMENT OF VOUCHERS

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

2013

General District Claims as set	#482 - 520	in the amount of \$16,481.16
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Forth in Abstract A-13

Highway District Claims	#188 - 201	in the amount of \$23,274.47
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as set
Forth in Abstract DA-13

Water District Claims #121 - 129 in the amount of \$99,144.50
as set
Forth in Abstract SW-13

Light District Claims #12 in the amount of \$1,757.80
as set
Forth in Abstract SL-13

Garbage District Claims #20 in the amount of \$22,108.84
as set
Forth in Abstract SR-13

Cemetery District Claims #29-30 in the amount of \$1,246.87
as set
Forth in Abstract CM-13

2014

General District Claims #1-19 in the amount of \$6,929.45
as set

Forth in Abstract A-1
Trust & Agency Claims #1-2 in the amount of \$26,361.60
as set
Forth in Abstract TA-1

5 YEAS / 0 NAY / 0 ABSTAIN
MOTION CARRIED

RESOLUTION #8

Motion made by Supervisor Kasprzyk, seconded by Councilman Hack, to adjourn the Regular Town Board Meeting at 8:49 pm in memory of the following people:
William Hack Mary Strong

5 YEAS / 0 NAY / 0 ABSTAIN
MOTION CARRIED

RESPECTFULLY SUBMITTED, January 9, 2014,
MERILU O'DELL, TOWN CLERK