

TOWN OF HOLLAND**TOWN BOARD MINUTES
June 11, 2014**

Holland Town Supervisor Michael Kasprzyk called the Regular Town Board Meeting to order at 8:05 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 Karen Kline
Councilwoman Roberta Herr
Councilman William Kolacki
Town Supervisor Michael Kasprzyk

Other Officials Present:

Town Clerk Merilu O'Dell
Deputy Town Clerk Elizabeth Snyder
Bookkeeper Jill Zientek
Highway Superintendent Patrick Joyce
Town Engineer David Pratt
Zoning Enforcement Officer Michael Sluce
Town Attorney Ronald Bennett
Planning Board Chairman Marty Regan
Zoning Board of Appeals Chairman William O'Dell

RESOLUTION # 50-2014

8:07 p.m. - Motion made by C. Hack. Second by C. Kline, resolve the Town of Holland approve the minutes of the May 2014 Regular Town Board Meeting, held May 14, 2014.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NAY / 0 ABSTAIN
MOTION CARRIED

NO PUBLIC COMMENTS

RECOGNITION OF, AND COMMENTS BY, KARL SIMMETH - Community Liaison for NYS Assemblyman David J. DiPietro. Spoke of the Assemblyman's efforts to address issues concerning the Second Amendment to the Constitution of the United States, children's education, abortion, and other issues.

Simmeth also read and presented Town Clerk Merilu O'Dell with a citation from the Assemblyman, honoring her in recognition of Municipal Clerks Week.

SUPERVISOR'S REPORT – Michael Kasprzyk

- A. Meals on Wheels – Now 14 clients, “on the ragged edge of having to split the route” into two. Coordinator June McArthur reported the route would stay one for the time being, the Supervisor said.
- B. Erie-Niagara Tobacco Free – Stated that this coalition had encouraged the Town Board to pass an ordinance or resolution encouraging landlord to not allow the use of tobacco products in their rental properties. Said that the group contacts the Town Board “a couple times a year for one reason or another,” and that he felt this was an issue between the landlord and his tenants.
- C. Hazardous household waste recycling on Saturday, June 14 at Erie Community College South in Orchard Park, or residents may take electronics recyclables to the town's highway garage on Edgewood Drive, off Pearl St., from 9:00 a.m. to noon. Supervisor stated that he had been told the application for the hazardous waste recycling grant is in process, and that he had been assured that the application “most likely” would be

approved. The reminded the Board that money for this was not provided for in the budget.

- D. National Fuel is proposing to build a pipeline from McKean County, Pennsylvania to Elma, and that Holland is “on the straight line between the two.” There may be a proposed route through the Town. There will be opportunities for local input. Federal Regulatory Energy Commission will hold more public meetings, as well as public hearings..
- E. NYSEG is doing a rehab of their transmission lines that feed Java Village. The lines come from Wales and follow Hunters Creek Rd. until Parker Rd, then, go up over the hill eastward to Java Village. The portion of the lines that go over the hill are the ones that will need to be re-run, from the intersection of Parker and Raiber roads, over the hill, and into Wyoming County. A wider, 15-foot right-of-way needs to be acquired, and the property owners along that route will be affected. Work is scheduled to begin late August or early September.
- F. Master Plan Update – has not been formally done since 1994. However, Supervisor noted that each time zoning has been reviewed, “in effect, we are updating the Master Plan...Even though the formal plan is quite old, we are keeping up with it through zoning.”
- G. Budget amendment – Sent Town Clerk Merilu O’Dell to two training sessions this year, with her being new to the job, but the Town had not budgeted for two sessions.

RESOLUTION #51-2014

8:06 p.m. - Motion made by C. Herr. Second by C. Kline, resolved that \$1,508.07 be transferred from the contingency account to cover the extra training.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NAY / 0 ABSTAIN
MOTION CARRIED AND APPROVED

- H. The town is with NYMIR – New York Municipal Insurance Reciprocal – as its insurer, through the Association of Towns. The contents of the town garage were previously lumped together in one amount; NYMIR wants itemized lists of the larger contents items. The contract was renewed.

8:15 P.M. - SCHEDULED PUBLIC HEARING – Town Clerk Merilu O’Dell read the public hearing notice, as published in the *Arcade Herald*. The Resolution setting the public hearing was authorized by the Holland Town Board at its May meeting on May 14, 2014. Grant Mix, owner of 7148 Olean Rd in Holland, was in attendance. Mix was notified, with a copy of Resolution #40-2014 (approved at the May 14 Town Board meeting), by Registered Mail, at his last known address of 7148 Olean Rd., South Wales, NY.

Supervisor stated that the Town Zoning Officer’s report recorded numerous Zoning Code violations, and asked whether Mr. Mix understood why the Town had initiated the current action (remedy the violations or the town would demolish the structure at the owner’s expense). Mix stated that he wants “to get the house taken care of.” He said he “had met a girl...she decided to take off,” and ultimately left the state. He said she filed for bankruptcy without his knowledge, and said he doesn’t know her whereabouts. “So, should I stick money into this house, and, all of a sudden, they take it away?” he asked. He reported that her bankruptcy had caused him problems, and that he was taking out a loan to fix the house. “Take the house, burn it, whatever you want to do,” he said.

Supervisor Kasprzyk asked him, “But, what do you want?” “I want my house,” he replied. The Supervisor asked, then, if it was his intention to repair the house, and Mix replied with a lengthy discourse on his current situation and the problems the aforementioned woman had caused him, as well as some “bad advice from a lawyer.” He said he had a \$500,000 check he couldn’t cash, because the woman’s name was on it.

Supervisor Kasprzyk asked again if it was his intention to repair the home, and why he was not responding to the Zoning Enforcement Officer. Mix replied with his cell phone being broken,

that mail had been stolen, and that tickets to races in Watkins Glen and Charlotte were missing, as well as having not received his NYS tax refund.

The Supervisor stated that repairs were urgently needed, and that the condition of the house is “deplorable.” He asked again why he had not responded. Mix said, “Let me tell you something. Would you like to put all this energy and all that stuff into that house, and also, like, your house is gone?” He said that he was going on Friday for a meeting, and try to get the check re-issued in his name alone.

The Supervisor told him, “You need to let us know, formally, in two weeks, what the status is. At the next board meeting, unless we have a satisfactory plan from you, to rehabilitate that home and make it safe and habitable, we will proceed with demolition.” Mix said he understood.

“Our finding is that the report, as submitted by Mike (Sluce), is valid, and the appropriate action is to require immediate remedial action. By that, I mean a plan within two weeks, got that? And action within 60 days,” said the Supervisor. Mix replied, “Yes,” then said it would be two weeks before he received his loan approval.

“Loan or no loan, you could have helped yourself a long time ago, like avoiding this whole process,” Supervisor Kasprzyk said. “Yes, I understand that, sir,” Mix replied.

“In two weeks, we want to see a plan, and in 30 days, we want to see something happening,” said the Supervisor. “In 60 days, we want to see major progress. Are we all clear on that?” Mix agreed.

“We try to work with you as best we can, since it is your *intent* to repair,” the Supervisor said. He then asked if there were any comments, since this was a public hearing. Hearing none, he closed the hearing.

RESUMED REGULAR BUSINESS AT 8:27 P.M.

COMMITTEE REPORTS

- A. Buildings – C. Kolacki. No report.
- B. Cemetery – C. Hack. Reported that work had begun on removal of the damaged pillars, clearing the way for new pillars to be built. The building will be scraped and repainted, then, the plaques from the pillars at the entrance to the cemetery would be mounted on the building. Regarding the new cremation section, the Councilman said he would like the survey and setting of the pins to begin.
- C. Planning Board Liaison- C. Kline. No meeting in June.
- D. Town Park & Community Center – C. Hack. Said he thinks the leak if fixed at the Community Center, and that all eight lights were working. He said there has been a request for air conditioning units at the Center, and it was in process. Highway Superintendent Patrick Joyce said when the new power is operational, it will be able to handle air conditioning.
- E. Environmental Committee – C. Kolacki. Said he had attended an Erie County Environmental Management Committee meeting.
- F. Beautification – C. Herr. Reported that the flowers are planted, and that the committee had “tried something different this year.” The Supervisor remarked that they looked nice.

COMMUNICATIONS

- A. Planning Board minutes – None.
- B. Board of appeals minutes – None.
- C. Erie County Industrial Development Agency – Received official notification that Mullican Flooring’s tax agreement for its expansion project has expired, and the business is now paying about \$44,000 a year to the various taxing jurisdictions.
- D. Community Development Block Grant – Letter concerning two amendments to the consortium agreement. The first includes a reference to the Emergency Solutions

Grant Program; the second adds a provision prohibiting a unit of general local government from selling, trading, or otherwise transferring CDBG funds to another local government.

- E. Real Property Equalization Rates - (Skipped & addressed later)
- F. Southtowns Annual Fly-In Breakfast – Sunday, June 15 from 8:00 a.m. to Noon, at the Hamburg Airport.
- G. National Fuel damage claim – Re: 9/25/13 Vermont St. water leak. National Fuel initiated a claim in Commercial Claims Court, alleging that the Town of Holland’s water department was negligent in doing repairs to a water leak. Highway Superintendent said it was National Fuel’s fault, because they had mismarked and cleaned out the wrong line where the gas main was located. Superintendent Kasprzyk said he was going to talk with the Town’s insurer, NYMIR, about the matter.

Addressed Skipped Item Re: NYS Office of Real Property- Equalization Rate went down to .94 from .96. The only way to keep the equalization rate at 100% is to do another town-wide re-valuation, said the Supervisor.

BUILDING/ZONING OFFICER – Scott Hess. Report given.

DOG CONTROL OFFICER – William Newell. Report given – not in attendance this meeting.

FACILITIES MANAGER – Patrick Joyce. Nothing.

GRANT WRITER – Jill Zientek. She reported that the state had changed coordinators for the previously awarded grant. The state is also requiring a consultant for the design phase of the project, and needs to be selected from a state-approved list. No action is required from the Board at this time.

HIGHWAY SUPERINTENDENT – Patrick Joyce. Report given.

ZONING ENFORCEMENT OFFICER – Michael Sluce. Report given. Councilman Hack asked Mr. Sluce if he could try to get the banks that own foreclosed properties to do something about them, regarding regular maintenance. Councilwoman Kline noted that she has seen improvements in conditions at two South Main St. businesses.

NEW BUSINESS – None.

OLD BUSINESS – None.

TOWN ATTORNEY – Ronald Bennett – No report.

TOWN CLERK – MERILU O’DELL – No report.

COMMENTS FROM THE PUBLIC

- A. Gary Kingston
 1. Asked about times for electronics drop-off at town highway garage
 2. Re: town equalization rate drop. Why can’t the Town keep it at 100%? Supervisor explained the re-valuation process, which means that every property must be inspected by the assessor and brought up to current value. Called it “a can of worms that this Board, over the years, believed led to numerous lawsuits and that the cost of defending them is not worth the cost of the benefits of doing a re-val.”
 3. Wanted to see copies of the Zoning Enforcement Officer’s report made available to the public, in paper form, at the Board meetings. Town Clerk stated that the reports are online, with the rest of the public disclosure documents, in the interest of uniformity and treating all reports the same. Supervisor offered Kingston his copy.

PAYMENT OF VOUCHERS

The following vouchers were presented for payment:

Highway District Claims as set Forth in Abstract DA-6	#72-86	in the amount of \$59,713.92
Water District Claims as set Forth in Abstract SW-6	#51-64	in the amount of \$17,817.60
Garbage District Claims as set Forth in Abstract SR-6	#6-15	in the amount of \$23,736.86
Lighting District Claims as set Forth in Abstract SL-6	#5	in the amount of \$1,275.91
General District Claims as set Forth in Abstract A-6	#213-252	in the amount of \$49,357.68
Trust & Agency Claims as set Forth in Abstract TA-6	#11-14	in the amount of \$10,397.03
Cemetery Fund as set Forth in Abstract CF-6	#5-6	in the amount of \$4,061.34

RESOLUTION # 52-2014

8:39 p.m. - Motion made by C. Kline and seconded by C. Hack, resolve the Town of Holland pay the preceding vouchers.

5 YEA – Hack, Herr, Kasprzyk, Kline, Kolacki / 0 NAY / 0 ABSTAIN
MOTION CARRIED

RESOLUTION # 53-2014

8:42 p.m. - Motion made by Supervisor Kasprzyk, seconded by C. Hack, to adjourn the Regular Town Board Meeting at 8:40 p.m., in memory of late Holland residents Dr. Alwin Green and Jim Petrie.

5 YEA – Hack, Herr, Kasprzyk, Kline, Kolacki / 0 NAY / 0 ABSTAIN
MOTION CARRIED

MEETING ADJOURNED AT 8:43 P.M.

RESPECTFULLY SUBMITTED JUNE 18, 2014.

MERILU O'DELL, TOWN CLERK