

**TOWN OF HOLLAND
TOWN BOARD MINUTES
March 11, 2015**

Holland Town Supervisor Michael Kasprzyk called the Regular Town Board Meeting to order at 8:00 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:

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

RESOLUTION # 14-2015

8:04 p.m. - Motion made by C. Kline. Second by C. Hack, resolve the Town of Holland approve the minutes of the Regular Town Board Meeting held February 11, 2015.

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

CORRECTION OF 2015 ORGANIZATIONAL MINUTES - The Town Board adjusted the minutes of the 2015 Organizational Meeting, held on January 14, 2015, to correct an amount error for the town engineers, from the listed \$2,400 to \$2,500.

PUBLIC COMMENTS - None regarding this month's agenda

SUPERVISOR'S REPORT – Michael Kasprzyk

- A. Not on Agenda - Governor's Budget – Industrial Development Agencies – A provision that “altered the relationship between county and local IDAs ... taking away some of the prerogatives that are currently Home Rule. A sample resolution

was prepared by the Erie County Legislature, asking that those provisions limiting local and county IDAs be stripped from the budget, and the Supervisor asked the Town Board to approve it.

RESOLUTION # 15-2015

8:06 p.m. - Motion made by C. Kolacki. Second by C. Hack, resolve the Town Board of Holland approve the Resolution from the Erie County Legislature, to be sent to the NYS Legislature, asking that provisions of the Governor's budget which lessen Home Rule be stricken.

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

- B. Not on Agenda – Dilapidated House on Route 16 – The Supervisor said, “This Board has been dealing with [this] for nine months now....we’ve been going round and round with the owner.” The owner Grant Mix, retained legal counsel in January, to give guidance. “As of yesterday, the attorney has instructed this Board to ‘Just go ahead and do what you have to do,’” the Supervisor said. “That is a reflection of the difficulty he has had getting any sensible plan to either rehabilitate the house, or demolish it on his own.” He then asked Highway Superintendent Patrick Joyce to get three bids for demolition, and he will forward those numbers to Mix’s attorney, who will advise his client. The Board had approved getting bids in a previous meeting. Joyce said he first needed to have an inspection for asbestos done, then needed to have the asbestos removed. “Then, I can go to the contractor,” he said. Councilwoman Kline asked for a clarification – “His attorney is saying that he is not in contact with his client, and that we should continue forward?” Supervisor Kasprzyk said that prior to the previous meeting, Mix’s attorney said he would have a written plan within two weeks; that never happened,” and added, “nor has he been able to contact his client.” The Supervisor then asked Town Attorney Ron Bennett, “Is there any question in your mind about any of this?” to which Bennett replied in the negative.
- C. Not on Agenda – The Snow Rascals Snowmobile Club is looking to put up a building to house their equipment, and they would like to put it on the town property at the end of Water Street, near the wells, said Joyce. He said he will be looking at a survey of that property. Attorney Bennett said there isn’t a problem with donating a building to the Town, but that an agreement or contract would need to be entered into.
- D. Resignation – Planning Board Secretary Kathy Marzolf – She has been the secretary of the Planning Board for nearly nine years, and “has done an absolutely terrific job for the Board,” said the Supervisor. Citing family constraints, she tendered her resignation, effective immediately. A replacement will be sought. He asked the Town Clerk to draft a thank you letter to Marzolf.

RESOLUTION # 16-2015

8:04 p.m. - Motion made by C. Kline. Second by C. Herr, resolve the Town Board accept the resignation of Planning Board Secretary Kathleen Marzolf, with regrets.

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

- E. Building Inspector Scott Hess Pending Resignation – Hess has taken on a new job, and feels he doesn't have enough time to be Holland's building inspector; he also lives in Hamburg. He said he would stay on until another person is found. This makes two vacancies, and the Supervisor asked for suggestions on how to get prospects. Councilwoman Kline said she would like to advertise, and gave each of the Town Board members a draft of the possible advertisement, which could go into the *Arcade Herald* and on the Town's website. This way, the positions would be offered to the residents of the Town. The Supervisor said, "There is a fair amount of training" for the position of building inspector, "not a job you take lightly. Our first choice should be a Holland resident," he added. He also suggested contacting neighboring towns, to see if any would like to share a building inspector. He directed the Town Clerk to place the ad into the *Herald*, and put it on the Town website.
- F. Association of Towns Annual Meeting and Training, New York City, Feb. 15-18 – Supervisor Kasprzyk reported that the resolutions that were submitted by the AOT's Resolution Committee were all approved. He said that an Ithaca-area group planned on submitting 10 alternate bylaw changes, which were tabled. All 11 proposed changes that would make the language gender-neutral passed. He encouraged the rest of the Town Board to attend, as "Every time I go, I come back with new awareness that our problems as a Town are not unique, and that some of the people in Albany that I routinely badmouth really are trying to do a good job."
- G. Rural Transit – Still looking for volunteer drivers. An ordinary driver's license is required, and it does not need to be a whole day to volunteer.
- H. DOT Grant - A project meeting scheduled for the following day has been postponed, and will be re-scheduled. The Supervisor mentioned the need to get easements up on Capitol Heights, and that he might need the help of the Town Attorney to do so.
- I. Audit – Lumsden & McCormick - The Town has received its annual report from the auditor, dealing with Town business transactions for 2014. The major budget adjustments necessitated by the water main break on South Main St., was the subject of comments from the auditor. "We would do the same things over, 100 times," said the Supervisor. "There were no other significant findings," he added. Both he and Jill Zientek have copies; anyone is welcome to see them.
- J. Audit of Town Clerk's Books for 2014 – Not done at Organizational Meeting. \$61.28 deposited from General Fund to balance the books, to cover errors that were not able to be located, including two DECALS charges and commission chargebacks. The Supervisor asked the Board to sign the books, and acknowledge the transfer. The Board did so.

- K. Tax Cap & Tax Freeze Override – The Supervisor said he had reported, in error, that when the Board approved the 2015 Budget, the Town could get back into the program. This is not the case, as the program is for two years, not one. So, the Town must remain out of the program for another year. “But, I don’t feel too bad about it,” he said, “because 1,700 other towns thought it was that way, too.”
- L. Franchise Assessments – “You have heard me complain about the franchise assessments constantly being lowered by the NYS Office of Real Property. That is NOT done by our assessor here. This year, much to my surprise, four out of the five franchises actually went up, and the one that went down didn’t go down that much. Railroad went up, the cable went up a lot, telephone went down, electric went up, and gas went up. These are the franchise valuations for tax purposes for those companies,” said the Supervisor. He said that this actually helps Town taxpayers. “The rhyme or reason for them going up, or down, is unexplainable,” he said.

COMMITTEE REPORTS

- A. Buildings – Councilman Kolacki – No report
- B. Cemetery – Councilman Hack – The laying out of the proposed cremation section will be plotted out in the spring.
- C. Planning Board Liaison – Councilwoman Kline – Met on March 4, with a Special Use Permit request from Jason Kline, who wishes to demolish a garage and construct a 2- or 4-unit house on the site, at 53 Garfield St. The Planning Board recommends the approval of this SUP. In another matter, Kline said that the secretary had tendered her resignation, which was accepted earlier in this meeting by the Town Board.
- D. Town Park & Community Center – Councilman Hack – No report.
- E. Environmental Committee - Councilman Kolacki – Reported that he had attended a meeting of the Erie County Environmental Management Council last month, regarding the project at Riverbend in Buffalo.
- F. Beautification – Councilwoman Herr – No report. Supervisor Kasprzyk said he and Jill Zientek, while in New York City for the Association of Towns Annual Meeting, had seen special planters with water retention properties, that would help eliminate frequent watering of plantings. The planters come in sizes ranging from very small to very large; he will give the information to Councilwoman Herr.

COMMUNICATIONS

- A. Planning Board Minutes – Report given.
- B. Board of Appeals Minutes – No report.
- C. Southtowns Rural Preservation – Thank you note received for \$350 in town funding sent to the organization. The Supervisor reported that there were several applications for SRP’s funding, but none of the applications from Holland met the income guidelines. “So, there are currently no pending projects in the town of Holland,” he said.

BUILDING/ZONING OFFICER – Scott Hess. Report given.

DOG CONTROL OFFICER – William Newell. Report given. NYS Ag & Markets conducted a surprise inspection, as it does annually. “Our facility passed with flying colors,” the Supervisor said. He asked Carol Newell to give her husband congratulations.

FACILITIES MANAGER – Patrick Joyce. The ice rink is now closed, due to ice melt. He agreed with the Supervisor when he said, “We got two good months in.”

GRANT WRITER – Jill Zientek. No report.

HIGHWAY SUPERINTENDENT – Patrick Joyce – Report given. “It was a busy winter, and the workers earned their checks this year,” he said. Several leaks and freeze-ups accounted double-duty in work time. Councilwoman Herr asked if there was any damage the town would have to fix in the spring, to which Joyce replied, “Oh, yeah.”
Regarding the purchase of a new plow truck, Joyce said he is in process of getting prices, but hasn’t yet settled on specifics.

ZONING ENFORCEMENT OFFICER – Michael Sluce. Report given. He stated the state’s Open Burning Law, which prohibits open burning from March 16-May 14 each year.

NEW BUSINESS

- A. Special Use Permit Request – Michael Donovan – 182 South Main St., request for an office/storage facility for an industrial flooring business. He has been in business since 1999, primarily in Erie County. In response to a question from Councilwoman Kline regarding the building not having sewer hookup, Donovan said the County has already installed a grinder unit, which is ready to go. As soon as the ground unfreezes, he will install the piping. His hours of operation are expected to be about 7:30 a.m. to 4:00 or 5:00 p.m., but never past 11:00 p.m., he said. He has ADT Security in the building already. The Supervisor reminded him that the building needed a bathroom, and Donovan agreed. The matter was referred to the Planning Board for its recommendation.

RESOLUTION # 17-2015

8:35 p.m. - Motion made by C. Kline. Second by C. Kolacki, resolve the Town Board refer the Special Use Permit request of Michael Donovan to the Planning Board for its consideration.

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

- B. Special Use Permit - Kevin Bernhard – Request to conduct an Internet-based firearms business and antique business out of his home at 12198 Church Rd. There will be no store for customers to come into to shop, and no firearms on display. He will be selling firearms at gun shows and on the Internet. There will be no modifications to his house, and the guns will be stored in a 1000-lb. safe. The Bureau of Alcohol,

Tobacco & Firearms has access to his house on a 24/7 basis, and must first approve the business, after the Town Board approves. Both Bernhard and his wife will have to go through ATF background checks.

RESOLUTION # 18-2015

8:39 p.m. - Motion made by C. Kolacki. Second by C. Herr, resolve the Town Board refer the Special Use Permit request of Kevin Bernhard to the Planning Board for its consideration.

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

C. Resolution - DOT Grant – Regarding the DOT Grant, a responsible local official needs to be identified to use the Federal EBO system for Title VI compliance and reporting. The Board designated Jill Zientek.

RESOLUTION #19-2015

8:41 p.m. - Motion by Councilwoman Herr, second by Councilman Hack, to identify Jill Zientek as the Responsible Local Official for the Federal EBO system, for the DOT Grant.

5 YEA/ 0 NO/0 ABSTAIN
MOTION PASSED

OLD BUSINESS – Jason Kline – Request to tear down a garage and build a multi-family dwelling at 53 Garfield St. There is already a multi-family home in the front of the property, and Kline is requesting a SUP to tear down the existing garage at the back of the property and build a multi-family dwelling on the same site. It would fulfill all town codes, as well as set back requirements, while the existing garage is not in code compliance. The structure could be a two-story, four-unit design, and Kline has not yet decided on this. The Planning Board recommended the Town Board approve the Special Use Permit.

RESOLUTION #20-2015

8:43 p.m. - Motion by Councilman Kolacki, second by Councilman Hack, that with the Planning Board's recommendation to approve Kline's request for a Special Use Permit to tear down a garage and build a multi-family dwelling at 53 Garfield St., that the Town Board approve Kline's request.

4 YEA/ 0 NO/1 ABSTAIN-Kline
MOTION PASSED

TOWN ATTORNEY – Ronald Bennett – No report.

TOWN CLERK – Merilu O'Dell – No report.

COMMENTS FROM THE PUBLIC – Assessor Tammy Adsitt asked regarding the Town Clerk's books and \$6,128.00? The Supervisor said that amount was \$61.28.

PAYMENT OF VOUCHERS

The following vouchers were presented for payment:

General District Claims as set Forth in Abstract A-3	#72-107	in the amount of \$38,091.21
Highway District Claims as set Forth in Abstract DA-3	#18-36	in the amount of \$20,747.46
Garbage District Claims as set Forth in Abstract SR-3	#1	in the amount of \$22,565.87
Lighting District Claims as set Forth in Abstract SL-3	#1	in the amount of \$1,731.01
Trust & Agency Claims as set Forth in Abstract TA-3	#7-11	in the amount of \$386,176.66
Water Fund Claims as set Forth in Abstract 3	#14-21	in the amount of \$9,168.93
Cemetery Fund Claims As set Forth in Abstract CF-3	#25	in the amount of \$850.00

RESOLUTION # 21-2015

8:44 p.m. - Motion made by C. Hack and seconded by C. Kline, resolve the Town of Holland pay the preceding vouchers.

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

ADJOURNMENT - Supervisor Kasprzyk adjourned the Regular Town Board Meeting at 8:36 p.m., with a moment of silence, in memory of late Holland residents Joe Dziekan, Bill Shaver, Todd Willson & Dave Lafferty.

RESPECTFULLY SUBMITTED
February 20, 2015.

MERILU O'DELL, TOWN CLERK