# TOWN OF HOLLAND
# TOWN BOARD MINUTES
# April 8, 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
- Deputy Town Clerk Elizabeth Snyder
- Town Engineer David Pratt
- Assessor Tammy Adsitt

**RESOLUTION # 22-2015**

8:04 p.m. - Motion made by C. Hack. Second by C. Kline, resolve the Town of Holland approve the minutes of the Regular Town Board Meeting held February 11, 2015, with one correction: Resolution #20-2015 – Vote was 4 Yea, 0 Nay, and 1 Abstain (C. Kline).

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

**PUBLIC COMMENTS -** None regarding this month's agenda

**SUPERVISOR'S REPORT** – Michael Kasprzyk

A. US Representative Chris Collins will host a Satellite Office at the Holland Town Hall on Wednesday, April 22, from 3:30 p.m. to 5:30 p.m. This event is listed on the Town's website.

**B.** Sidewalk Grant meeting – Supervisor Kasprzyk , Highway Superintendent Joyce, Jill Zientek (Grant writer/Bookkeeper), and representatives of the engineering firm of Greenman Pedersen met with New York State and Erie County officials to discuss the DOT sidewalk grant awarded to the Town over a year ago. "One year ago, Jill

Zientek was successful in getting a very large Department of Transportation grant ($400,000 with a 20 percent match) to rehabilitate sidewalks and add some sidewalks," the Supervisor said. "After numerous meetings … they keep changing what is required," he said. Federal standards for right-of-ways and the necessity of re-aligning the roadway have pushed the let date of the work even further back, possible as far as 2017 or 2018. The original grant application was written to include the town work force to perform most of the project. Highway Superintendent Joyce stated for the cost of the Town's 20 percent share, town forces could install the sidewalks and crosswalk in 2015, in conjunction with Greenman Pedersen's design work, for which the town has already paid.

"The guys [highway crew] know what they're doing, know how to do it, and do a good job." He added, "We got that grant more than a year ago, and wanted to begin construction last summer. Now, it appears that with all of the problems that they have presented in terms of complying with the Federal regulations … it would appear that we would not be able to start the project - not this year. Not even next year, because of the lead times for them to get approvals back for such things as re-alignment of the right-of-way on Vermont Street."

Zientek said that the town had asked for what the process was for withdrawal, but had not yet received a response.

Councilwoman Kline asked the Highway Superintendent what his timetable would be to start the project if the town decided to withdraw from the grant. Joyce replied that the first issue would be financing the project. He noted that the longest stretch of proposed new sidewalk would be on Capitol Heights, "which I'd like to do this year. That's how I figured my budget, and doing the Boys & Girls Club. Next year, we could do in front of the [elementary school]." He said he estimated that the total cost would be a little less than it would have been through the grant.

Supervisor Kasprzyk and Highway Superintendent Joyce agreed that the best course of action for the Town of Holland is to consider opting out of the Federal funding process and perform the scope of work with local funds and the town crew.

**RESOLUTION # 23-2015**

8:15 p.m. - Motion made by C. Hack. Second by C. Kolacki, resolve the Town Board be authorized to pursue dropping the DOT grant.

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

C. Meals on Wheels – The Supervisor reported receiving a letter requesting an additional $500 in funding from Western New York Meals on Wheels. The town already funds it for $2,000 this year. So it was the consensus of the entire board to file it, and consider when next year's budget is being prepared. Holland's program is going well,.
D. Tax Cap & Tax Freeze Override – The Supervisor said the town is not part of the County consortium, but said those town supervisors whose towns are part of the consortium are very frustrated. The state is apparently changing the requirements for

the consortium, and is throwing out what the towns have already prepared. The Town of Orchard Park, which is part of the consortium, has decided not to sign the agreement. "You have heard me all along say that this [tax cap] is NOT sustainable. There is no way a 2 percent tax cap can be sustained," he said.

E. Hazardous Waste Drop-Off Event – The Town Board needs to adopt a resolution authorizing the town to request Department of Environmental Conservation matching funds for the hazardous waste grant.

**RESOLUTION # 24-2015**

8:17 p.m. - Motion made by C. Hack. Second by C. Herr, resolve the Town Board authorize a request to the Department of Environmental Conservation for matching funds for the hazardous waste drop-off event grant.

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

F. Re-appointment of William Kolacki to the Erie County Environmenalt Management Council

**RESOLUTION # 25-2015**

8:18 p.m. - Motion made by C. Hack. Second by C. Herr, resolve the Town Board re-appoint Councilman William Kolacki to the Erie County Environmental Management Council for a two-year term expiring May 31, 2017.

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

G. Building Inspector – Replacement for Scott Hess (resigning) – The Supervisor has received seven resumes, requesting to be considered for the position. All candidates have been contacted by the Town Clerk, and scheduled to be interviewed by the Town Board on Thursday, April 16, beginning at 6:00 p.m. He invited Code Enforcement Officer Michael Sluce and Scott Hess to the session, which will not be open to the public. Town Clerk had already copied the resumes for each board member to review.

H. Planning Board Secretary – Replacement Needed. The Supervisor has not yet contacted the person who applied for the position, so the item was tabled until after that person has been contacted by Planning Board Chairman Marty Regan.

**COMMITTEE REPORTS**

A. Buildings – Councilman Kolacki – No report.

B. Cemetery – Councilman Hack – The work to rebuild the pillars at the Holland Cemetery entrance will resume as soon as the weather improves. Bob Ersing is doing the work.
C. Planning Board Liaison – Councilwoman Kline – Met on April 1, with Michael Donovan and Kenin and Laurel Bernhard regarding their Special Use Permit requests. Both are being recommended to be approved by the Town Board.
D. Town Park & Community Center – Councilman Hack – No report.
E. Environmental Committee - Councilman Kolacki – No report.
F. Beautification – Councilwoman Herr – No report. The flowers have been ordered; just waiting for sunshine.

**COMMUNICATIONS**

A. Planning Board Minutes – Report given.
B. Board of Appeals Minutes – No report.
C. Meals On Wheels – Request for additional funding letter.
D. National Fuel High-Pressure Gas Line – National Fuel has formally requested Federal Regulatory Agency approval for this line. Holland will be bypassed. The process is moving ahead.

**BUILDING/ZONING OFFICER** – Scott Hess. Report given.

**DOG CONTROL OFFICER** – William Newell. Report given.

**FACILITIES MANAGER** – Patrick Joyce. Nothing to add to report.

**GRANT WRITER** – Jill Zientek. No report.

**HIGHWAY SUPERINTENDENT** – Patrick Joyce – Report given. Asked for Town Board's permission to purchase a new plow truck and accessories. Would like to purchase through Kenworth of Buffalo for $220,704.30, for a truck, plow, sander, wing, and dump body. The purchase will be piggybacking off an Onondaga County purchase through state-approved list. Because the town would be using reserve funds for part of the purchase price (Equipment Reserve), the purchase is subject to a board resolution authorizing release of the funds, as well as a Permissive Referendum. There is $141,976.30 in the Reserve Fund to be used for this purchase, in addition to the balance of $78,728.00 that is currently budgeted in the highway fund for this purpose. There will be a Public Notice in the *Arcade Herald* regarding the Permissive Referendum.

**RESOLUTION # 26-2015**

8:21 p.m. - Motion made by C. Hack. Second by C. Kline, resolve the Town Board authorize the release of $141,976.30 in the Equipment Reserve Fund, and to publish the Public Notice regarding the Permissive Referendum in the *Arcade Herald.*

RESOLUTION AUTHORIZING THE TOWN OF HOLLAND
TO EXPEND FUNDS FROM THE EQUIPMENT RESERVE FUND
OF THE TOWN OF HOLLAND, SUBJECT TO PERMISSIVE REFERENDUM.

The Town of Holland, duly convened in regular session, does hereby resolve pursuant to the Provisions of Article 2, Section 6-c of the General municipal Law of the State of New York, that the Town of Holland be and is hereby authorized and directed to transfer from the Equipment Reserve Fund, duly established on the 8th day of April, 2015, to the appropriate Equipment Expense Item in the budget for the year 2015, $141,976.30 of the principal and accumulated interest in said reserve fund, to purchase a plow truck in accordance with the provisions of General Municipal Law Section 103 and the requirements for public bidding.

This Resolution shall be subject to a permissive referendum, as permitted by law.

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

**ZONING ENFORCEMENT OFFICER** – Michael Sluce. Report given. C. Kline asked about an update of 7148 Olean Road, the previously determined (June 2014) unsafe building owned by Grant Mix. The Supervisor said that Mix had gone back and forth between his intention to fix the house and his telling the town to tear it down. The Town Board then authorized Patrick Joyce to start the process for demolition, and Mix then retained counsel. Counsel advised the town to hold off until Mix was able to get a contractor. As of the afternoon of April 8, Mix's attorney contacted the town and formally told the town to proceed with the demolition. The Supervisor told Joyce to do any necessary asbestos abatement first, then proceed with the demolition. He also asked Town Attorney Ron Bennett to prepare a letter to Mix regarding the action. He also said the Town Board has "bent over backwards to accommodate" Mix.

**NEW BUSINESS**

A. Approval of Truck/Plow Purchase - Purchase of a plow truck and equipment for a purchase price of $220,704.30 on an Onondaga County bid. Of the $220,704.30 total price, $141,976.30 from the Equipment Reserve Fund, and the remaining $78,728.00 from the budgeted Highway Fund.

**RESOLUTION # 27-2015**

8:30 p.m. - Motion made by C. Hack. Second by C. Kline, resolve the Town Board authorize the purchase of a plow truck and equipment for $220,704.30, $141,976.30 from the Equipment Reserve Fund, and the remaining $78,728.00 from the budgeted Highway Fund.

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

B. Snowmobile Club Storage Building – The Snow Rascals Snowmobile Club had inquired about constructing a pole barn somewhere on town property to use as equipment storage. The building would be deeded to the town. When the property on Water St. was looked at by club personnel, it was determined that location would

afford difficult access, due to a ravine there. It was then asked if there would be room at other town-owned properties; none is available at either the town park or the highway department. A question was raised by Larry Snyder (not present at meeting) about the accepting a piece of property and the club would erect a building to use on that property. The Supervisor said that could be a possibility. Councilman Hack suggested contacting the county regarding the county barn at the intersection of S. Protection and Vermont Hill roads. The Supervisor asked club member Kelly Kensy to report back to the club that the town would "consider any option that makes sense."

C. Special Use Permit Request – Jeff Liddle. Wants to house horses on less than 10 acres of property owned at 12904 Day Rd. He said he could use part of his parents' property next door for pasture, for a maximum of 4 horses. He is starting with one. The Supervisor said that, due to the 10-acre requirement, Liddle would have to get a formal lease for at least 5 acres (Liddle himself has 5 acres), signed from his parents, to ensure the correct acreage requirements are met. Since this type of request is normally referred to the Planning Board for its recommendation, he would first need the formal lease, and it will be considered by the Planning Board.

D. Special Use Permit Request – Faye Bender. She would like to open a laundromat at a now-vacant building at 70 North Main St. She has done a market/demographics study, and feels there would be enough of a customer-base to support the business. The closest laundromat is in East Aurora presently. She plans for 2,000 square feet of space, with parking at the road and behind the building. She would lease the storefront, and do painting and other improvements. She has not yet contacted Erie County regarding sewer. The Supervisor asked her to contact Planning Board Chairman Marty Regan for an appointment to meet with the Planning Board, which will then make a recommendation to the Town Board.

E. Skateboarding – Even though they had signed up in advance, and were reminded of the meeting the previous day, the three teens who wanted to address the board regarding skateboarding in the hamlet did not appear at the meeting. The issue was tabled.

F. Legion Request to Use Fire Hall Property for Tulip Fest. The Fire Commissioners have already approved the use, including the serving of beer and wine, during the Tulip Festival, so no approval from the Town Board is needed.

**OLD BUSINESS**

A. Special Use Permit – Home occupation. Kevin and Laurel Bernhard requested a SUP to open a joint antiques and Internet firearms business in their home at 12198 Church Road. There will be no showroom or firearms to display. They met with the Planning Board, which gave its recommendation to approve the request. The town attorney will prepare the SUP, and the Supervisor and the Bernards will sign it.

**RESOLUTION # 28-2015**

8:47 p.m. - Motion made by C. Kolacki. Second by C. Herr, resolve the Town approve the Special Use Permit request of Kevin & Laurel Bernhard to operate an antiques and Internet-based firearms business out of their home.

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

B. Special Use Permit Request – Commercial flooring office/warehouse. Michael Donovan has met with the Planning Board, which gave a recommendation to approve the request, pending a working bathroom. Donovan has installed a working rest room in the building, and is "hooked up and working."

**RESOLUTION # 29-2015**

8:30 p.m. - Motion made by C. Kline. Second by C. Herr, resolve the Town Board approve the Special Use Permit request for Michael Donovan to operate a commercial flooring office/warehouse at 182 South Main St.

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

**TOWN ATTORNEY** – No report.

**TOWN CLERK** – No report.

**PUBLIC COMMENTS** regarding this evening's agenda.

A. Code Enforcement Officer Sluce reminded residents of the state's Open Burning Law, which prohibits open burning from March 16-May 14 each year.
B. Karl Simmeth, Community Liaison for NYS Assemblyman David DiPietro, attended the meeting to make himself available to the town and the Supervisor in case he can be of any assistance.

**PAYMENT OF VOUCHERS**

The following vouchers were presented for payment:

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| General District Claims as set Forth in Abstract A-4 | #108-137 | in the amount of $28,929.34 |
| Highway District Claims as set Forth in Abstract DA-4 | #37-51 | in the amount of $10,903.17 |
| Garbage District Claims as set Forth in Abstract SR-4 | #3 | in the amount of $22,565.87 |
| Lighting District Claims as set | #3 | in the amount of $1,789.22 |

Forth in Abstract SL-4

Trust & Agency Claims #12-13 in the amount of $8,331.96
as set
Forth in Abstract TA-4

Water Fund Claims #22-26 in the amount of $11,031.24
as set
Forth in Abstract 4

Cemetery Fund Claims #26-27 in the amount of $3,106.29
As set
Forth in Abstract CF-4

**RESOLUTION #30-2015**

8:51 p.m. - Motion made by C. Hack and seconded by C. Herr, 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 8:52 p.m., with a moment of silence, in memory of late Holland resident Patrick "Chip" Slattery Jr.

**RESPECTFULLY SUBMITTED**
**April 8, 2015.**

**MERILU O'DELL, TOWN CLERK**