

**TOWN OF HOLLAND
TOWN BOARD MINUTES
May 13, 2015**

Holland Town Supervisor Michael Kasprzyk called the regular Town Board Meeting to order at 8:03 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
- Dog Control Officer Bill Newell (arrived later)

RESOLUTION # 31-2015

8:05 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 April 8, 2015.

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

PUBLIC COMMENTS – None.

SUPERVISOR’S REPORT – Michael Kasprzyk

- A. Not on Agenda – Resignation of Zoning Board of Appeals member Karl Everts – Resigned by sending a letter to ZBA Chairman William O’Dell, due to moving his primary residence to Arcade. Everts also surrendered his Town Code Book to the Town Clerk.

RESOLUTION #32-2015

8:06 p.m. - Motion made by C. Hack. Second by C. Kolacki, resolve the Town Board of Holland accept, with regrets, the resignation of ZBA member Karl Everts, who has moved his primary residence to Arcade.

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

- B. Not on Agenda – Appointment of New ZBA Member – Fran Vaughn. Fran Vaughn has been suggested as a replacement for Karl Everts on the Holland ZBA.

RESOLUTION # 33-2015

8:06 p.m. - Motion made by C. Kolacki. Second by C. Hack, resolve the Town appoint Fran Vaughn to the Holland Zoning Board of Appeals.

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

- C. Solar Liberty – Resolution. The town has investigated an “L-shaped” solar array featuring a “remote net metering,” which would enable energy produced from a solar array located at the water property of Water Street to be applied to energy requirements at other town locations. The town currently has 14 meters for its electric consumption, including the Town Hall, highway garage, community center, lighting districts, and athletic fields at the town park. The letter would enable the town to be “grandfathered” in to the Public Service Commission’s current credit-based method, if the agreement was signed and approved by Town Board resolution by June 1, 2015. The Supervisor said that it “would be much more economical for us” to be grandfathered in, rather than come into the program later, under more restrictive terms. The array would be installed at no cost to the town. The resolution tonight is a ‘letter of intent’ to indicate interest prior to June 1, but does not constitute a contract. The Town Board cannot encumber the town for more than five years, and the letter of intent specifies a commitment to buy power through the solar array for a period of 20 years.

RESOLUTION NO. B4-2015
May 13, 2015

By Town Board, Town of Holland, New York

SOLAR PROJECT WITH REMOTE NET METERING FOR THE TOWN OF HOLLAND, NEW YORK

WHEREAS, The TOWN OF HOLLAND is interested in developing a clean energy solar system under a remote net metering program ("Remote Net Metering Program") of the Public Service Commission of the State of New York ("PSC"), hereinafter referred to as the "Solar Project," that produces power at Water Street Pump Station resulting in power production credits that can be credited against power consumption of Municipality at one or more remote net metered satellite locations ("Satellite Locations");

WHEREAS, pursuant to the PSC's Transition Plan dated April 17, 2015 (in PSC Case Nos. 14-E-0151 and 14-E-0422), the PSC is changing the methodology of providing credit under the Remote Net Metering Program from a monetary credit method to a volumetric credit method, and this anticipated change will result in a considerable loss in the value of the credit to Municipality under the Remote Net Metering Program;

WHEREAS, PSC has announced a proposed period where Municipality can qualify for grandfather status permitting its Solar Project to be credited under the current monetary credit method for the life of the Solar Project if "a developer has submitted a completed preliminary interconnection application to the relevant utility;"

WHEREAS, Municipality will obtain considerable savings if it enters an immediate non-binding, commitment with Solar Liberty to develop the Solar Project with favorable grandfather status under the Remote Net Metering Program by promptly submitting an interconnection application as outlined in this Resolution;

NOW THEREFORE, BE IT RESOLVED, That Municipality shall be authorized to enter an agreement with Solar Liberty Energy Systems, Inc. or a subsidiary thereof ("Solar Liberty") according to the following:

- Solar Liberty shall have the exclusive right to develop Solar Project under a power purchase agreement for a period of 20 years ("Term").
- Notwithstanding, Municipality has no obligation to proceed with the construction of Solar Project at Host Site, so long as if Municipality does proceed with Solar Project, Solar Liberty shall have the exclusive right to develop the Solar Project.
- Municipality authorizes Solar Liberty to act on its behalf to file interconnection applications (at Solar Liberty's sole cost and expense) with New York State Electric & Gas before June 1, 2015, or as otherwise extended, and shall cooperate with Solar Liberty in the preparation and filing of the application.
- Municipality shall lease the Host Site to Solar Liberty at a nominal rate for the Term.
- Solar Liberty shall develop and construct the Solar System on Host Site at its expense, and shall maintain the Solar Project for the Term.
- Municipality shall purchase electricity from Solar Liberty under the Remote Net Metered Program for the Term at a savings over current and reasonably forecasted electric rates of Municipality.
- Solar Liberty and Municipality agree to negotiate, in good faith, a nominal cost site lease and power purchase agreement according to terms and conditions that are agreeable to both parties and reasonably customary in the solar industry.

Carried: _____ Ayes: _____ Noes: _____ Absent: _____ Abstain: _____

RESOLUTION # 34-2015

8:12 p.m. - Motion made by C. Hack. Second by C. Kline, resolve the Town Board authorize Supervisor Michael Kasprzyk to sign the letter of intent to Solar Liberty for pursuing a solar array on Water Street in the Town of Holland.

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

- D. DOT Grant - Project meeting. The Supervisor, Jill Zientek, and Highway Superintendent Pat Joyce met with two higher-level New York State officials. The town was offered options that would help circumvent some of the timing problems with the work under the grant, said the Supervisor, but added, “There is no way the Vermont Street project can proceed (under the grant) with any sensible timetable. So, Pat has agreed to do, at town expense, that short portion of sidewalk to the Boys and Girls Club.” He said he would be consulting with the town attorney regarding obtaining easements for that project. A fourth option presented by the state would have the state then taking over the rest of the project. He suggested, since this is a cost-sharing project (20% for the town), the town go ahead and allow the state to do the remainder of the project, at a town cost “much less than originally anticipated.” Jill Zientek, who wrote the original grant request, said that Vermont Street would have added another year onto the project, and it can be shortened by having the town crew do the Vermont Street sidewalks. In response to a query from Councilwoman Herr, Zientek said the project would go out for bid in 2016 for the Capitol Heights sidewalks. Option 4 would leave all the beautification aspects of the original project in, like the “Welcome to Holland” signs. As each phase of the project is completed, the town would need to submit its 20% portion to the state, which avoids the scenario of the town paying the total up front, and getting reimbursed 80% from the state. “From a cash flow standpoint, this is the best option,” said the Supervisor.

RESOLUTION # 35-2015

8:19 p.m. - Motion made by C. Hack. Second by C. Kolacki, resolve the Town Board accept “Option Four,” as presented by New York State, for the DOT grant.

ROLL CALL VOTE BY TOWN CLERK:

Councilman Geoffrey Hack - AYE
Councilwoman Karen Kline - AYE
Councilwoman Roberta Herr - AYE
Councilman William Kolacki - AYE
Town Supervisor Michael Kasprzyk - AYE

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

- E. Safe Boating Week Proclamation – May 16-22, 2015. The United States Coast Guard Auxiliary has asked municipalities to declare a Safe Boating Week from May 16 to 22, 2015.

RESOLUTION # 34-2015

8:12 p.m. - Motion made by C. Kline. Second by C. Herr, resolve the Town declare a Safe Boating Week from May 16 - 22, 2015, in the Town of Holland.

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

- F. Buffalo-Niagara Riverkeeper – Water survey of Cazenovia Creek. “All tributaries of the Buffalo River are being audited to ensure we don’t have sources of pollution,” said the Supervisor, adding that workers would be collecting samples shortly.
- G. Hearts and Hands – First-quarter report. Copies provided to all Board members. “It’s pretty impressive,” the Supervisor said of the organization’s results. “They’re doing a lot of good work.”
- H. Rural Transit Service – Now up to three local drivers for Holland-Sardinia area. The service has also put a new van into operation, which is housed in Sardinia.
- I. Condemned House – 7148 Olean Road – The Supervisor briefly went over the history of the demolition process. After asbestos inspection is done, the town will proceed with bids for demolition. In the meantime, the property has been secured against vandals. “This board has been very reluctant to do this [demolition],” said the Supervisor, “but, I don’t see that we have any other choice.”
- J. Request for “Tobacco Free” Town Park – Erie-Niagara Tobacco Free Coalition. “This is the fourth year this request has been made of us,” said the Supervisor. “This is asking that smoking be prohibited outdoors at the town park.” The board did not support this.
- K. Elder Law Day – June 17. Seminars will be conducted that day, for any interested parties, at the Adam’s Mark Hotel in Buffalo. Flyers are up on the town hall’s information boards.

COMMITTEE REPORTS

- A. Buildings – Councilman Kolacki – He noted that some of the sidewalks around the Town Hall are cracked, and hopes they will be repaired soon.
- B. Cemetery – Councilman Hack – Work of monument repairs will begin soon, on cracked foundations and tipping monuments. He noted that “This was an exceptionally difficult winter,” and that repairs on the entry pillars are underway (by Bob Ersing).
- C. Planning Board Liaison – Councilwoman Kline – Asked for a motion to approve Debbie Draper as Planning Board Secretary, a position open since the resignation of Kathy Marzolf.

RESOLUTION # 37-2015

8:28 p.m. - Motion made by C. Kline. Second by C. Hack, resolve the Holland Town Board appoint Debbie Draper secretary of the Holland Planning Board.

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

The Board met on May 6, and heard regarding two Special Use Permits: Jeff Liddle (horses) and Faye Bender (laundromat). The board recommends that the Town Board approve both.

- D. Town Park & Community Center – Councilman Hack – Regarding the DOT grant, he suggested paving a walkway through the woods to the Town Park, but Jill Zientek, the grant’s administrator, said that does not fall within the scope of the grant. They can increase width of sidewalks along the road, but not for doing a trail.
- E. Environmental Committee - Councilman Kolacki – There is a tree species identification seminar planned for June 4, with continuing education credits available.
- F. Beautification – Councilwoman Herr – Flowers have been ordered, and as soon as the planter boxes are out of storage, they can be planted.

COMMUNICATIONS

- A. Planning Board Minutes – Report given.
- B. Board of Appeals Minutes – No report. The Board met the previous evening, but no minutes are yet available.
- C. Letter – George Archer. The Archers sent a note thanking the Town Board for its approval for them to live in their motor home during renovation of their house, and informing the Board that they were now living in their home.

BUILDING/ZONING OFFICER – Scott Hess. Report given.

RESOLUTION # 38-2015

8:31 p.m. - Motion made by S. Kasprzyk. Second by C. Kolacki, resolve the Holland Town Board approve the appointment of Justin Quant as the town’s new Building and Zoning Officer, upon the retirement of Scott Hess. This is a probationary appointment, contingent upon Quant obtaining the necessary training and certifications.

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

DOG CONTROL OFFICER – William Newell. Report given.

FACILITIES MANAGER – Patrick Joyce. He is getting quotes on panel work at one of the wells, and Mike Hayden is taking his Pump Operators Course this week.

GRANT WRITER – Jill Zientek. No report.

HIGHWAY SUPERINTENDENT – Patrick Joyce – Report given. Asked permission to go to Highway School June 1-3 in Ithaca, NY.

RESOLUTION # 39-2015

8:35 p.m. - Motion made by S. Kasprzyk. Second by C. Kline, resolve the Holland Town Board grant permission for Highway Superintendent Patrick Joyce to attend Highway School in Ithaca on June 1-3, 2015.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NAY / 0 ABSTAIN ... MOTION CARRIED
Pat Joyce said that, last year, the power company had trimmed trees, and “This year, they are taking them right down to the stumps.” He said some of them looked bad, “But, if you call the power company, they will clean them up.” Joyce said one resident caught the crews “throwing brush into the woods. That’s not cleaning up.” He added that the wood from the felled trees belongs to the homeowner.

He said the new plow truck has been ordered. The waiting period for the permissive referendum has expired, with no petitions being filed.

ZONING ENFORCEMENT OFFICER – Michael Sluce. Report given.

NEW BUSINESS

- A. Special Use Permit Request – Jeff Liddle (horses). The Planning Board has recommended that the Town Board approve the Special Use Permit, since Liddle has formally leased 12 acres from his parents, to fulfill the 10-acre minimum requirement. Liddle said he agrees with the provisions that the Planning Board recommended.

RESOLUTION # 40-2015

8:39 p.m. - Motion made by C. Kline. Second by C. Hack, resolve the Town Board approve the Special Use Permit request of Jeff Liddle to house horses on his property, and that he has leased 12 acres from his parents for that purpose.

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

- B. Special Use Permit – Faye Bender – This action was postponed until the July Holland Town Board meeting, since Bender was not in attendance at the meeting. However, it was noted that she still needs a parking plan.

RESOLUTION #41-2015

8:42 p.m. - Motion by Councilwoman Kline, second by Councilman Hack, to table the SUP request of Faye Bender for a laundromat, until the June 10 meeting.

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

- C. Holland Clothing Closet – Pastor William O’Dell of Hunters Creek Bible Baptist Church. He spoke of the church’s home and hospital visitation, as well as food baskets and prison ministry. Following a Scripture reading of Matthew 25:31 and following, regarding charitable giving, Pastor O’Dell informed the Board of the availability of free clothing to Holland residents, at the newly-opened Clothing Closet at the church, which is located at 7184 Hunters Creek Rd. Donations are accepted, both monetary and clothing, but there is no charge for the clothing. Hours are ½ hour before and after Sunday services, and Tuesdays from 10:00 a.m. to 2:00 p.m., or by appointment by calling the church.

OLD BUSINESS – None.

TOWN ATTORNEY – Ronald Bennett – No report. The Supervisor said that, as a result of the decision regarding the DOT grant and the sidewalks, Bennett’s services would be required in acquiring easements.

TOWN CLERK – Merilu O’Dell – She said that she had applied for a scholarship for the annual New York State Town Clerks Association Conference held in April, but was not selected to receive one. She then applied to the County association for a \$300 scholarship to help defray the cost; this matter will be addressed by membership vote on June 2. She earned 10.5 educational credits by attending the NYSTCA event, and another 3 that day, by attending a legal seminar hosted by Hodgson Russ Attorneys.

COMMENTS FROM THE PUBLIC – None.

PAYMENT OF VOUCHERS

The following vouchers were presented for payment:

General District Claims as set Forth in Abstract A-5	#138-177	in the amount of \$16,965.56
Highway District Claims as set Forth in Abstract DA-5	#52-77	in the amount of \$51,335.79
Garbage District Claims as set Forth in Abstract SR-5	#4	in the amount of \$22,598.13
Lighting District Claims as set	#4	in the amount of \$1,206.94

Forth in Abstract SL-5

Trust & Agency Claims as set	#14-15	in the amount of \$8,419.62
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Forth in Abstract TA-5

Water Fund Claims as set	#27-34	in the amount of \$3,683.93
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Forth in Abstract 5

Cemetery Fund Claims As set	#28-31	in the amount of \$4,642.94
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Forth in Abstract CF-5

RESOLUTION # 42-2015

8:47 p.m. - Motion made by C. Kline and seconded by C. Kolacki, 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 8:50 p.m., with a moment of silence, in memory of late Holland residents Merv Davies (former Town Clerk), Dorothy Stevens, Theresa Zywczyński and Tim Tiburzi.

**RESPECTFULLY SUBMITTED ,
May 13, 2015.**

MERILU O’DELL, TOWN CLERK