

**TOWN OF HOLLAND
TOWN BOARD MINUTES
March 9, 2016**

Regular Town Board Meeting - 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
- Town Engineer David Pratt

Not Present:

- Town Attorney Ronald Bennett
- Zoning Board of Appeals Chairman William O’Dell
- Dog Enforcement Officer Bill Newell

RESOLUTION # 16-2016

8:02 p.m. - Motion made by C. Hack, Second by C. Kolacki, resolve the Town of Holland approve the minutes of the Regular Town Board Meeting held February 10, 2016.

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

PUBLIC COMMENTS – None.

SUPERVISOR’S REPORT – Supervisor Michael Kasprzyk

- A. Appointment of Deputy Tax Collector – Holly Messerschmidt. Appointment is to assist Tax Collector June McArthur. Messerschmidt is also Town Clerk Merilu O’Dell’s Deputy Town Clerk.

RESOLUTION # 17-2016

8:03 p.m. - Motion made by C. Hack, Second by C. Kolacki, resolve the Town of Holland approve the appointment of Holly Messerschmidt as Deputy Tax Collector.

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

- B. Resignation of Planning Board Member – Joseph Marzolf. Marzolf submitted his resignation to Planning Board liaison Councilwoman Karen Kline on February 5. The Town Board accepted his resignation with regrets.

RESOLUTION # 18-2016

8:03 p.m. - Motion made by C. Kline, Second by C. Kolacki, resolve the Town of Holland accept the resignation of Planning Board member Joseph Marzolf, with regrets.

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

- C. Mobile Library – Service will be returning to Holland by late spring or the beginning of June. The service was discontinued about 10 years ago. A semi has been acquired, and will be outfitted as a mobile library. The Supervisor said he has requested that the Boys & Girls Club on Vermont Street be a location, as well as possibly the school. “We pay the same library tax as do other communities in Erie County,” he said, “but there has been no coverage. This will be a wonderful asset to the community.”
- D. Solar Project Update – The Supervisor said last month that NYSEG had originally approved the project, and “has changed the rules. Now, unless you have a meter, the offset cannot be used against our bill... The lighting district in town is not on meters, but is at a set price for usage,” he said. “Apparently [NYSEG] is on solid footing with the Public Service Commission, but it is only NYSEG that does it this way... If they (Solar Liberty) aren’t able to convince NYSEG and the PSC, then they will be coming back to us, looking for additional load... possibly with the fire district.” He said this month that “The Fire District looks favorable, as does the Boys & Girls Club,” adding that the addition of these two still does not meet the load requirement. He said that Solar Liberty is still questioning NYSEG’s position that the non-metered street lighting district cannot be included, especially since all the other utilities in the state do allow this. Another option is for the Town to take ownership of the lights from NYSEG, as other towns have done. In any case, the Supervisor said, Solar Liberty “should have known about this before they presented the project to the Town.” He said he asked Solar Liberty representatives to come back out to Holland, to discuss the issue.
- E. Vermont Street Sidewalk – The continuing issue between the Town and Mr. & Mrs. Joel Chaney, regarding the sidewalk extension, “has been back and forth between the

attorneys,” said the Supervisor. He said the homeowners “are asking for a very large settlement - \$7,500 – for approximately 80 feet,” to connect the two ends of the sidewalk together in front of their property. He said that the use of eminent domain may be the only other recourse to get the sidewalk finished. The Town Board asked the Supervisor to make one more attempt to contact the homeowners regarding this issue.

- F. 7148 Olean Road – “”The continuing saga of this unsafe house is done,” said the Supervisor, adding that the demolition way contractor was done on Town order, on February 25. “The DEC is happy with the way it was done,” he said, referring to the asbestos abatement. “Now, for the bad news. The demo of the house has exposed the decrepit barn falling down behind the house,” he added. He said the Town cannot allow it to remain as is, and that it is a real safety issue. He said that Code Enforcement Officer Michael Sluce “has declared the building unsafe, “and we need to start the process again.”

RESOLUTION # 19-2016

8:14 p.m. - Motion made by C. Hack, Second by C. Kline, resolve the Town of Holland accept Code Enforcement Officer Mike Sluce’s declaration that a barn at 7148 Olean Road is an unsafe structure and unfit for use, and to order its demolition.

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

- G. Association of Towns Annual Meeting and Training – The Supervisor said there were “good sessions” in the training in New York City in February, adding that “the caliber of the sessions was up.” He credited NYS Comptroller Thomas DiNapoli with making many members of his staff available to town representatives. “There was a lot of accessibility,” he said. The resolutions were overwhelmingly approved, and said the bylaw changes were “mostly housekeeping issues like phrasing and spelling changes.” All resolutions were sent to the NYS Assembly, the NYS Senate, and the Governor.
- H. Annual Update/Audit – The Town’s Annual Update Document has been completed and sent to the NYS Comptroller’s Office. “We came through very well indeed,” said the Supervisor. “There were no significant (negative) findings and the auditor was quite lavish in her praise of (Bookkeeper) Jill Zientek.” He then thanked Jill for all her hard work. A notice has been sent to the Town’s official newspaper, the *Arcade Herald*, and a copy of the report is in the Town Clerk’s Office for public viewing, as is a copy of the Fire District’s AUD.
- I. A State of the County address by Erie County Executive Mark Poloncarz is scheduled for Thursday, March 10, at 4:00 p.m., at the Buffalo Historical Museum.
- J. Railroad Assessment – After a few years of increase, the annual Railroad Assessment has declined in valuation. In 2012, the assessment was \$438,807, and increased yearly, when it reached its peak in 2015, when it was assessed for \$615,020. For 2016, the assessment is down to \$525,733. The assessment is set by the NYS Office of Real Property Services, and the Town has no input into this. “In essence, ORPS lowered the railroad assessment, and gave every other property

owner in Town a tax increase,” the Supervisor said. The gas, electric, and cable assessments are all set by ORPS; none have input by the Town.

- K. Hearts & Hands – The organization’s 2015 annual report shows 266 requests by Holland residents for services. This includes 4,259 miles driven, and over 355 hours spent in support services. The Supervisor commended the organization for its community help.
- L. Hazardous Waste Drop-Off Event – Joint with Colden, September 17. This will also include electronics.
- M. Not on Agenda – Highway Superintendent Pat Joyce said the new cameras at the Highway Building on Edgewood Drive “aren’t helping much. I can see someone pull in (to dump items at the property), but I can’t get a clear enough picture to get their license plate numbers.” Councilwoman Herr said that, on the following day, she would call the company that supplied the cameras.
- N. Budget Amendments

Highway Fund

From:	DA231E	Highway Equipment Reserve	\$200,704.30
	DA511	Appropriated Reserves	
To:	DA201	Highway Savings	\$200,704.30
	DA5130.2	Machinery- Capital Improvements	

to purchase the new snow plow truck

RESOLUTION # 20-2016

8:20 p.m. – Motion made by C. Hack, Second by C. Kolacki, resolve the Town of Holland move \$200,704.30 for the Highway Equipment Reserve Fund to Highway Savings Machinery Capital Improvements, to purchase a new snow plow truck .

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

COMMITTEE REPORTS

- A. Buildings – Councilman Kolacki – The front and back stairs and metal railings at the Town Hall are in need of de-rusting and repainting.
- B. Cemetery – Councilman Hack – The Supervisor said that he had received several calls from family of people buried in the Holland Cemetery, complaining of tracks across graves. He said the Town may need to block off the area, so snowmobilers cannot drive across the front of the cemetery graves.
- C. Planning Board Liaison – Councilwoman Kline – The Board cancelled its March meeting, since the person scheduled to attend, Mike Biasillo, cancelled his appearance at the meeting.

- D. Town Park & Community Center – Councilman Hack – No additional report.
- E. Environmental Committee - Councilman Kolacki – He reported the monthly meeting of the Erie County Environmental Management Council was cancelled, due to inclement weather.
- F. Beautification – Councilwoman Herr – She reported leaving a message with Kiwanis representative Hank Baker, regarding who was to care for flowers planted in the Town, but had received no response. The Supervisor informed her that Baker had been in the hospital.
- G. Skateboard Park – No further report.

COMMUNICATIONS

- A. Planning Board Minutes – No report submitted.
- B. Zoning Board of Appeals – No reports submitted.
- C. NYSDOT – Route 16 sign – The Town received a letter from NYSDOT, saying it had no record of permission to erect a sign along Route 16. Jared Kramer, owner of the sign, which has been in its location for many years, is pursuing NYSDOT approval. In researching the sign, Code Officer Michael Sluce and Town Clerk Merilu O’Dell were able to locate the original permit, which was issued in 2003.
- D. Meals on Wheels - A note was received, thanking the Town for its annual donation.
- E. Southtowns Rural Preservation - A note was received, thanking the Town for its annual donation to the organization.

BUILDING/ZONING OFFICER –Justin Quant. Report submitted. He reported that activity in his office is now picking up. He said he is nearly complete with his training, with one class the following day, and an update class later this year.

ZONING ENFORCEMENT OFFICER – Michael Sluce. Report submitted. He also submitted a copy of an Order to Remedy sent to a local homeowner, citing lawnmowers, engine blocks, vehicles and assorted junk on the property. He also cited the owner of the recently-demolished property at 7148 Olean Road, Grant Mix, for the dilapidated mini barn on the property. It has now been deemed unsafe and unfit for use or occupancy. There are many items strewn about the property. Sluce also reminded residents about the Open Burning Law, which is in effect from March 16 – May 16.

DOG CONTROL OFFICER – William Newell. Report submitted.

FACILITIES MANAGER – Patrick Joyce. Joyce asked to send Water Operator Michael Hayden to the Water Conference in Lake Placid on May 15-19, 2016.

RESOLUTION # 21-2016

8:27 p.m. – Motion made by C. Hack, Second by C. Kline, resolve the Town of Holland approve sending Michael Hayden to the May 17-19, 2016 Water Conference in Lake Placid.

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

GRANT WRITER – Jill Zientek. Referring to the Sidewalk project, the Supervisor said, “The process tests your patience. It is a real study in bureaucracy.”

HIGHWAY SUPERINTENDENT – Patrick Joyce. Report submitted. Joyce spoke about a drainage problem between the hardware store and the pharmacy, and said the drainage pipe is collapsing. “It’s got to be 80 years old, and is a nice bit of construction,” Joyce said. “Apparently, they just put the pipe down with no right of way, and this goes all the way to the creek.” The Supervisor said he will call New York State regarding the situation. Joyce said Water Operator Michael Hayden attended a Sewer District #3 meeting, as the replacement for the Supervisor.

ZONING ENFORCEMENT OFFICER – Michael Sluce. Report submitted. He cautioned residents to be aware of building, zoning, and code regulations, and “Make sure you get a permit before you begin to build; otherwise, it’s a \$100 fine” on top of the permit costs.

NEW BUSINESS – None.

OLD BUSINESS – None.

TOWN ATTORNEY – Ronald Bennett – No report. He was not in attendance, as he is convalescing in the hospital from a hip replacement and fall injury.

TOWN CLERK – Merilu O’Dell – The Clerk requested approval to attend the annual New York State Town Clerks Association Annual Meeting and Conference. This will be held in Saratoga Springs on April 17-20, 2016.

RESOLUTION # 22-2016

8:36 p.m. – Motion made by C. Kline, Second by C. Herr, resolve the Town of Holland grant approval for Town Clerk Merilu O’Dell to attend the NYSTCA Conference in Saratoga Springs, from April 17 – 20.

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

COMMENTS FROM THE PUBLIC – None.

PAYMENT OF VOUCHERS - The following vouchers were presented for payment:

Abstract 3

General District Claims	#54-94	in the amount of \$36,633.39
as set		
Forth in Abstract A-3		

Highway District Claims as set Forth in Abstract DA-3	#28-50	in the amount of \$45,480.41
Garbage District Claims as set Forth in Abstract SR-3	#2	in the amount of \$22,646.52
Water Fund Claims as set Forth in Abstract SW-3	#11-17	in the amount of \$13,411.60
Lighting District Claims as set Forth in Abstract SL-3	#2	in the amount of \$1,821.15
Trust & Agency Claims as set Forth in Abstract TA-3	#8-9	in the amount of \$6,822.85

RESOLUTION # 23-2015

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 8:39 p.m., with a moment of silence, in memory of late Holland residents:

Bob Lewis
Chris Nowicki
Patty Polanski
Bob White

RESPECTFULLY SUBMITTED on March 11, 2016

MERILU O'DELL, TOWN CLERK