

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

PUBLIC HEARING – Opened at 8:00 p.m. – New York State Tax Cap Override. With a tax cap of .06%, Holland is looking to override the cap. “Health insurance increases alone exceed this,” said Holland Town Supervisor Michael Kasprzyk. “We have no choice but to override.” He added that every town and village will eventually have to override, as fund balances are used up. There were no public comments during the hearing, which was closed at 8:02 p.m.

REGULAR TOWN BOARD MEETING - 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
Building Officer Justin Quant
Town Engineer David Pratt
Town Attorney Ronald Bennett
Zoning Enforcement Officer Michael Sluce
Zoning Board of Appeals Chairman William O’Dell
Bookkeeper Jill Zientek

NOT ON AGENDA: Erie County Comptroller Stefan Mychajliw attended the meeting. He thanked the Town Board for its service to the community, noting that “It’s not easy work.” He said that he and Town Clerk Merilu O’Dell had a similar journalistic background, and noted that it’s “an interesting and necessary perspective” in government. He said he was the first Erie County Comptroller to implement risk assessments to his office. When he started as comptroller, the county was utilizing six different banks for its business; now, M&T is the sole bank partner. An e-pay system is also helping “to give dollars back to the public.”

APPROVAL OF OCTOBER 2016 TOWN BOARD MEETING MINUTES

RESOLUTION # 87-2016

8:07 p.m. - Motion made by C. Hack, Second by C. Kolacki, resolve the Town of Holland approve the minutes of the October 12, 2016 Regular Town Board Meeting.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

PUBLIC COMMENTS – None.

SUPERVISOR’S REPORT – Supervisor Michael Kasprzyk

- A. Comprehensive/Master Plan Update – A legal notice for bidders has been submitted to two newspapers, the *Arcade Herald* and *Criterion* (a minority paper). Erie County has grant money available to help with towns that wish to update their Comprehensive Plans.
- B. Resolution – Authorization of Request for Proposals. Holland’s Master Plan is 22 years old, and needs updating.

RESOLUTION # 88-2016

8:20 p.m. - Motion made by Councilman William Kolacki. Second by Councilwoman Karen Kline. Resolved, that the Town Board authorizes the request for Proposals for an update to the 22-year-old Town of Holland Master Plan.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

- C. Community Development Block Grant – Priorities. The approval was granted at the October meeting, but the priorities were not in the correct order. The new priority is the refurbishing of Pump House #1, with the second priority being partial funding of Rural Transit van.

RESOLUTION # 89-2016

8:29 p.m. - Motion made by Councilman Geoffrey Hack. Second by Councilwoman Roberta Herr. Resolved, that the Town Board arrange the priorities for a Community Development Block Grant as follows: First selection would be refurbishment of Pump House #1 and chlorine infusion processes, with second priority to Rural Transit van service – partial funding, for the 2017 - 2018 CDBG year.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

- D. CDBG Income Survey – The Town may still not qualify for the CDBG program, due to problems with the income survey process. “We are still under the required number of low-to-moderate income residents,” said the Supervisor. There does seem to be a problem remaining, though; Stuart Brown Associates of Rochester is still categorizing numerous surveys that have been returned as “non-responders.”

- E. Resolution – Authorization to sign Revised Snow Plowing Contract with Erie County.

RESOLUTION # 90-2016

8:31 p.m. - Motion made by Councilman William Kolacki. Second by Councilwoman Roberta Herr. Resolved, that the Town Board authorizes Town Supervisor Michael Kasprzyk to sign the revised Snow Plowing Agreement between the Town of Holland and Erie County.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

- F. Resolution – Federal Inter-Municipal Agreement – Sidewalks. This affects Holland-Glenwood Rd. and Capitol Heights.

RESOLUTION # 91-2016

8:33 p.m. - Motion made by Councilman Geoffrey Hack. Second by Councilwoman Karen Kline. Resolved, that the Town Board authorize Town Supervisor Michael Kasprzyk to sign the Federal Inter-Municipal Agreement – Sidewalks, with Erie County.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

- G. Resolution – Tax Letter authorizing submission of unpaid water bills and demolition costs to Erie County taxes.

RESOLUTION # 92-2016

8:35 p.m. - Motion made by Councilwoman Roberta Herr. Second by Councilwoman Karen Kline. Resolved, that the Town Board authorize the submission of unpaid water bills, as well as the costs of demolition of an unsafe building, to the Erie County taxes.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

- H. Time Warner/Charter Service Extensions – As part of the merger between Time Warner and Charter, the company

I. now known as Spectrum is required to extend service to 150,000 homes in New York. The company is now doing a survey of Vermont Hill Road between Church Rd. and Vermont St. The NYS government has set a goal of 100% Internet coverage by 2018, but, in the past, the company said extending service to this area “is not economically feasible.”

J. Solar Liberty Project Update – Solar Liberty President Adam Rizzo and VP of Operations Rob Gaudet were present to answer the Town Board’s concerns regarding the status of the solar array. Councilwoman Herr said she was “discontented” with the solar project. “We had to meet a deadline, now we find out we can’t even [have] the street

lights in the project,” she said. “I thought we were doing this to save money. The dollars we are going to save per kilowatt hour is not that much. You said there would be no cost to the Town,” she added, citing the Town’s having to clear the property of trees and brush. Councilwoman Kline added, “We have been waiting three to five months for just the financing. This is a big concern.”

Rizzo said that Holland’s project was the first with the financing from Colorado. “This is a complex process, and we have had to be at their [financers’] whim to answer questions.” He said that there are “hundreds of pages of documents,” adding, “I know it’s been a while, but we are very close to breaking ground. We are almost at the end of the tunnel.” Rizzo then said, “We are here to ask you for your forgiveness and for patience. We are at the end of the process.”

Councilwoman Herr said, “We ask that, from now on, you be forthright and truthful with us. It’s your responsibility to keep us informed; we shouldn’t have to keep calling you.” Councilman Hack asked what the new timeframe was for completion, to which Rizzo answered, “November 18 is the estimated close date [for the financing], then Holland is first on the list for construction...Our goal is to have this project going by the middle of December.”

- K. Schedule Code Review / Solar Moratorium Extension – Area of code review are now being identified. “The Code is how we implement the Town’s Master Plan,” said the Supervisor, adding that the process will begin in January.

A Public Hearing to extend the six-month solar moratorium was set for December 14 at 8:00 p.m.

RESOLUTION # 93-2016

8:42 p.m. - Motion made by Councilwoman Karen Kline. Second by Councilwoman Roberta Herr. Resolved, that the Town Board set a Public Hearing for a six-month extension of the solar moratorium now in effect, and that the Legal Notice for the Public Hearing be published in the newspaper.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

- L. Fire Dispatch Meeting – A meeting is set for November 15, to begin the revision process for the 1977 Fire Dispatch Contract.
- M. Yellow Dot Program – The Sheriff’s program is now in effect, and materials for public use are available at the Town Clerk’s Office. The materials give first responders critical medical information, in case of an emergency.
- N. Budget Amendments

General Fund			
From:	A1990.4	Contingency Account	\$519.49
To:	A1410.11	Town Clerk- Deputy	\$36.00
	A1410.4	Town Clerk- Contractual	\$40.32
	A8510.4	Beautification	\$443.17
		to cover expenses	
From:	A599	Unexpended Fund Balance	\$3,451.50
To:	A960	Appropriations	\$3,451.50
	A5132.2	Highway Building	
		Highway Building Engineering Cost	
Highway Fund			
From:	DA5142.4	Snow Removal- Contractual	\$1,930.71
To:	DA5130.4	Machinery-Contractual	\$1,930.71
Water Fund			
From:	SW8310.4	Water Administration- Contractual	\$301.74
To:	SW8340.4	Transmission & Distribution	\$301.74
From:	SW8310.1	Water-Personal Services -Full	\$10,000.00
To:	SW8310.11	Water-Personal Services-Part	\$10,000.00
Cemetery Fund			
From:	CM599	Unexpended Fund Balance	
To:	CM960	Appropriations	\$3,173.08
	CM8810.1	Personal Services	\$3,173.08

RESOLUTION # 94-2016

8:47 p.m. - Motion made by C. Hack, Second by C. Kline, resolve the Town of Holland approve the Budget Amendments for November 2016, as outlined above.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

COMMITTEE REPORTS

- A. Buildings – Councilman Kolacki – The Kiwanis storage building will be finished soon; the completion process is still waiting on the doors.
Kolacki said a committee for the new highway building needs to meet soon.
- B. Cemetery – Councilman Hack – No report.
- C. Planning Board Liaison – Councilwoman Kline – No new business. The Board discussed solar energy, and wants to set a date for Code review.
- D. Town Park & Community Center – Councilman Hack – No report.
- E. Environmental Committee - Councilman Kolacki – No report.
- F. Beautification – Councilwoman Herr – No report.
- G. Holland’s 200th Anniversary – Councilwoman Kline – Historian Sandy Smith and Kline have been looking for photos to use in the commemorative book. Many were sent in early November.
- H. Security Cameras – No report.

COMMUNICATIONS

- A. Planning Board Minutes – Minutes submitted.
- B. Zoning Board of Appeals – Minutes submitted.

BUILDING/ZONING OFFICER –Justin Quant. Report submitted.

ZONING ENFORCEMENT OFFICER – Michael Sluce. He reminded homeowners to do a chimney inspection and to clean chimneys.

DOG CONTROL OFFICER – William Newell. Report submitted.

FACILITIES MANAGER – Patrick Joyce. No report.

GRANT WRITER – Jill Zientek. There is grant money potentially available to purchase walls for the Community Center shelter. These would be garage-type doors. The Town was notified of this by NYS Senator Patrick Gallivan.

HIGHWAY SUPERINTENDENT – Patrick Joyce. Report submitted. The Supervisor commented on a “nice job” on Park and Garfield streets.

NEW BUSINESS

- A. Local Law Adoption – Override of NYS Tax Cap

TOWN OF HOLLAND

**LOCAL LAW INTRODUCTION #2-2016
LOCAL LAW #2-2016**

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c FOR THE 2017 BUDGET.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HOLLAND AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Holland, County of Erie pursuant to General Municipal Law Section 3-c, and to allow the Town of Holland, County of Erie to adopt a Town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district

governed by the Town Board for the fiscal year 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

The Town of Holland is concerned about uncertainties in the existing tax cap law, including how uncertain expenditures mandated by law and uncertain expenditures and revenues controlled by the county and state interact with the tax cap. The Town Board is obligated to prepare a responsible budget, which meets the Town’s mandated obligations and provides beneficial services, while minimizing the tax burden on Town citizens.

SECTION 2. AUTHORITY

This Local Law is adopted pursuant to Subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a Local Law approved by a vote of two-thirds (2/3) of the Town Board.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Holland, County of Erie is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law Section 3-c.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstances, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION # 95-2016

8:48 p.m. - Motion made by C. Hack, Second by C. Kolacki, resolve the Town of Holland Override the NYS Tax Cap with Local Law 32-2016, and to submit said Local Law to New York State..

ROLL CALL VOTE

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

5 YEA –Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

B. 2017 Budget Approval

RESOLUTION # 96-2016

8:50 p.m. - Motion made by C. Kline, Second by C. Herr, resolve the Town of Holland approve the 2017 Preliminary Budget, following approval of Local Law # 2-2016 to Override the NYS Tax Cap.

ROLL CALL VOTE

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

5 YEA –Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

C. Special Use Permit – Office at 8290 Olean Rd. - Norbert Bennett. Upon recommendation of the Planning Board, the Board approved the SUP request.

RESOLUTION # 97-2016

8:56 p.m. - Motion made by C. Kline, Second by C. Hack, resolve the Town of Holland approve the Special Use Permit request of Norbert Bennett to operate an office at 8290 Olean Road, upon recommendation of the Planning Board.

5 YEA –Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN MOTION CARRIED

- A. Kennel License Request – Laura Murawski and Patrick Newton. Kennel License was referred to the Planning Board for its recommendation.

OLD BUSINESS – None.

TOWN ATTORNEY – Ronald Bennett – No report.

TOWN CLERK – Merilu O’Dell – Yellow Dot Program materials are available in the Town Clerk’s Office, upon request.

COMMENTS FROM THE PUBLIC – None.

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

Abstract 11

General District Claims as set Forth in Abstract A-11	#374-413	in the amount of \$87,684.03
Highway District Claims as set Forth in Abstract DA-11	#168-190	in the amount of \$174,758.01
Garbage District Claims as set Forth in Abstract SR-11	#36	in the amount of \$22,741.26
Water Fund Claims as set Forth in Abstract SW-11	#87-94	in the amount of \$4,664.32
Lighting District Claims as set Forth in Abstract SL-11	#10	in the amount of \$1,954.20
Trust & Agency Claims as set Forth in Abstract TA-11	#30-31	in the amount of \$6,822.85
Cemetery Claims as set Forth in Abstract CF-11	#19	in the amount of \$750.00

RESOLUTION # 98-2016

9:00 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 NO / 0 ABSTAIN MOTION CARRIED

ADJOURNMENT –Supervisor Kasprzyk adjourned the Regular Town Board Meeting at 9:02 p.m., with a moment of silence, in memory of late Holland residents Alice Folaron and Michael Weirs.

RESPECTFULLY SUBMITTED on November 11, 2016

MERILU O'DELL, TOWN CLERK