

**TOWN OF HOLLAND
TOWN BOARD MINUTES
December 14, 2016**

PUBLIC HEARING – Opened at 8:00 p.m. – Local Law #3-2016 – Extension of Solar Moratorium. The Supervisor stated that the Town officials thought they would have the information they needed to amend the Town Code regarding solar installation. But, following concerns brought up by the fire department and changing New York State Code, “It is evident we need to extend the [solar] moratorium for an additional six months,” said the Supervisor. In response to a question by Bill Newell, he said the moratorium would not affect the Town’s as-yet-unconstructed solar array. There were no other 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

Officials Absent:

Hwy. Supt. Patrick Joyce

Other Officials Present:

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
Dog Control Officer William Newell

APPROVAL OF OCTOBER 2016 TOWN BOARD MEETING MINUTES

RESOLUTION # 99-2016

8:03 p.m. - Motion made by C. Kline, Second by C. Hack, resolve the Town of Holland approve the minutes of the November 9, 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. 2017 Water Rates – To increase by 2% (water usage charge only). All other aspects of billing to remain the same.

RESOLUTION # 100-2016

8:05 p.m. - Motion made by C. Hack, Second by C. Kline, resolve the Town of Holland approve a 2% water rate increase for 2017.

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

- B. CDBG Income Survey – The Town still does 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, at 44%” said the Supervisor. “None of the towns around us are qualifying [for the grant program]. No projects qualify as of now,” he added, referring to the fact that only three streets would qualify. Meadow Lane is a senior facility, Holland-Glenwood Road has insufficient returns of the survey, and Rumsey Road has already been redone. He also noted that the old criteria level was 38% of residents qualifying as low-to-moderate income; that number was recently raised to 51%.
- C. Solar Liberty project Update – The Supervisor said that, as of 4:00 p.m. that day, “We are completely okay [in regards to the financing], and two others [towns bundled in with Holland] should be okay by Friday. They have already ordered the posts [for the panels].”
- D. Telephone System – The Supervisor reported that the Town Hall’s telephone system “is completely obsolete.” The system has been repaired using parts cannibalized from other systems for some time, but the parts are no longer made or available. There have been recurring outages, “and [the system] could die at any time,” the Supervisor said. The firm AVAYA is highly recommended. Jill Zientek acquired quotes; the lowest quote for a new system would cost \$3,200. Councilwoman Kline said, “We should just go ahead [with purchasing a new system.] There is no fixing this system. I think we should do this this year.”

RESOLUTION # 101-2016

8:13 p.m. - Motion made by C. Kline, Second by C. Herr, resolve the Town of Holland approve the purchase of a new telephone system from Kiercom Communications for a low quote of \$3,220.

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

- E. Resolution - Extend two junkyard licenses and a mobile park license until January 11, 2017. All three expire on December 31. This would extend them until the next Town Board Meeting on January 11, 2017.

RESOLUTION # 102-2016

8:14 p.m. - Motion made by C. Hack, Second by C. Kolacki, resolve the Town of Holland extend two junkyard licenses and a mobile park license until January 11, 2017.

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

- F. Code Review – Sectional considerations. As the Town Code is currently undergoing review, the Supervisor asked that if anyone had a suggestion for a section that needs to be reviewed, please get that information to him as soon as possible.
- G. Review “Tire Policy” – It has cost the Town over \$8,000 to recycle tires that have been either dropped off or dumped at the Highway Garage. “We decided years ago to do this as a community service,” said the Supervisor. “But, number one, the number of tires has gone up dramatically. It is a much larger expense than we ever thought. Number two, the cost of getting rid of them has really gone up.” Councilman Kolacki suggested having a once or twice per year drop off for town residents only, like electronics. Councilwoman Herr said she thought the Town “should just do away with” the collection, while Councilwoman Kline wants to see if any license plates of people dumping tires have been caught on surveillance cameras.
- H. NYMIR On-Site Inspection Report – The insurance company that covers the Town has given the Town “a clean bill of health,” said the Supervisor. NYMIR requested some signage be put up or updated at the Highway Garage.
- I. Highway Funds Agreement – Annually, the Town must approve projects for road repairs. The sum of \$327,693.00 is authorized to be expended to do repairs on 17.1 miles of Town highways. This could include sluices, culverts and bridges.

RESOLUTION # 103-2016

8:20 p.m. - Motion made by C. Kline, Second by C. Kolacki, resolve the Town of Holland authorize sum of \$327,693.00 to be expended to do repairs on 17.1 miles of Town highways.

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

- J. Board of Assessment Review – Re-appoint Diane Curthoys – She has been a member for some time, and has indicated her desire to remain on the Board for another five-year term.

RESOLUTION # 104-2016

8:21 p.m. - Motion made by S. Kasprzyk, Second by C. Hack, resolve the Town of Holland re-appoint Diane Curthoys to the Board of Assessment Review for an additional five-year term.

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

K. Resolution - Set Annual Re-organizational Meeting for January 11, 2017.

RESOLUTION # 105-2016

8:22 p.m. - Motion made by C. Kline, Second by C. Kolacki, resolve the Town of Holland set the 2017 Re-organizational Meeting for January 11, 2017, at 8:00 p.m.

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

L. Budget Modifications

BUDGET MODIFICATIONS		12/14/2016	
General Fund			
From:	A1990.4	Contingency Account	\$2,685.19
To:	A1680.4	Data Processing- Contractual	\$1,634.36
	A8510.4	Beautification	\$127.53
	A7510.41	Historian- 200 yr Celebration	\$923.30
		to cover expenses	
From:	A599	Unexpended Fund Balance	\$48,464.82
To:	A960	Appropriations	
	A7110.2	Parks-Capitol Improvements- Building	\$20,585.13
	A5410.2	Sidewalks- Grant Project	\$27,879.69
		to balance accounts/receivables	
Highway Fund			
From:	DA5142.4	Snow Removal- Contractual	\$5,826.41
To:	DA5130.4	Machinery-Contractual	\$5,826.41
		to cover expenses	
Water Fund			
From:	SW8310.4	Water Administration- Contractual	\$465.66
To:	SW8340.4	Transmission & Distribution	\$291.37
	SW8310.11	Water Administration- pt operator	\$174.29
		to cover expenses	
From:	SW599	Unexpended Fund Balance	\$8,000.00
To:	SW960	Appropriations	
	SW8310.1	Water Full Time Operator	\$8,000.00
Cemetery Fund			
From:	CM599	Unexpended Fund Balance	
To:	CM960	Appropriations	\$1,437.66
	CM8810.4	Contractual	\$1,437.66
		to cover expenses	

RESOLUTION # 106-2016

8:25 p.m. - Motion made by C. Hack, Second by C. Kline, resolve the Town of Holland approve the Budget Amendments for December 2016, as outlined above.

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

COMMITTEE REPORTS

- A. Buildings – Councilman Kolacki. Kolacki said a committee for the new highway building needs to meet soon.
- B. Cemetery – Councilman Hack – Hack mentioned there were “some deed issues” on the east side” of the cemetery.
- C. Planning Board Liaison – Councilwoman Kline – The Murawski/Newton kennel license application has been withdrawn, as only three dogs are now on the premises.
- 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 –Kline said the contract with Arcadia Publishing to do the Bicentennial Book is ready to be signed. 700 copies will be ordered, to be sold at a cost of \$21.99 each; a deposit will also need to be sent.

RESOLUTION # 107-2016

8:29 p.m. - Motion made by C. Kline, Second by C. Hack, resolve the Town of Holland approve acontract with Arcadia Publishing for 700 copies of the Bicentennial Book, and to send the required deposit.

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

- 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.

DOG CONTROL OFFICER – William Newell. Report submitted.

FACILITIES MANAGER – Patrick Joyce. No report.

GRANT WRITER – Jill Zientek. She has submitted the hazardous waste grant and engineering paperwork to New York State.

HIGHWAY SUPERINTENDENT – Patrick Joyce. Report submitted.

NEW BUSINESS

- A. Local Law #3-2016 – Extension of six-Month Solar Moratorium – With the requirements for the Public Hearing and the publication of meeting notice, the Town of Holland approves the six-month extension of the currently in-force solar moratorium.

**TOWN OF HOLLAND
 LOCAL LAW INTRO. #3-2016
 LOCAL LAW # 3-2016**

**A LOCAL LAW TO AMEND LOCAL LAW 2-1988 “ADOPTION OF CODE”,
 ADOPTED JULY 13, 1988 BY THE TOWN BOARD OF THE TOWN OF HOLLAND, AS
 AMENDED, TO EXTEND A PREVIOUSLY ENACTED SIX-MONTH MORATORIUM,
 LOCAL LAW #1-2016, ON COMMERCIAL SOLAR POWER PROJECTS AND
 RESIDENTIAL SOLAR POWER PROJECTS IN THE TOWN OF HOLLAND.**

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

SECTION 1. LEGISLATIVE INTENT

This Local Law amends Local Law 2-1988, known as “Adoption of Code”, adopted by the Town Board of the Town of Holland on July 13, 1988, as amended, relating to the administrative, legislative and general legislation of Codes within the Town of Holland as herein set forth. It extends Local Law #1-2016, for an additional six months.

SECTION 2. PURPOSE

The Town Board of the Town of Holland has under review regulation in regard to commercial solar power projects and private residential solar power projects except for solar panels affixed to the primary residence within the Town of Holland. At the present, there are no

Town restrictions or regulations in regard to the use of land within the Town for commercial solar power projects or private residential solar power projects. The Town Board finds that the commercial use of solar power projects and private residential use of solar projects requires an extension of the six-month moratorium enacted on August 10, 2016, known as Local Law #1-2016, intended to allow for regulations and/or appropriate amendments to existing laws or regulations to properly address community impacts, concerns or issues in a manner which is meaningful and consistent with the Town's comprehensive plan.

SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the provisions of Article 16 of the New York Town Law and Section 10 of the New York Municipal Home Rule Law.

SECTION 4. MORATORIUM

The Town Board of the Town of Holland hereby declares that no new applications shall be issued and no new permits or approvals shall be granted by any officer, department, board or agency of the Town of Holland with respect to the siting, location or establishment of commercial solar power projects and private residential solar power projects, except for solar panels affixed to the primary residence within the Town of Holland, for a period of an additional six months from the effective date of this Local Law extension, unless terminated by other Local Law, duly adopted.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

SECTION 6. EFFECTIVE DATE

This Local Law shall become effective immediately upon the adoption by the Town of Holland Town Board and filing with the New York Secretary of State.

RESOLUTION # 108-2016

8:34 p.m. - Motion made by C. Kline, Second by C. Hack, resolve the Town of Holland adopt Local Law #3-2016, a Local Law to amend Local Law 2-1988 "Adoption of Code", adopted July 13, 1988 by the Town Board of the Town of Holland, as amended, and Local Law #1-2016, to

extend a six-month moratorium on commercial solar power projects and residential solar power projects in the Town of Holland.

ROLL CALL VOTE – Councilman Geoffrey Hack - YEA
Councilwoman Karen Kline – YEA
Councilwoman Roberta Herr - YEA
Councilman William Kolacki – YEA
Supervisor Michael Kasprzyk - YEA

5 YEA, 0 NO, 0 ABSTAIN
MOTION CARRIED

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

RESOLUTION # 109-2016

8:35 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

OLD BUSINESS – None.

TOWN ATTORNEY – Ronald Bennett – No report.

TOWN CLERK – Merilu O’Dell – No report.

A. **COMMENTS FROM THE PUBLIC**– William O’Dell. In respect to the tire recycling problem, Mr. O’Dell suggested that the Town contact the Salvation Army, which has an active recycling program.

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

Abstract 12

General District Claims as set Forth in Abstract A-12	#414-465	in the amount of \$54,046.55
Highway District Claims as set	#191-216	in the amount of \$130,411.36

Forth in Abstract DA-12

Garbage District Claims #37-38 in the amount of \$25,503.78
as set

Forth in Abstract SR-12

Water Fund Claims #95-104 in the amount of \$7,222.84
as set

Forth in Abstract SW-12

Lighting District Claims #11 in the amount of \$1,635.80
as set

Forth in Abstract SL-12

Trust & Agency Claims #32-38 in the amount of \$12,246.61
as set

Forth in Abstract TA-12

Cemetery Claims #20-22 in the amount of \$1,000.56
as set

Forth in Abstract CF-12

RESOLUTION # 110-2016

8:37 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 8:38 p.m., with a moment of silence, in memory of late Holland residents Ron Michalski, Derek Murray, Larry Tarnecki and Keith Van Tine.

RESPECTFULLY SUBMITTED on December 16, 2016

MERILU O'DELL, TOWN CLERK