

April 11, 2007

The Regular Town Board meeting was called to order by Supervisor Michael Kasprzyk at 8:00 PM at 47 Pearl St., Holland, NY

Officials Present Were:

COUNCILMAN GEOFFREY HACK

COUNCILWOMAN ROBERTA HERR

COUNCILMAN JAMES JOYCE

COUNCILWOMAN KAREN KLINE

Other Officials Present Were:

HIGHWAY SUPERINTENDENT PAT JOYCE

WATER COMMISSIONER JERRY BARRON

TOWN ENGINEER DAVID PRATT

ZONING ENFORCEMENT OFFICER MICHAEL SLUCE

BUILDING INSPECTOR SCOTT HESS

PLANNING BOARD CHAIRMAN ROBERT WEISNER

DOG CONTROL OFFICER BILL NEWELL

**RESOLUTION #40**

Motion made by Councilwoman Kline and seconded by Councilman Hack to approve the minutes of the March meeting. ALL AYES. CARRIED.

**JAMES PETRIE** – water problems at 210 North Main St., Upstate Ford drainage from snow on the hill, lights standards on all the time, and fence between the properties was destroyed.

The hill was bulldozed and plastic put down on the hill behind their houses. If at that time they would have put a drain along the bottom of the hill and put another drain into the drain which was already there in the blacktop, it would have taken care of the problem. The fence was ruined by the plowing of snow against it. They replaced 4 panels on the fence. Water problem is all year round. He doesn't want to go through this problem every year.

Mr. Petrie's question was what work requires a permit and who is notified of such. This was a dramatic improvement going on with the parking lot etc. Mrs. Baab next door has the worst of it all, her sump pump and sewer pump run constantly.

The light standards – there used to be one and now there are 4 more and they shine in their houses constantly. Should have put some restrictions on the lights, what hours they would be on, should have put timers on.

Town Engineer will keep the board informed.

When they do the code update they will keep this in mind about permits.

**Russ Clothier** – special use permit – 239M was sent into the county. They sent out notification of the property being in the ag district and near a trout stream. Both required new paper work and was submitted by Russ Clothier. Town Attorney Bennett checked with the county and they are saying as long as the town considered both requirements the town can go ahead and grant the permit. So the Town Supervisor will sign the permit.

**By Laws & Operating Procedures for The Holland Constabulary –**

This shall be on file in the Town Clerk's Office.

**RESOLUTION #41**

Motion made by Supervisor Kasprzyk and seconded by Councilman Joyce to approve the By Laws and Procedures as submitted by the Constables. ALL AYES. CARRIED.

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## **GARBAGE COMPLAINTS**

Supervisor stated that NEI will pick up some peoples garbage on a road and then skip others. How the empties are placed have gone way down. Skips have gone way up.

Councilman Hack stated he would like to contact the town attorney about litigation against the company, or breaking the contract with the company, re-bidding, looking for someone else.

Councilwoman Kline agrees with Councilman Hack. Look at some options and possibly a work session.

## **BUDGET AMENDMENT**

**RESOLUTION #42**

Motion made by Councilman Joyce and seconded by Councilwoman Kline to approve the following budget amendment:

GENERAL FUND

FROM: Contingency Acct. A1990.4 \$279.31

TO: Assessment Contractual A1355.4 \$279.31

ALL AYES. CARRIED.

Councilman Hack asked if after next months meeting the board would like to meet with the Town Attorney and the Assessors regarding the reval program.

## **RIGHT TO FARM**

Supervisor suggested waiting and putting this with the code updates.

## **BOARD OF APPEALS**

### **RESOLUTION #43**

Motion made by Councilman Hack and seconded by Councilman Joyce to appoint Phil DiChairo to the Zoning Board of Appeals. ALL AYES. CARRIED.

# BEAUTIFICATION COMMITTEE

## RESOLUTION #44

Motion made by Councilwoman Herr and seconded by Councilman Joyce to appoint Barb Rabey to the beautification committee. ALL AYES. CARRIED.

# ASSESSMENT REVAL

## RESOLUTION #45

Motion made by Councilwoman Kline and seconded by Councilwoman Herr to refer the contract for the reval program to the Town Attorney for his review. ALL AYES. CARRIED.

# COMMITTEE REPORTS

Buildings – Councilman Hack: elevator needs to have the hydraulic seals repaired.

Back roof needs to be repaired – getting quotes

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Humphrey Cemetery – some trees are dead and need to come down. Tim Rickettson said he would maintain and mow.

Jerry Husman has agreed to be a back-up for Councilman Hack when he's not around.

Long & Son will be doing the mowing and grave digging at the Protection Cemetery.

Would like to get with the Town Engineer in regards to GPS locator for the cemetery to measure out the rows better. Some of the graves are on paper but not true to the location.

Needs to get some of the maps redone.

Planning Board Liaison – Councilwoman Kline:

Discussion regarding the special use permit for the Westons.

There were only 2 planning board members in attendance and they were split on recommending the request. There has been a neighbor with complaints regarding the smell of the manure. Mr. Weston showed the board members where the horses were on the survey and where the manure is stored, and also where the neighbor lives. She actually has to drive past his place to get to hers.

Councilman Hack asked the Zoning Enforcement Officer if he saw any violations. Mr. Sluce stated that he saw no violations with their permit.

### **RESOLUTION #46**

Motion made by Councilwoman Kline and seconded by Councilwoman Herr to table the request till the next board meeting in order for the Planning Board to have a full review.

ALL AYES. CARRIED.

Town Park & Community Center – Councilman Joyce: want to get the backstops on 1<sup>st</sup> & 3<sup>rd</sup> , Outfield, dugouts and bleachers if there is money.

Beautification Committee

Flower boxes are being brought out and hanging baskets.

Jessica Langford is a girl scout that would like to do community service. She would like to plant rose bushes in the new town square. Needs approval from the Town Board and then from the Girl Scouts.

**RESOLUTION #47**

Motion made by Councilman Joyce and seconded by Councilwoman Herr to approve of Jessica Langford, girl scout, planting rose bushes in the new town square. ALL AYES. CARRIED.

ZONING ENFORCEMENT OFFICER'S REPORT - Michael Sluce: report given

**BUILDING INSPECTOR'S REPORT – Scott Hess: report given**

WATER COMMISSIONER'S REPORT – Jerry Barron: report given

Looking into getting a Re-imbusement of grant money for the study of the Erie County Water

HIGHWAY SUPERINTENDENT'S REPORT – Pat Joyce: report given

Going to post a notice of the return of road cones. Probably 280 cones floating around Holland, 45 flashing lights and 30 stop signs, which 29 were from Owlsborough Road. Price of a road cone has gone from \$9.50 to \$26.00.

Purchase of a new broom tractor on state bid for a price of \$30,732.00 New York State group #40601 award #2365.

**RESOLUTION #48**

Motion made by Councilman Joyce and seconded by Councilwoman Herr, resolve the Town of Holland authorize the purchase of a Broom tractor on state bid for the price of \$30,732.00, New York group #40601 award #2365. ALL AYES. CARRIED.

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**RESOLUTION #49**

Motion made by Councilman Hack and seconded by Councilwoman Kline, resolve the Town of Holland authorize the Highway Superintendent to dispose of surplus broom tractor. ALL AYES. CARRIED.

**DOG CONTROL OFFICER'S REPORT - Bill Newell : report given**

**FARMERS MARKET**

Special Use permit for Marjorie Wiedemann



## **RESOLUTION #50**

Motion made by Councilwoman Kline and seconded by Councilwoman Herr, resolve the Town of Holland approve the Special Use Permit for the Farmers Market by Marjorie Wiedemann with the following conditions:

1. Location: The location of the farmer's market shall be the Town of Holland parking lot located on Main Street in Holland
2. Dates of Operation: The farmer's market shall be operated from the first Sunday in May through the last Sunday in October, between the hours of 8:30 am and 1:00 pm. Vendors may arrive up to one (1) hour prior to opening for setup purposes. The market will not operate on Tulip Festival weekend.
3. Parking: Parking is available on Main Street, the Holland Town parking lot and the Holland Town Hall parking lot.
4. Signage: Temporary signage is allowed in the form of "sandwich signs" so long as it complies with the general Code sign provisions of the Town of Holland. Signs must be removed upon tear-down of the market after each event.
5. Lavatories: Portable lavatories will be provided by the Holland Farmer's Market organization. The lavatories will be placed on the Holland Fire Department's property and will be maintained and cleaned weekly.
6. Insurance: The operator shall provide proof of insurance naming the Town of Holland as an additional insured for general liability in an amount of at least \$1,000,000.
7. Maintenance: The operator shall be responsible for all cleanup and trash removal. All such maintenance must be complete at the conclusion of each session of the farmer's market.
8. Health Department: All activity of the farmer's market shall be compliance with the Erie County Sanitary Code and requirements of the Erie County Board of Health.
9. Music: There shall be no public address system, including the playing of music. Vendors may have a portable radio at their site providing the noise is kept at a reasonable level within the stand.
10. Setup Requirements and Conditions
  1. Displays should be constructed in such a way that they do not block customer walkways nor pose any other hazard to customers.
  2. Sellers are required to keep their market space neat and clear of obstacles, litter and debris.
  3. All produce displayed for sale must be at least 12" off the ground.
  4. Sellers may arrive up to one (1) hour prior to opening to begin setting up. Sellers must be ready to open at 8:30 am.
  5. If you need to leave early, please let the manager know so they can set you up appropriately.
  6. Sellers must be packed up and their area clean within one (1) hour of the market closing.

7. A tent is not required but encouraged. You may want one to protect your product and yourself (rain, sun, heat, wind). Tent legs should be weighed (no stakes, blacktop surface)
8. Sellers must have a sign clearly showing their name and location.
9. No form of discrimination is permitted at the market.
10. Sellers are expected to treat customers in a courteous manner.
11. No music is permitted. Portable radios may be used by the vendor providing it is kept at a reasonable level.
12. No soliciting by political, religious or other special cause groups or individuals is permitted, except as provided by the market.
13. No alcoholic beverages or firearms are permitted at the market.
14. All products offered for sale must be of good quality and condition.
15. All crops/products must be grown or produced in the Western New York area by the vendor. Finished plants are not permitted unless grown by the vendor from seed, plugs, cuttings, bulbs, bare root or seedlings. Specific concerns should be directed to the market manager.
16. No retail sales are permitted.
17. A limited amount of crafts will be allowed, only by the established vendors.

ALL AYES. CARRIED.

**RESOLUTION #51**

Motion made by Councilwoman Kline and seconded by Councilman Hack, resolve the Town of Holland pay the following vouchers:

General Fund #153-193 in the amount of \$14,535.31

as set forth

In Abstract 004

Highway Fund #42-59 in the amount of \$16,609.79

as set forth

In Abstract 004

Water District #1 #26-36 in the amount of \$4,584.68

as set forth

In Abstract 004

Lighting District #5-6 in the amount of \$1,924.06

as set forth

In Abstract 004

Garbage District #25 in the amount of \$12,708.80

as set forth

In Abstract 004

Trust & Agency #16-21 in the amount of \$278.957.38

as set forth

In Abstract 004

ALL AYES. CARRIED.

**RESOLUTION #52**

Motion made by Councilman Joyce and seconded by Councilman Hack to adjourn the meeting at 9:16 pm in memory of Evelyn Pratt. ALL AYES. CARRIED.

RESPECTFULLY SUBMITTED:

SANDRA SMITH, TOWN CLERK.