

JUNE 10, 2009

Public hearing in regards to a Local Law to amend the wind energy conversion systems local law was called to order at 8:00 pm by the Supervisor. The town clerk read paper notice and the supervisor asked if there were any comments from the public. Amendment was a chapter on noise and setback easements. No comments so the public hearing was closed at 8:04

The Regular Town Board meeting was called to order at 8:04 pm by Supervisor Michael Kasprzyk at 47 Pearl St., Holland, NY 14080.

Officials Present Were:

COUNCILMAN JAMES BRITT
COUNCILMAN GEOFFREY HACK
COUNCILWOMAN ROBERTA HERR
COUNCILWOMAN KAREN KLINE

Other Officials Present Were:

HIGHWAY SUPERINTENDENT PAT JOYCE
WATER COMMISSIONER JAMES ZBYTEK
ATTORNEY RONALD BENNETT
ENGINEER DAVID PRATT
ASSESSOR MARCIA HAZLETT
ZONING OFFICER MICHAEL SLUCE
BOARD OF APPEALS JUDY GEER

RESOLUTION #59

Motion made by Councilwoman Kline and seconded by Councilman Britt, resolve the Town of Holland approve the minutes of the May board meeting. ALL AYES. CARRIED.

ASSESSOR

Mark Hereth – completed training and is now certified

ERIE COUNTY HEALTH DEPARTMENT - they are saying the Town is in violation – Water Superintendent & Supervisor have looked over the paperwork and believe the County is in error – The water has actually been certified by them, these are remedial things that they want done are above and beyond operation of the plant. Has been turned over to the town attorney.

BUDGET AMENDMENTS

RESOLUTION #60

Motion made by Councilwoman Kline and seconded by Councilman Britt, resolve the Town of Holland approve the following budget amendments:

GENERAL FUND

TO:	A6772.4	Programs for the aging	\$1,000.00
	A8010.1	Zoning – Personal Service	\$186.50
	A8010.11	Zoning – Personal Service	\$170.00
FROM:	A1990.4	Contingency Account	\$1,356.50

RE: to cover changes to budget line items

HIGHWAY FUND

TO:	DA960	Appropriations	\$3,666.00
	DA9040.8	Workers Compensation	
FROM:	DA599	Appropriated Fund Balance	\$3,666.00

RE: to cover cost of through July 2010

WATER FUND

TO:	SW9040.8	Workers Compensation	\$847.73
FROM:	SW8310.4	Administration	\$847.73

RE: to cover cost of through July 2010

ALL AYES. CARRIED.

JUNE 10, 2009

RESOLUTION #61

Motion made by Councilman Hack and seconded by Councilwoman Herr, resolve the Town of Holland re-appoint James Britt to the Erie County Environmental Management Council.

ALL AYES. CARRIED

NFTA – Niagara Frontier Transportation Authority – would like the town to designate 10-15 parking places for Metro users.

Rescue Squad – more investigating on 3rd party billing.

Electric Rates – NYSEG is our utility. We use NYSEG Solutions. Town has 13 lighting bills – Going to another company the town would have to pay a penalty and it wasn't cost worthy. So in the meantime NYSEG called and said if the town would blend & extend, they would blend the rate that we are currently paying to the most favorable current rate but extend it to all of 2009 and 2010. This would save the town approximately \$170.00 a month.

Sidewalk – Capital Heights – Councilman Hack plans on sending out letters to residents in that area regarding cost etc.

COMMITTEE REPORTS

Buildings – Councilman Britt: Contractor has been notified to finish the cages in the basement at the community center.

Cemetery – Councilman Hack: will leave the trees as is at the Humphrey cemetery. Donation of \$500.00 was received for trees for the new cemetery. It would take 4 trees to finish what was started and would cost \$700.00. So Ron Post was given permission to buy the trees and the extra money would come out of cemetery fund.

Planning Board Liaison – Councilwoman Kline: Mike Wahl purchased the former Red & White Building – keeping the apartments upstairs – in the former grocery store they would like to have a retail business in there - parking lot behind the red & white which would house 15-20 cars. Leave for now as a gravel driveway – in the future if they were to pave it they would address any drainage issues that would come up. The planning board agreed to recommend to the town board a special use permit to Mike Wahl.

Town Park & Community Center- Councilman Hack: side hill is done and seeded at the park. Will address parking issue at a later date.

Beautification – Councilwoman Herr: Saturday the flowers were planted in the flower boxes on Main St.

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

BUILDING INSPECTOR'S REPORT – Scott Hess: report given

WATER COMMISSIONER'S REPORT – James Zbytek: report given

HIGHWAY SUPERINTENDENT'S REPORT – Pat Joyce: report given

Bid openings on Monday, June 8, 2009 at 10:00 am.

CAB & CHASSIS

- | | |
|-------------------------------|--------------|
| 1. Kenworth of Buffalo | \$104,995.00 |
| 2. Regional International | \$110,729.59 |
| 3. Buffalo Truck Center, Inc. | \$105,850.00 |
| 4. Hunter Buffalo Peterbilt | \$107,446.00 |

June 8, 2009

PLOW ATTACHEMENTS

- | | |
|---------------------------------|-------------|
| 1. Valley Fab & Equipment, Inc. | \$24,106.00 |
| 2. Cyncon | \$28,757.00 |
| 3. Henderson Truck Equipment | \$17,713.00 |
| 4. Viking-Cives | \$62,334.54 |

One withdrew his bid; one left out pages of the bid and did not meet specs.

DUMP SANDER/HYDRAULICS

- | | |
|---------------------------------|-------------|
| 1. Valley Fab & Equipment, Inc. | \$59,876.00 |
| 2. Viking-Cives | \$62,334.54 |
| 3. Henderson Truck Equipment | \$47,358.00 |

Viking-Cives withdrew bid and Henderson was missing pages from the bid.

RESOLUTION #62

Motion made by Councilman Hack and seconded by Councilman Britt, resolve the Town of Holland award the bids as follows:

Cab & Chassis to Kenworth of Buffalo for a 2010 Kenworth T-800 10 Wheeler Heavy Duty Class 8 Extended Cab & Chassis for the amount of \$104,995.00

Plow Attachments to Valley Fab & Equipment, Inc. for plow hitch Model #PT-QC-M, wing system Model #ACP/ACP36/ST/62, one side wing Model #W144-HD-22 and one plow Model #650 CK for the amount of \$24,106.00

Dump/Sander/ Hydraulics to Valley Fab & Equipment, Inc. for stainless steel flo-n-Dump Model #FND13CS-SS-U for the amount of \$59,876.00

ROLL CALL: Councilman Hack	AYE	
Councilwoman Herr	AYE	
Councilwoman Kline	AYE	
Councilman Britt	AYE	
Supervisor Kasprzyk	AYE	UNANIMOUS CARRIED.

Delivery for Cab & Chassis approximately in September

Boys & Girls Club has asked for help moving dirt at the old Jehovah Witness area

RESOLUTION #63

Motion made by Supervisor Kasprzyk and seconded by Councilwoman Kline, resolve the Town of Holland permit the use of equipment by the Holland Highway Dept. to help the Boys and Girls Club move dirt at the location on Vermont St. ALL AYES. CARRIED.

DOG CONTROL OFFICER'S REPORT – William Newell: report given
SPCA is closing the Angola facility.

LOCAL LAW 3-2009

RESOLUTION #64

Motion made by Councilwoman Kline and seconded by Councilman Britt, resolve the Town of Holland approve the following Local Law #3-2009:

June 8, 2009

A LOCAL LAW TO AMEND LOCAL LAW 2-1988 KNOWN AS “ADOPTION OF CODE”, ADOPTED BY THE TOWN BOARD OF THE TOWN OF HOLLAND ON JULY 13, 1988, TO AMEND THE WIND ENERGY CONVERSION SYSTEMS LOCAL LAW.

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

SECTION 1. LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as “Adoption of Code” adopted by the Town of Holland on July 13, 1988, as amended, relating to the administrative, legislative and general legislation of the Codes within the Town of Holland as herein set forth.

SECTION 2. CHAPTER 118, SECTION 6, CRITERIA FOR APPROVAL

Chapter 118, Section 6(3) is amended as follows:

3. Noise and Setback Easements

In the event that a utility-scale WECS does not meet a setback requirement or exceeds the noise criteria of this Local Law, the Town Board with written recommendation from the Planning Board may grant a waiver of the setback and/or noise criteria, subject to the following requirements:

(a) Each application shall be accompanied by proof of service of notice of the requested permit and waiver upon all the landowners immediately adjacent to the subject premises extending 500 feet therefrom in all directions, stating that the noise and/or setback limitations contained in Chapter 120, Zoning Code, of the Codes of the Town may exceed the maximum limits otherwise allowed.

(b) In the form requirement for an easement, the waiver in regard to the setback shall be recorded in the Erie County Clerk’s Office describing the benefitted and burdened properties in order to advise subsequent owners of the burdened properties of such waiver. Such easement shall be permanent and may not be amended or revoked without the consent of the Town Board with the recommendation from the Planning Board, which waiver and consent shall be granted upon either the completion of the decommissioning of the benefitted WECS in accordance with this Chapter, or the acquisition of the burdened parcel by the owner of the benefitted parcel or the WECS.

SECTION 3. EFFECTIVE DATE This Local Law shall take effect immediately upon filing with the Secretary of State.

Roll Call Vote:

Councilman Hack	aye	
Councilwoman Herr	aye	
Councilman Kline	aye	
Councilman Britt	aye	
Supervisor Kasprzyk	aye	Unanimous, Carried.

OLD BUSINESS

Mike Wahl – requesting a special use permit for 17 S. Main St. (the old Red & White)

RESOLUTION #65

Motion made by Councilman Hack and seconded by Councilman Britt, resolve the Town of

Holland approve the special Use permit for Mike Wahl at 17 S. Main St. for multi business/residential with conditions:

1. Parking – a parking area to accommodate twenty (20) motor vehicles will be established to the rear of the building. The surface will be dust free with gravel. In the event the area is paved, a drainage plan must be submitted to the Town for approval.
2. Apartments – there will be three (3) residential apartments located on the second floor of the building in compliance with present codes.
3. Retail – the applicant intends to develop the first floor for retail business. At the time of approval of the special use permit, no specific use had been determined. A plan for future use must be submitted to the Town for approval.

ALL AYES. CARRIED.

TOWN CLERK – notify people that the hunting fees for this next year are going to increase. Also the senior age is changing from 65 yrs. To 70 yrs.

RESOLUTION #66

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

General District Claims as set Forth in Abstract A-6	#236-278	in the amount of \$15,112.04
Highway District Claims as set Forth in Abstract DA-6	#61-74	in the amount of \$27,973.81
Water District Claims as set Forth in Abstract SW-6	#38-48	in the amount of \$7,291.63
Light District Claims as set Forth in Abstract SL-6	#6	in the amount of \$1,573.92
Garbage District Claims as set Forth in Abstract SR-6	#6	in the amount of \$20,087.54
Trust & Agency Claims as set Forth in Abstract TA-6	#30-32	in the amount of \$5,543.79
Cemetery District Claims as set Forth in Abstract CM-6	#17-20	in the amount of \$979.00

ALL AYES. CARRIED.

RESOLUTION #67

Motion made by Supervisor Kasprzyk and seconded by Councilman Hack, resolve the Town of Holland adjourn in memory of Edwin “Pickle” Miller (former owner of the Wine Cellar) at 8:42 pm. ALL AYES. CARRIED.

RESPECTFULLY SUBMITTED:
SANDRA SMITH, TOWN CLERK