

MARCH 14, 2007

The regular town board meeting was called to order by Supervisor Kasprzyk at 8:00 PM at 47 Pearl St., Holland.

Officials Present were:

COUNCILMAN GEOFFREY HACK

COUNCILWOMAN ROBERTA HERR

COUNCILMAN JAMES JOYCE

COUNCILWOMAN KAREN KLINE

Other Officials present were:

ATTORNEY RONALD BENNETT

HIGHWAY SUPERINTENDENT PAT JOYCE

TOWN ENGINEER DAVID PRATT

ZONING ENFORCEMENT OFFICER MICHAEL SLUCE

DOG CONTROL OFFICER BILL NEWELL

RESOLUTION #26

Motion made by Councilman Joyce and seconded by Councilwoman Herr, resolve the Town of Holland accept the minutes of the February 2007 meeting with the correction of the Abstract. General fund has to take out voucher #93 for NYSEG in the amount of \$1150.26. Total should read \$114,795.12. ALL AYES. CARRIED.

Kathy Konst, Erie County Legislator was present and had come early to talk to the public.

Association of Towns, NYC – the state is trying to encourage inter-municipality agreements, wherefore example where highway would share equipment etc.

Office of Real Property – Supervisor has talked with them, assessors of other towns, out assessors. His question he has asked: “ is how can he be assured that it’s in the towns best interest to go to an annual reassessment at full value?” His answer from the state and other assessors is “well it’s the best way to do it.” Other question is why aren’t all of the towns doing it and their answer is no political courage to do it. He has not gotten an answer that satisfies him. So if he had to vote today whether to continue, he would vote no at this time because he can’t prove to himself let alone to someone else. From the town standpoint it makes no difference, from school taxes and county taxes he’s not sure.

Equalization rate if we don’t go to full value will drop to 94.76.

RUSS CLOTHIER – special use permit. 239M came back from the county stating the town had to do an ag district exemption application.

CEMETERY – legally this transfer has been done.

Ralph Lowe would like the town to have the Humphrey Cemetery cleaned up by Tulip Festival time. Humphrey family is coming for a visit.

INTERNET SOLICITATIONS

RESOLUTION #27

Motion made by Councilwoman Kline and seconded by Councilman Hack

WHEREAS, many sex offenders utilize computers and the internet to anonymously communicate with children using fictitious identities in order to entice children to meet with them with the ultimate goal of engaging in sex with children, and

WHEREAS, the incidence of this illegal and immoral crime against our children has increased dramatically, and

WHEREAS, something must be done to protect our children from this type of criminal behavior, and

WHEREAS, State Assemblyman Mark Schroeder (D-Buffalo) has sponsored a bill in the State Assembly (A.12114) which would enact a new law (Article 495 – Computer Sex Crimes Against Children) to make it a separate crime to use the internet to commit a sex crime against children and to deem such crime to be subject to a more severe criminal penalty, and

WHEREAS, this board feels that this proposed legislation is worthwhile and would add an additional deterrent to sex offenders in New York State,

NOW, THEREFORE, be it,

RESOLVED, that the Town Clerk be and is hereby authorized and directed to send certified copies of this resolution to Assemblyman Mark Schroeder, Senator Dale Volker and Governor Elliot Spitzer, and also to all municipalities in Erie County

ALL AYES. CARRIED.

INSURANCE - supervisor can put out specs to re-bid for insurance.

CODE REVIEW – will set a public hearing next month.

Code publishers –first year set up and maintenance fee for putting on the website is \$1750.00. Second year and going forward there is an annual fee of \$550.00. That does include any changes to the code made throughout the year.

Councilwoman Kline is going to ask for a contract with them.

People can go on and look but can not change any wording etc.

ASSESSORS

RESOLUTION #28

Motion made by Councilman Hack and seconded by Councilwoman Kline,

WHEREAS, the Erie County Tax Act sets the assessment calendar as follows:

Valuation Day May 1

Taxable Status Day May 1

Tentative Roll Filed May 24

Grievance Day 1st Tuesday in June

Final Roll Filed July 1

AND WHEREAS, the Erie County Assessors' Association has adopted a resolution requesting the Erie County Legislature to revise the Erie County Tax Act with the following assessment calendar:

Valuation Day March 1

Taxable Status Day March 1

Tentative Roll Filed May 1

Grievance Day 4th Tuesday in May

Final Roll Filed July 1

AND WHEREAS, all but three counties in New York State utilize an assessment calendar set forth in Real Property Tax Law (State Calendar) and, the revised calendar as set forth by the Erie County Assessors Association is similar to the State Calendar, and

WHEREAS, the State Calendar has served the communities within New York State well and has had a positive effect on assessment function,

NOW, THEREFORE BE IT RESOLVED, that this Board recognized the benefits of utilizing the revised assessment calendar and supports the Erie County Assessors Associations petition to the Erie County Legislature to adopt the revised assessment calendar effective January 1, 2008

AND BE IT FURTHER RESOLVED, that the Town Clerk forward a copy of this Resolution to the Clerk of the Erie County Legislature and honorable County Legislator Kathy Konst.

ALL AYES. CARRIED.

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CONSTABLES

By laws and operating procedures from the constables. Board and Town Attorney will look over.

BUILDINGS – Councilman Hack: new microphones were ok'd and put in

Elevator – thank Jerry & Jim for working on the elevator, got the water out and had the electric fixed. Seals are leaking on the cylinder

Thank Pat and his crew for doing the snow removal on roofs etc.

PLANNING BOARD LIAISON- Councilwoman Kline: attended the meeting on March 7th

TOWN PARK & COMMUNITY CENTER- Councilman Joyce:

1998-1999 the town bought a Cummins nh250 engine for possibly using as a generator

Would like to declare this as surplus, the Town of Arcade is willing to buy it.

RESOLUTION #29

Motion made by Councilman Joyce and seconded by Councilman Hack, resolve the Town of Holland declare a Cummins NH250 engine as surplus in the fair market amount of \$3,000.00. ALL AYES. CARRIED.

RESOLUTION #30

Motion made by Councilman Joyce and seconded by Councilwoman Kline, resolve the Town of Holland sell the Cummins NH250 engine to the Town of Arcade and the money to go to account A7110.4 – parks. ALL AYES. CARRIED.

Highway Superintendent would like to declare a Cummins NAC250 engine as surplus, which was purchased in 1997-98. Was going to use in a snow-blower but after looking into it, was to cost prohibited.

RESOLUTION #31

Motion made by Councilman Joyce and seconded by Councilman Hack, resolve the Town of Holland declare NAC 250 Cummins Engine as surplus in the amount of \$2900.00. ALL AYES. CARRIED.

RESOLUTION #32

Motion made by Councilman Joyce and seconded by Councilman Hack to sell the NAC250 Cummins Engine for \$2900.00 to the Town of Arcade. ALL AYES. CARRIED.

April 7th – Worldwide service day at the park

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

HIGHWAY SUPERINTENDENT'S REPORT – Pat Joyce: report given

A lot of street lights are out and this is third request to have them fixed, some don't have numbers on the poles.

Meadow lane – NEI truck backed into light pole and caused damage to other poles. Steve's Services is checking out the wiring etc.

Would like to get prices on a new tractor for brooming with an enclosure. \$25,000.00 to \$30,000.00

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

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BOB MAKIN – DELI: asking to amend his special use permit to be able to sell swim suits(clothing)

RESOLUTION #33

Motion made by Councilman Joyce and seconded by Councilwoman Kline, resolve the town of Holland amend the special use permit to Bob Makin (Deli) for retail sales for the selling of swim suits (clothing). ALL AYES. CARRIED.

JEFFREY DENING – requesting a special use permit for a home business of musical instrument repair at 39 South Main St.

Most business will be shipped in, any customers visiting the shop will be strictly by appointment only. No need for a parking lot.

RESOLUTION #34

Motion made by Councilman Hack and seconded by Councilwoman Herr, refer the Special Use Permit to the County under 239M. ALL AYES. CARRIED.

MUNICIPAL CLERK'S WEEK – April 29 through May 5, 2007

RESOLUTION #35

WHEREAS, the office of the Municipal Clerk, a time honored and vital part of the local government exists throughout the world,

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS, the Municipal Clerk is the information center on functions of local government and community

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW THEREFORE, I, Michael Kasprzyk, Supervisor of the Town of Holland, do recognize the week of April 29 through May 5, 2007 as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Sandra Smith, and to all Municipal Clerks for their vital services they perform and their exemplary dedication to the communities they represent.

ALL AYES. CARRIED.

Councilman Hack wants to bring notice to the hazardous condition on Capitol Heights with the

Drainage condition.

RESOLUTION #36

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

Holland send a notice to the County to look into the hazardous condition west of the bridge,

Approximately from #65 to #123, on Capitol Heights Road with flooding of the road, water

running across the road. ALL AYES. CARRIED

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Councilman Hack asked about the sweeper for the highway if the town would rent one with a

Vacuum, so there wouldn't be so much dust. Highway Superintendent Joyce stated it would be

approximately \$200/hour. The town could wet while brooming to keep the dust down. Not all

towns use sand, mostly use just salt.

FARMERS MARKET

Municipal parking lot will be used, the school denied them the use at the Middle School.

No permit is needed for the signs. Have to be taken down after the closing each Sunday.

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RESOLUTION #37

Motion made by Councilwoman Kline and seconded by Councilman Joyce, resolve the
Town of

Holland refer the Holland Farmers Market Special Use Permit to the County 239M.

ALL AYES. CARRIED.

RESOLUTION #38

Motion made by Councilwoman Kline and seconded by Councilman Joyce to pay the
following vouchers:

GENERAL DISTRICT CLAIMS #107-150 in the amount of \$19,804.76

As Set Forth

In Abstract A-3

HIGHWAY DISTRICT CLAIMS #28-41 in the amount of \$18,615.93

As Set Forth

In Abstract DA-3

WATER DISTRICT CLAIMS #14-25 in the amount of \$5,353.87

As Set Forth

In Abstract SW-3

LIGHT DISTRICT CLAIMS #4 in the amount of \$1,782.08

As Set Forth

In Abstract SL-3

GARBAGE DISTRICT CLAIMS #2-24 in the amount of \$14,518.52

As Set Forth

In Abstract SR-3

TRUST & AGENCY CLAIMS #11-14 in the amount of \$4,350.38

As Set Forth

In Abstract TA-3

CEMETERY CLAIMS #1-3 in the amount of \$461.96

As Set Forth

In Abstract CM-3

ALL AYES. CARRIED.

RESOLUTION #39

Motion made by Councilman Hack and seconded by Councilwoman Herr to adjourn
the Regular

Town Board meeting at 9:17 Pm in memory of: James Mahon and Linda Smith

ALL AYES. CARRIED.

RESPECTFULLY SUBMITTED:

SANDRA SMITH

TOWN CLERK