

**TOWN OF HOLLAND
TOWN BOARD MINUTES
August 14, 2019**

PUBLIC HEARING – 8:00 p.m. – Local Law- Amendment Zoning District pending approval with no public comments the Public Hearing closed at 8:03 p.m.

REGULAR TOWN BOARD MEETING- Holland Town Supervisor Michael Kasprzyk called the Regular Town Board Meeting to order at 8:00 p.m., at the Holland Town Hall, 47 Pearl St., Holland, NY 14080. Roll Call followed.

Town Board Members Present:

Councilman Geoffrey Hack
Councilwoman Karen Kline
Supervisor Michael Kasprzyk

Other Officials Present:

Highway Superintendent Jason Simmons
Town Clerk Jill M. Zientek
Town Attorney Ronald Bennett
Zoning Enforcement Officer Michael Sluce
Bookkeeper Margaret Koss
Building Inspector Justin Quant
Town Engineer Dave Pratt
Dog Control Officer- Bill Newell

**APPROVAL OF TOWN BOARD MEETING MINUTES
RESOLUTION # 46-2019**

Motion made by Councilwoman Kline and seconded by Councilman Hack to approve the July 2019 Regular Board meeting minutes

3 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

SUPERVISOR'S REPORT

- A. Marty McMann spoke on behalf of "Bread Of Life" organization and requested budget funding for 2020
- B. Code Revisions- Supervisor will meet with Zoning Enforcer and Town Prosecutor regarding zoning violations
- C. Discussed possible budget funding for 2020 for "Welcome to Holland" signs
- D. Deferred Compensation offered for Town employees

RESOLUTION # 47-2019

Motion made by Councilman Hack and seconded by Councilwoman Kline to adopt the State of New York Deferred Compensation Plan.

Resolution

Town of Holland

Adoption of the State of New York Deferred Compensation Plan

Whereas, the Town of Holland wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Jurisdictions(the "Plan") for the voluntary participation of all eligible employees; and

Whereas, the Town of Holland is a local public employer eligible to adopt the Plan pursuant to section 5 of the State Finance Law;* and

Whereas, the Town of Holland has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and section 5 of the State Finance Law of the State of New York; and

Whereas, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Holland by providing eligible employees with a convenient and tax favored method of saving on a regular and long-term basis and thereby provide for their retirement; NOW, THEREFORE, it is hereby:

RESOLVED, that the Town of Holland hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of Holland are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

3 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

- E. LED Street Light are complete with the exception of 22 lights that are backordered
- F. Household Hazardous Waste and Electronic Drop off scheduled for September 14th with the Town of Colden.
- G. 255 Vermont Street and two parcels on Edgewood Drive will enter into the Land Bank for possible bidding and town ownership
- H. Music in the Park for 2019 was deemed a success and plans will be made to host more in 2020
- I. Zombie Properties- WNY Law Centers

RESOLUTION #48-2019

Motion made by Councilman Hack and seconded by Councilwoman Kline to adopt the Zombie Property and WNY Law Center memorandum of Understanding.

THIS MEMORANDUM OF UNDERSTANDING ("MOU"), dated as of August 14, 2019, sets forth certain nonbinding understandings between the Western New York Law Center, Inc. ("**Law Center**"), with offices at 37 Franklin Street, 2nd Floor. Buffalo, NY 14202 and Town of Holland ("**Municipality**"). This MOU relates to the Erie County Clerk's ZOMBIES Initiative activity for the period June 1, 2019 through May 30, 2020.

1. MOU Subject to Definitive Agreement. This MOU is for discussion purposes only, and is not intended to constitute a legally binding or enforceable agreement or commitment on either Party, except for Section 3 which shall be binding on the Parties in accordance with its terms.

2. Nonbinding Understandings. This Section 2 sets forth the nonbinding understandings of the Parties. The Law Center has received a grant from The Erie County Clerk's Office to support an attorney and paralegal in providing resources to Erie County municipalities and communities facing zombie foreclosures. The Law Center will provide services to municipalities based on awarding of Zombie 2.0 grants. Municipalities awarded Zombie 2.0 grants are eligible for the following services: foreclosure prevention outreach events, community presentations about identifying and reporting zombie properties, collection of zombie property complaints, and general advice regarding zombie properties. Municipalities not awarded Zombie 2.0 grants are eligible for the above services as well as the following: tracking and researching zombie properties, training Municipal staff on zombie laws, counsel and advice regarding zombie foreclosures, helping to develop a Municipal strategy to address and prevent zombie properties, and representing municipalities in enforcement of zombie laws. In return for the above services, Municipality is encouraged to participate in Erie County Zombie Foreclosure Task Force Meetings, which are held quarterly at the Erie County Clerk's Office.

Law Center representation will be determined on a case-by-case basis and would require signing a retainer or letter of engagement. Specifically, the retainer would authorize the Law Center to engage in settlement negotiations with banks or other financial institutions responsible for zombie properties, and, if necessary, to file an action pursuant to RP APL § 1308 on behalf of Municipality. Services provided under the retainer would be free but Municipality would need to pay associated court filing fees.

3. Binding Agreements. This Section 3 shall constitute a legally binding and enforceable agreement between the Parties. The Parties agree as follows:

(a) Confidentiality. If a retainer has not been signed by the Parties, there is no attorney-client relationship and attorney-client privilege does not apply. However, neither Party shall knowingly disclose any private confidences or secrets provided from one to the other except as required in and by the terms of this MOU. Each party shall use specialcare when communicating via electronic mail or by cellular telephone because such methods of communication are not always secure.

- (b) Conflicts of Interest. It is possible that in the future, the Law Center or Municipality may engage in representation or business that is adverse to the other Party. Because this MOU does not create an attorney-client relationship, neither Party shall be required to waive such conflict.
- (c) Expenses. Unless authorized in a separate agreement, neither Party shall be responsible for fees or expenses incurred by the other Party.
- (d) Governing Law. This MOU shall be governed by and construed in accordance with the internal laws of the state of New York, without giving effect to any choice or conflict of law provision or rule (whether of the state of New York or any other jurisdiction) that would cause the application of laws of any jurisdiction other than those of the state of New York.
- (e) No Third-Party Beneficiaries. Nothing herein is intended or shall be construed to confer upon any person or entity other than the Parties and their successors or assigns, any rights or remedies under or by reason of this MOU.
- (f) No Assignment. Neither this MOU, nor any rights or obligations hereunder may be assigned, delegated or conveyed by either Party without the prior written consent of the other Party.
- (g) Counterparts. This MOU may be executed in counterparts, each of which shall be deemed to be an original, **but** all of which together shall constitute one agreement.

3 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

- J. Crosby Reid Petroleum rebuild is underway. The building has been demolished and they are reconstructing.
- K. Vermont Street Annex- Jason Simmons, Highway Superintendent and Supervisor Michael Kasprzyk are in discussions with Erie County to possibly acquire ownership of the lower portion of Vermont Street.
- L. Security Cameras

RESOLUTION # 49-2019

Motioned by Councilman Hack and seconded by Councilwoman Kline to accept the lower of the two bids received to install additional cameras at the Park, Highway Building and Water Buildings.

3 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

M. Budget Amendments

RESOLUTION # 50-2019

Motion made by Councilman Hack, Second by Councilwoman Kline to approve the following budget amendments.

BUDGET MODIFICATIONS

GENERAL FUND

| | | |
|---------------|------------------------------|------------|
| From: A1990.4 | Contingent Account | \$4,616.27 |
| To: A1910.4 | Unallocated Insurance | \$1,143.89 |
| A3989.4 | Public Safety- House signs | \$762.74 |
| A8510.4 | Beautification | \$2,709.64 |
| | to cover additional expenses | |

HIGHWAY FUND

| | | |
|--------------|---------------------------|-------------|
| From: DA599 | Unexpended Fund Balance | \$27,405.00 |
| To: DA5130.2 | Machinery- Equipment | \$27,405.00 |
| | to purchase sweeper truck | |

WATER FUND

| | | |
|----------------|-------------------|------------|
| From: SW8320.4 | Power and Pumping | \$1,806.03 |
|----------------|-------------------|------------|

To: SW8340.4 Transmission & Distribution \$1,806.03
to cover additional expenses

3 AYE/ 0 NAY/ 0 ABSTAIN
MOTION CARRIED

COMMITTEE REPORTS

Buildings- Councilman Kolacki

Planning Board- Councilwoman Kline- discussed the dangers of the intersection at Phillips Rd and Holland Glenwood Rd. Both are Erie County Roads. Highway Superintendent Jason Simmons will contact Erie County with the concerns.

Town Park and Community Center- Councilman Hack- working on cameras and a memorial for Pat Joyce.

Environmental Committee- Councilman Kolacki

Beautification Committee- Councilwoman Herr

COMMUNICATIONS

- A. Zoning Board of Appeals Minutes. 2 variances granted
- B. Planning Board Minutes
- C. Lovell Insurance Letter
- D. NEST Solid Waste Management Plan

BUILDING/ZONING OFFICER –Justin Quant. Report submitted.

ZONING ENFORCEMENT OFFICER – Michael Sluce. Report submitted.

DOG CONTROL OFFICER – William Newell. Report submitted.

GRANT WRITER – Jill Zientek- Currently applying for two different Water Quality grants. Received a denial from Market New York.

HIGHWAY SUPERINTENDENT AND FACILITIES- Jason Simmons. Report Submitted.

NEW BUSINESS-

- A. ADOPTION OF LOCAL LAW 2-2019 ZONING AMENDMENT

RESOLUTION #51-2019

Motion made by Councilman Hack and seconded by Councilwoman Kline to adopt the following local law.

RESOLUTION TO ADOPT LOCAL LAW INTRO. NO. 2-2019

WHEREAS, Local Law Intro. No. 2-2019 has been submitted to the Town Board that identifies “Amendment to Zoning Districts”, and

WHEREAS, the Local Law amends Section 120-5 of the Zoning Map with regard to Zoning Districts of the Codes of the Town of Holland, and

WHEREAS, Local Law would delete the present Section 120-5 of the Zoning Map of the Code of the Town of Holland and replace it with the Local Law Intro. No. 2- 2019,

NOW, THEREFORE, be it

RESOLVED, Local Law No. 2-2019 is hereby adopted amending Section 120-5of the Zoning Map of the Code of the Town of Holland and shall become effective upon filing of the Local Law with the New York Secretary of State, and be it further

RESOLVED, the Town Clerk is directed to file a copy of the Local Law with the New York State Department of State and forward a copy of the Local Law to General Code Publishers for the purpose of amending the Code Book of the Town of Holland.

Duly adopted this 14th day of August, 2019 by the following vote

Roll Call Vote:

Councilwoman Herr- absent
 Councilman Hack- aye
 Councilman Kolacki- absent
 Councilwoman Kline- aye
 Supervisor Kasprzyk- aye

MOTION CARRIED.

- B. Special Use Permit- 7538 Olean Rd. S & S Site Development- Jason Schoenthal would like to operate a Site Development company and erect a pole barn/office on the site. Referred to the Planning Board for further proceedings.

OLD BUSINESS-

- A. R & S Development- no update
 B. Hunter's Creek Road Mobile Home Park conditions- Zoning Enforcer Sluce reported they are making progress with the violations
 C. Crosby's/Reid Petroleum- rebuilding is underway

TOWN ATTORNEY – Ronald Bennett

TOWN CLERK – Jill M. Zientek

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

| | |
|---|-------------------------------|
| | <u>Abstract 8</u> |
| General District Claims as set Forth in Abstract A-8 | in the amount of \$85,724.56 |
| Highway District Claims As set Forth in Abstract DA-8 | in the amount of \$106,302.56 |
| Water District Claims as set Forth in Abstract SW-8 | in the amount of \$12,709.58 |
| Light Fund Claims as set Forth in Abstract SL-8 | in the amount of \$1,589.30 |
| Garbage District Claims as set Forth in Abstract SR-8 | in the amount of \$24,203.10 |
| Trust and Agency Claims as set Forth in Abstract TA-8 | in the amount of \$7,942.57 |

RESOLUTION # 52-2019

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

3 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED

COMMENTS FROM THE PUBLIC-

No comments

ADJOURNMENT –Supervisor Kasprzyk adjourned the Regular Town Board Meeting at 8:45p.m.

RESPECTFULLY SUBMITTED,

Jill M. Zientek

Holland Town Clerk