

**TOWN OF HOLLAND
TOWN BOARD MINUTES
August 12, 2020**

REGULAR TOWN BOARD MEETING- Holland Town Supervisor Michael Kasprzyk called the Regular Town Board Meeting to order at 8:00 p.m., open to the public and practicing safe social distancing amid the Covid 19 virus crisis at the Holland Town Hall, 47 Pearl St., Holland, NY 14080. Roll Call followed.

Town Board Members Present:

Councilwoman Roberta Herr
Councilman William Kolacki
Councilwoman Karen Kline
Councilman Geoff Hack
Supervisor Michael Kasprzyk

Other Officials Present:

Town Clerk Jill M. Zientek
Highway Superintendent Jason Simmons
Town Attorney Ronald Bennett
Town Engineer David Pratt
Code Enforcer Michael Sluce
Bookkeeper Peg Koss
Zoning Board of Appeals Chairman William O'Dell
Planning Board Chairman Marty Regan

APPROVAL OF TOWN BOARD MEETING MINUTES

RESOLUTION # 53-2020

Motion made by Councilman Hack and seconded by Councilwoman Kline to approve the July 8, 2020 Regular Meeting minutes and August 4, 2020 Special Meeting

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

Public Comments

John Serra- 17 Cherrywood Ridge spoke in opposition of the Special Use Permit application for 15 Cherrywood Ridge for the allowance of chickens. He stated the town code clearly states no roosters are allowed. The applicant has two roosters. He further stated the coop is placed in the applicant's front yard, which is also against town code. He stated their quality of life has been negatively affected and sleep interrupted by the roosters crowing all hours of the day and night.

Nicole Serra- 17 Cherrywood Ridge reiterated the same complaints as the previous speaker and asked the Town Board to value human life over poultry and rule against the roosters. She has requested the planning board give her more specifics on allowed sizes and placements of chicken coops.

Judith Arcara Baxter- 15 Cherrywood Ridge is the Special Use Permit applicant and expressed that the roosters are her pets and she would like to keep them.

SUPERVISOR'S REPORT

A. Cyber Security Citizen Notification Policy-

RESOLUTION # 54-2020

Councilman Hack motioned to adopt the Cyber Security Citizen Notification Policy.
Seconded by Councilman Kolacki.

CYBER SECURITY CITIZEN NOTIFICATION POLICY

1. Compliance with state law.

This policy is consistent with the State Technology Law, § 208. Section 208 requires all local governmental entities to notify an individual when there has been, or is reasonably believed to have been, a compromise of the individual's private information, in compliance with the Information Security Breach and Notification Act and this policy.

2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMPROMISE OF PRIVATE INFORMATION. The unauthorized acquisition of unencrypted computerized data with private information.

PRIVATE INFORMATION.

A. Personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

- (1) Social Security Number;
- (2) Driver's license number or non-driver identification card number; or
- (3) Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

BREACH OF THE SECURITY OF THE SYSTEM shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the Town of Holland. Good faith acquisition of personal information by an employee or agent of the Town for the purposes of the Town is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the Town may consider the following factors, among others:

- (1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- (2) indications that the information has been downloaded or copied; or

(3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

TOWN, shall mean the Town of Holland.

CONSUMER REPORTING AGENCY shall mean any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies has been compiled by the State Attorney General and is available upon request to Towns required to make a notification under subdivision two of this section.

3. Unencrypted data.

If encrypted data is compromised along with the corresponding encryption key, the data shall be considered unencrypted and thus fall under the notification requirements.

4. Notification of compromise of private information.

If the Town owns or licenses computerized data that includes private information it shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the system to any resident of the State of New York whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, section 5 herein, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

If the Town maintains computerized data that includes private information which it does not own shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The Town, after consulting with the state Office of Cyber Security and Critical Infrastructure Coordination to determine the scope of the breach and restoration measures, shall notify an individual when it has been determined that there has been, or is reasonably believed to have been, a compromise of private information through unauthorized disclosure.

5. Delay of notification possible in criminal investigations.

Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.

6. Methods for notification.

The Town will notify the affected individual. Such notice shall be directly provided to the affected persons by one of the following methods:

A. Written notice;

B. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the Town who notifies affected persons in such form; but that in no case shall any person or business require a person to consent to accepting said notice in said form as a condition of establishing any business relationship or engaging in any transaction;

C. Telephone notification, provided that a log of each such notification is kept by the Town which notifies affected persons; or

D. Substitute notice, if the Town demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 5,000, or the Town does not have sufficient contact information, substitute notice shall consist of all of the following:

- (1) E-mail notice when the Town has an e-mail address for the subject persons;
- (2) Conspicuous posting of the notice on the Town's web site page, if the Town maintains one; and
- (3) Notification to major state-wide media.

7. Contents of notice.

Regardless of the method by which notice is provided, such notice shall include contact information for the Town making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are, reasonably believed to have been so acquired.

8. Notification to State and consumer reporting agencies.

In the event that any New York residents are to be notified, the Town shall notify the State Attorney General, the Consumer Protection Board and the State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.

9. Notification of more than 5,000 residents.

When more than 5,000 New York residents are to be notified at one time, then the Town shall notify the consumer reporting agencies, as that term is defined in the State Technologies Law § 208, as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the

individuals.

**RESOLUTION TO ADOPT CYBER SECURITY
CITIZEN NOTIFICATION POLICY**

WHEREAS, Section 208 of the State Technology Law requires all Towns to adopt a Cyber Security Citizen Notification Policy, and

WHEREAS, the Town has under consideration the adoption of the proposed Cyber Security Citizen Notification Policy, a copy of which is annexed hereto, and

WHEREAS, the terms and provisions of the proposed Cyber Security Citizen Notification Policy have been carefully reviewed by the Town and have been found to comply with the terms and requirements for such adoption.

NOW, THEREFORE, be it

RESOLVED, the Town does hereby adopt the Cyber Security Citizen Notification Policy, and be it further

RESOLVED, that the Town Clerk is directed to permanently file the Resolution and the Policy as adopted.

Duly adopted this 12th day of August, 2020.

5 AYE/ 0 NAY/ 0 ABSTAIN
MOTION CARRIED.

**B. New York State Records Management- Adoption of new LGS-
RESOLUTION # 55-2020**

RESOLVED, By the Town Board of the Town of Holland, that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a)only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

(b)only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Motioned by Councilwoman Herr and seconded by Councilwoman Kline.

5 AYE/ 0 NAY/ 0 ABSTAIN
MOTION CARRIED.

C. Franchise Agreement- Spectrum Cable

RESOLUTION # 56-2020

Councilman Hack motions to accept the proposed franchise agreement with Spectrum Cable. Seconded by Councilwoman Kline.

5 AYE/ 0 NAY/ 0 ABSTAIN
MOTION CARRIED.

D. Feedmore WNY has suspended food distribution due to a decline in participants

E. Rural Transit will provide medical needs transportation only

F. Holland Justice court has reopened on a limited basis.

G. Erie County Legislator Joe Lorigo visited Holland and surrounding areas to assess the condition of Erie County roads. He promised he would do what he could to see improvements.

H. Edgewood Drive landfill report- John Hilton-Geologist- Has found nothing significant in the study and feels it is safe for a possible salt shed for the highway department. The property has been monitored for over 30 years.

I. Landbank- Hillcrest Drive (2) parcels

RESOLUTION # 57-2020

**A RESOLUTION
SUBMITTED BY THE
TOWN BOARD OF THE
TOWN OF HOLLAND**

WHEREAS, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned, and tax-delinquent properties, New York State passed the Land Bank Act, as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any Foreclosing Governmental Unit (FGU) to create a land bank to strategically acquire, improve, assemble and sell these properties; and

WHEREAS, under this law, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an intermunicipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna and Tonawanda; and

WHEREAS, county-wide land banks have proven highly successful in Michigan, Ohio and other regions experiencing growing numbers of problem properties by supporting municipal and regional revitalization efforts by strategically acquiring, improving,

assembling and selling these properties; and

WHEREAS, BENLIC (the land bank) seeks to work collaboratively with the cities, towns and villages within Erie County to address the growing problem of distressed, vacant, abandoned and tax-delinquent properties; and

WHEREAS, the Town of Holland, Erie County, has recognized the need to address the growing issues of distressed, vacant, abandoned and tax-delinquent properties and is desirous of partnering with BENLIC to address this problem.

NOW, THEREFORE, BE IT,

RESOLVED, that the Town of Holland hereby officially requests that BENLIC acquire the following properties with annexed information:

1. Hillcrest Road, SBL # 246.16-1-8.1
2. Hillcrest Drive, SBL # 246.16-1-8.2; and be it further

RESOLVED, that the Town of Holland has completed the required Acquisition Applications for each property listed above and has attached the Acquisition Applications to this Resolution; and be it further

RESOLVED, that the Town of Holland agrees to reimburse Erie County for the costs associated with foreclosure of these properties; and be it further

RESOLVED, that the Town of Holland agrees to maintain each property selected by BENLIC during the time in which BENLIC holds title to the property including removal of motor vehicles upon BENLIC property by use of municipal emergency services (i.e. police and fire department); and be it further

RESOLVED, in the event that after a period of one year from the date of BENLIC acquisition, BENLIC is unable to dispose of vacant lots which do not contain structures and which are identified herein, BENLIC retains option to transfer to the Town of Holland, the Town of Holland agrees to accept a transfer of title of all non-disposed vacant lots which do not contain structures by quit claim deed; and be it further

RESOLVED, that certified copies of this resolution will be sent to the Executive Director of the Buffalo Erie Niagara Land Improvement Corporation; the Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the cities of Lackawanna and Tonawanda.

DULY ADOPTED, this 12th day of August 2020, by the following vote:

Supervisor Kasprzyk- Aye

Councilman Hack- Aye

Councilwoman Kline- Aye

Councilwoman Herr- Aye
Councilman Kolacki- Aye
Carried.

J. Hunter's Creek Mobile Home Park license

RESOLUTION # 58-2020

Supervisor Kasprzyk motioned to extend the Mobile Home Park license for 7207 Hunter's Creek Rd until September 9th 2020. Councilwoman Kline states she would expect to see all noted violations be rectified before the expiration date. Seconded by Councilman Hack.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

COMMITTEE REPORTS

Park- Dedication in memory of Patrick Joyce has been installed at the park. A small ceremony with Pat's family was performed.

Beautification- Councilwoman Herr has ordered tulips and will order more lights for the holiday wreaths.

COMMUNICATIONS

- A. Planning Board minutes
- B. Zoning Board of Appeals minutes- two variances granted.

BUILDING/ZONING OFFICER –Justin Quant. Report submitted.

ZONING ENFORCEMENT OFFICER – Michael Sluce. Report submitted. Court appearances will be issued once Courts open back up from the Covid 19 shut down.

DOG CONTROL OFFICER – William Newell. Report submitted.

GRANT WRITER – Jill Zientek

HIGHWAY SUPERINTENDENT AND FACILITIES- Jason Simmons. Report Submitted. The water filtration system is underway. A revision to plan has saved the Water District \$20,000 in expenses.

NEW BUSINESS

RESOLUTION #59- 2020

Special Use Permit- 302 North Main Street- Chickens for personal use- Shannon Marshall referred to the Planning Board
Motion by Councilwoman Kline and seconded by Councilwoman Herr.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

OLD BUSINESS-

Special Use Permit

13790 Sanders Hill Rd- Devin Whiteman- Welding shop

RESOLUTION #60-2020

Motion made by Councilman Kolacki to approve a Special Use Permit for 13790 Sanders Hill Rd to operate a welding business with the outlined conditions. Seconded by Councilman Hack
5 AYE/ 0 NAY/ 0 ABSTAIN
MOTION CARRIED

Special Use Permit

13939 Whitney Rd- Cara Czechowski- Chiropractic office

RESOLUTION #61-2020

Motion made by Councilman Kolacki to approve a Special Use Permit for 13939 Whitney Rd to operate a chiropractic business with the outlined conditions. Seconded by Councilwoman Kline.
5 AYE/ 0 NAY/ 0 ABSTAIN
MOTION CARRIED

RESOLUTION #62-2020

RESOLUTION OF SEQRA FOR R&S PROPERTY DEVELOPMENT , LLC

WHEREAS, R&S Property Development LLC has applied for a Special Use Permit for a project located on Olean Road in the Town of Holland; and

WHEREAS, R&S Property Development LLC has submitted Part 1 of a Full Environmental Assessment Form as part of an Application for approval of a Special Use Permit prepared by Jason Utzig of C&S Engineering, Inc.; and

WHEREAS, Part 2 of the Environmental Assessment Form has been prepared by David Pratt, CPI, as Engineer to the Town designating the inventory of all potential resources that could be affected by the proposed action; and

WHEREAS , the impact upon transportation considering the traffic increase of the proposed uses of the project and its effect upon access to has been determined to affect a moderate to large impact on overall transportation; and

WHEREAS, the concern of the transportation impact required additional information with a Traffic Study including both the generic study of traffic on Route 16 and one Traffic Study for the proposed uses within the project; and

WHEREAS, Part 3 the evaluation of the magnitude and importance of project impacts requires further submission in regard to the impact on transportation.

WHEREAS, the New York State Department of Transportation and the implementation of access management principles of a concern in regard to minimizing the number of driveways along the highway.

NOW, THEREFORE, BE IT,

RESOLVED, that the evaluation of the magnitude and importance of the project has Negative Declarations except for the impact on transportation; and be it further

RESOLVED, that the applicant has provided additional information including the impact on transportation and the proposed uses; and be it further

RESOLVED, that the balance of the submission of the proposed project other than transportation has no or small impact and the project resulting in a preliminary finding of negative impacts; and be it further

RESOLVED, that a certified copy of this Resolution be submitted to the applicant of the project.

DULY ADOPTED, this 12TH day of August, 2020, by the following vote:

- Supervisor Kasprzyk-AYE
- Councilwoman Kline-AYE
- Councilwoman Herr-AYE
- Councilman Hack-AYE
- Councilman Kolacki-AYE

Special Use Permit

7238 Olean Rd- R&S Development-Phase 2 and Phase 3 Development Project

RESOLUTION #63-2020

Motion made by Supervisor Kasprzyk to approve a Special Use Permit for 7238 Olean Rd to construct Phase 2 and Phase 3 of the Development Project with the outlined conditions.

Seconded by Councilman Hack.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

TOWN ATTORNEY – Ronald Bennett

TOWN CLERK – Jill M. Zientek

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

Abstract 8

General District Claims	in the amount of \$18,435.23
as set	
forth in Abstract A-8	

Highway District Claims	in the amount of \$87,097.65
as set	
forth in Abstract DA-8	

Water District Claims	in the amount of \$60,473.83
as set	
forth in Abstract SW-8	

