

**TOWN OF HOLLAND
TOWN BOARD MINUTES
December 11, 2019**

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 Roberta Herr
Councilman William Kolacki
Councilwoman Karen Kline
Supervisor Michael Kasprzyk

Other Officials Present:

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

APPROVAL OF TOWN BOARD MEETING MINUTES

RESOLUTION # 82-2019

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

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

SUPERVISOR'S REPORT

A. Organizational Meeting 2020

RESOLUTION # 83-2019

Motion by Councilwoman Kline to set the Organizational Meeting 2020 for January 8, 2020 at 8:00pm. Seconded by Councilman Hack.

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED

B. Extend Licensing and Appointments

RESOLUTION # 84-2019

Motion by Supervisor Kasprzyk to extend the licensing of Junkyards and Mobile Home Parks and all Appointments until the Organizational Meeting on January 8, 2020. Seconded by Councilman Hack.

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED

C. Water Rates 2020

RESOLUTION # 85-2019

Motion by Councilwoman Kline to approve the proposed water rates for 2020. Seconded by Councilman Hack.

Account Set Up Fee: \$30.00

Shut Off Fee: \$30.00
 Minimum for first 5,000 gallons: Zone #1 - \$26.33
 Then \$4.31 per thousand
 Zone #2 - \$28.50
 Then \$4.80 per thousand

FLAT RATES – 4%

CAPITAL PROJECT

Residential \$25.52 per quarter

Commercial. Institutional with less than 20 sanitary water closets - \$51.16

Commercial. Institutional with more than 20 sanitary water closets - \$134.40

Tapping Fee \$2000.00 for ¾”

\$2200.00 for 1”

\$2300.00 minimum for larger than 1” plus time and material

Relevy Fee: \$100.00

Late fee interest rate: 10%

Non-Compliance Fee (no return of meter cards): \$150 (enacted by TB January 2017)

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED

D. Budget Amendments

RESOLUTION # 86-2019

Motion made by Councilman Kolacki and seconded by Councilwoman Kline to approve the following budget amendments.

GENERAL FUND

From: A1990.4	Contingent Account	\$3,579.93
To: A3989.4	Other Public Safety	\$1,137.56
A1620.411	Utilities	\$700.51
A1620.413	Cleaning/Cleaning Supplies	\$522.49
A7110.4	Parks- Contractual	\$1,165.41
A8510.4	Beautification- Contractual	\$53.96
	to cover expenditures	

HIGHWAY FUND

From: DA5142.1	Snow Removal- Personal Services	\$2,622.81
To: DA5110.1	General Repairs- Personal Services	\$2,622.81
	to cover expenditures	

WATER FUND

From: SW599	Unexpended Fund Balance	\$41,045.07
To: SW960	Appropriations	
SW8310.2	Water Administration- Capital Outlay	\$13,270.89
SW8310.23	Water Administration- Special Project	\$27,774.18
	for the new meter project and replacing pump	

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED

E. Authorize the spending of Highway fund

RESOLUTION #87-2019

Councilman Hack moves to authorize the spending of highway funds for 2020 in the amount of \$384,302.00 for road repairs. Seconded by Councilman Kolacki.

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED

F. Association of Towns Delegate

RESOLUTION # 88-2019

Motion made by Councilman Hack, Second by Councilman Kolacki to authorize Supervisor Kasprzyk to vote as the Town of Holland's vote for the Annual Meeting of the Association of Towns in February 2020.

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED

COMMITTEE REPORTS

Buildings- Councilman Kolacki

Planning Board- Councilwoman Kline

Town Park and Community Center- Councilman Hack

Environmental Committee- Councilman Kolacki

Beautification Committee- Councilwoman Herr

COMMUNICATIONS

A. Erie County Shared Services Plan

B. Planning Board Minutes

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

HIGHWAY SUPERINTENDENT AND FACILITIES- Jason Simmons. Report Submitted.

NEW BUSINESS-

A. Canada Street Resident James Duska spoke on his concerns for more school zone signage and more patrolling for drivers failing to stop at the stop sign at Garfield Street and Canada Street intersection.

B. Legislation to halt new Criminal Justice Reform (Bail and Discovery Reform)

RESOLUTION #89-2019

WHEREAS, protecting the people from harm by enforcing the rule of law is the foundational role of government.

County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly and children. No group is more vulnerable than the victims of crime, and a just society

demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect;

WHEREAS, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and

WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families. These crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

WHEREAS, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community. They also include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

WHEREAS, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals and Aggravated Cruelty to Animals, Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and also include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting. Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

WHEREAS, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

WHEREAS, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and

WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020,

BE IT RESOLVED, that the Town of Holland hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019.

Motioned by Councilman Kolacki and seconded by Councilman Hack.

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED

OLD BUSINESS-

RESOLUTION #89-2019

A. Special Use Permit- Adam Blasdell 9938 Savage Rd, Small engine repair shop.

Councilwoman Kline motions to approve a Special Use Permit for a small engine repair shop with the special conditions listed by the Planning Board. Seconded by Councilman Kolacki.

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED

TOWN ATTORNEY – Ronald Bennett

TOWN CLERK – Jill M. Zientek

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

Abstract 12

General District Claims in the amount of \$60,475.85
 as set

Forth in Abstract A-12

Highway District Claims in the amount of \$48,320.80
 As set

Forth in Abstract DA-12

Water District Claims in the amount of \$10,293.28
Forth in Abstract SW-12

Light Fund Claims in the amount of \$0
 as set

Forth in Abstract SL-12

Garbage District Claims in the amount of \$23,896.95
 as set

Forth in Abstract SR-12

Trust and Agency Claims in the amount of \$9,349.37
 as set

Forth in Abstract TA-12

RESOLUTION # 90-2019

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

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED

COMMENTS FROM THE PUBLIC-

No comments

ADJOURNMENT –Supervisor Kasprzyk adjourned the Regular Town Board Meeting at 8:38p.m. in honor of Jean Strong and Alan Claus.

RESPECTFULLY SUBMITTED,

Jill M. Zientek

Holland Town Clerk