

**TOWN OF HOLLAND  
TOWN BOARD MINUTES  
March 9, 2022**

**REGULAR TOWN BOARD MEETING-** Holland Supervisor Geoffrey Hack called the Regular Town Board Meeting to order at 7:00 p.m., open to the public at the Holland Town Hall, 47 Pearl St., Holland, NY 14080. Roll Call followed.

Town Board Members Present:

Councilman Dan Lotito  
Councilman Bill Kolacki  
Councilwoman Laura Pfister  
Councilwoman Karen Kline  
Supervisor Geoffrey Hack

Other Officials Present:

Town Clerk Jill Dix  
Attorney Ronald Bennett  
Highway Superintendent Jason Simmons  
Town Engineer Dave Pratt  
Bookkeeper Peg Koss  
Zoning Officer Mike Sluce  
Planning Board Chairman Marty Regan  
Dog Control Officer Bill Newell

**APPROVAL OF TOWN BOARD MEETING MINUTES**

**RESOLUTION # 37-2022**

Motion made by Councilwoman Kline and seconded by Councilman Kolacki to approve the February 2022 Town Board Minutes.

5 AYE/ 0 NAY/ 0 ABSTAIN  
MOTION CARRIED.

**SUPERVISOR'S REPORT**

A. Senate Bill S7602

**RESOLUTION #38-2022**

Councilman Kolacki moved to adopt the following resolution: seconded by Councilwoman Pfister

**Whereas**, the Holland Town Board acknowledges the importance of parents and donor-conceived persons knowing the medical, educational and criminal felony conviction history of individuals who have donated reproductive tissue to a reproductive tissue bank for the purposes of an artificial insemination or assisted reproductive technology procedure and disseminating this history information to a recipient and donor-conceived person upon request upon request, if any; and,

**Whereas**, the Holland Town Board further acknowledges knowing the medical, educational and criminal felony conviction history of a donor will provide recipients with the necessary

information to make informed decisions regarding the process of artificial insemination or assisted reproductive technology procedure and for donor conceived persons to obtain essential medical information, which may reveal any genetic or mental health disorders; and,

**Whereas**, the Holland Town Board finds that reproductive tissue banks, including semen banks, oocyte donation programs and embryo banks have a duty to collect and verify medical, educational and criminal felony conviction history information provided by donors on donors self-reported medical, educational and criminal felony conviction histories and during the donor screening processes and to keep detailed records of such for use by recipients and donor-conceived persons, if any, prior to a procedure and in the future,

**Therefore, be it resolved**, the Holland Town Board fully supports the passage of NYS Senate Bill S7602, sponsored by Senator Patrick M. Gallivan, and supports further efforts to insure both parents and donor conceived persons have access to verified medical, educational, and criminal felony conviction histories for all donors.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

B. Interactive Zoning Map- General Code Publishers

**RESOLUTION #39-2022**

Motion made by Councilwoman Kline and seconded by Councilman Lotito to approve the purchase and annual maintenance from General Code Publishers for an online interactive zoning map. \$4,995 purchase price and \$1,495 annual maintenance.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

C. Adoption of the NYS Updated Model- Freedom of Information

**RESOLUTION #40-2022**

Motion made by Councilman Lotito and seconded by Councilman Kolacki to adopt the updated NYS Model- Freedom of Information guidelines.

Section 1 Purpose and scope:

The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.

These regulations provide information concerning the procedures by which records may be obtained.

Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.

Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Section 2 Designation of records access officer:

Town of Holland is responsible for insuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):

Jill Dix, Town Clerk

47 Pearl Street

PO Box 36

Holland, NY 14080

[jdix@townofhollandny.com](mailto:jdix@townofhollandny.com)

The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officer shall insure that agency personnel:

Maintain an up-to-date subject matter list.

Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.

Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.

Upon locating the records, take one of the following actions:

Make records available for inspection; or,

Deny access to the records in whole or in part and explain in writing the reasons therefor.

Upon request for copies of records:

Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,

Permit the requester to copy those records.

Upon request, certify that a record is a true copy; and

Upon failure to locate records, certify that;

Town of Holland is not the custodian for such records, or

The records of which Town of Holland is a custodian cannot be found after diligent search.

Section 3 Location:

Records shall be available for public inspection and copying at:

Jill Dix, Town Clerk

47 Pearl Street

PO Box 36

Holland, NY 14080

[jdix@townofhollandny.com](mailto:jdix@townofhollandny.com)

Section 4 Hours for public inspection:

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

Section 5 Requests for public access to records:

A written request may be required, but oral requests may be accepted when records are readily available.

If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

A response shall be given within five business days of receipt of a request by:

informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;

granting or denying access to records in whole or in part;

acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the

circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;

acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;

furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;

fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;

determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;

does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or

responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 6 Subject matter list:

The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.

The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

Section 7 Denial of access to records:

Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, [who or which] shall be identified by name, title, business address and business phone number.

If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.

The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Geoffrey W. Hack

47 Pearl Street

PO Box 36

Holland, NY 14080

[ghack@townofhollandny.com](mailto:ghack@townofhollandny.com)

Any person denied access to records may appeal within thirty days of a denial.

The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

the date and location of requests for records;

a description, to the extent possible, of the records that were denied; and

the name and return address of the person denied access.

A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government

Department of State

One Commerce Plaza

99 Washington Avenue, Suite 650

Albany, NY 12231

The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

Section 8 Fees:

There shall be no fee charged for:

inspection of records;

search for records; or

any certification pursuant to this part.

Copies may be provided without charging a fee.

Fees for copies may be charged, provided that:

the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9

by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 25 cents for such copies;

the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or

an agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:

an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and

the actual cost of the storage devices or media provided to the person making the request in complying with such request; or

the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph (d)(1) and (2) above.

An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

An agency may waive a fee in whole or in part when making copies of records available.

Section 9 Public notice:

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Section 10 Severability:

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

**PUBLIC NOTICE**

**YOU HAVE A RIGHT TO SEE PUBLIC RECORDS**

The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records.

The Town of Holland has adopted regulations governing when, where, and how you can see public records.

The regulations can be seen at all places where records are kept. According to these regulations, records can be seen and copied at:

Jill Dix, Town Clerk

47 Pearl Street

PO Box 36

Holland, NY 14080

[jdix@townofhollandny.com](mailto:jdix@townofhollandny.com)

The following officials will help you to exercise your right to access:

Agency officials who have in the past been authorized to make records available

Records Access Officer(s)

Jill Dix, Town Clerk

47 Pearl Street

PO Box 36

Holland, NY 14080

[jdix@townofhollandny.com](mailto:jdix@townofhollandny.com)

If you are denied access to a record, you may appeal to the following person(s) or body:

Geoffrey W Hack, Supervisor

47 Pearl Street

PO Box 36

Holland, NY 14080

[ghack@townofhollandny.com](mailto:ghack@townofhollandny.com)

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED.

- D. Canada Street residents- Snowmobile complaints- Residents neglected to attend the meeting.

**RESOLUTION #41-2022**

Motion by Councilwoman Kline to table discussion with Canada Street residents regarding snowmobiles. Seconded by Councilwoman Pfister.

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED.

- E. Vermont Street project update- still in designing phase

- F. 2021 Fiscal Year Audit is complete and available for review in the Town Clerk's office during normal business hours.

**COMMITTEE REPORTS**

**Buildings-** Councilman Kolacki – Town Hall fire alarm system

**RESOLUTION #42-2022**

Motion by Councilman Kolacki to purchase an update to the existing fire alarm system at the Town Hall with Amherst Alarm. Seconded by Councilman Lotito.

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED.

**Planning Board-** Councilwoman Kline- Planning Board met with Camper Resort Inc, Mountain Meadows

**Environmental Committee-** Councilman Lotito advised the public there is a hardship application with NYS to allow for the use of left-over Styrofoam in restaurants.

**Beautification-** Councilwoman Pfister has all the bands booked for Music in the Park and has the spring flowers on order.

**COMMUNICATIONS**

A. Planning Board minutes

B. Charter Communications- rate increase

C. NYS DOT- Olean Road- East Aurora/Wales- Rt 400/Olean Rd project notification

**BUILDING/ZONING OFFICER** –Justin Quant. Report submitted.

**ZONING ENFORCEMENT OFFICER** – Michael Sluce. Report submitted.

**DOG CONTROL OFFICER** – William Newell. Report submitted.

**GRANT WRITER** – Jill Dix

**HIGHWAY SUPERINTENDENT AND FACILITIES**- Jason Simmons. Report Submitted.

A. Legion Drive well samples showed no iron. We are awaiting Certificate of Compliances and Inspections from Erie County and New York State.

B. Water School- May 23-25, 2022

**RESOLUTION #43-2022**

Motion by Councilman Kolacki to allow Jason Simmons to attend water school in Verona, NY in May 2022. Seconded by Councilwoman Pfister

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED.

C. Still working on new truck specifications

D. Provided information on European Cherry Fruit Fly and Box Tree Moth. USDA has notified the Town of Holland they will be doing studies this year.

**NEW BUSINESS**

A. **Special Use Permit Request- 132 S Main St- S&N Auto**

**RESOLUTION #44-2022**

Councilwoman Kline motioned to approve the Special Use Permit application for 132 S Main Street, Scott Kramer, with the special condition that all previously approved Special Use Permits for the location be followed. Councilman Kolacki seconded the motion.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

B. **Special Use Permit Request- 7286 Olean Rd- Dustin Conner- All Around Performance**

**RESOLUTION #45-2022**

Councilwoman Kline motioned to refer the Special Use Permit application for 7286 Olean Rd, All Around Performance to the Planning Board. Councilman Kolacki seconded the motion.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

**OLD BUSINESS-**

A. **Special Use Permit- Mountain Meadows Camper Resorts- SEQR Negative Declaration**

**RESOLUTION #46-2022**

Motion made by Councilwoman Pfister, seconded by Councilman Lotito, resolve to declare a negative declaration of the SEQR application for Mountain Meadows Camper Resorts Inc

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

B. **Special Use Permit- Mountain Meadows Camper Resorts**

**RESOLUTION #47-2022**

Councilwoman Kline motions to approve the Special Use Permit for Mountain Meadows Campground, Camper Resorts, 13500 Parker Rd with the following conditions:

- Must conform to Section *120-42 Campgrounds* in the Town Code.
- Landscaping be added to aid in controlling dust on roads and help with protecting the Town's aquifer and should blend with the current environment. Hedgerows were suggested.
- Property boundaries must be well-marked with signs indicating "Park Limits".
- Each campsite lot must be clearly marked to coincide with the lot map that will be used by emergency vehicles.
- Roads should be kept clear of any obstructions that could hamper emergency response vehicles.
- No unregistered vehicles may be parked/kept on the property.
- Number of units – only 1 recreation vehicle permitted per lot.
- No domestic animals shall be permitted to run at large.
- Camping Use – limited and restricted to camping purposes only.
- Nuisances – no noxious or offensive activity shall be allowed – this includes loud noise, as well as excessive dust and smoke. No excessive, loud noise from 4 wheelers, ATVs, golf carts and the like.
- Refuse dumpsters must be contained in a fenced-in area. (See Town Code *120-3*)
- No permanent decks/porches allowed.
- No upright, canopy or lean-to type structures allowed.
- No structures overhead, over camper or constructed any place on campsite.
- A small – maximum size of 8 x 10 in front of camper door(s) "landing" – maximum 2 "landings" per campsite is allowed – no permanent walls, canopy, or awning allowed over the landing.
- No sheds of any kind are allowed on campsites.
- Any expansion to the number of lots must be approved through the Town Board.
- Planning Board recommends one SBL number be given to the property owner at the time of sale.
- All Department of Health requirements are met for water and septic. Certificates of Compliance (copies accepted) for water and septic to be on file with the Town Clerk
- Town Assessor and Zoning Enforcement Officer to perform a yearly site visit to monitor compliance.

Seconded by Councilman Kolacki. Town Attorney will include a Zoning Compliance letter to the applicant's attorney.



Jill Dix  
Holland Town Clerk

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