

**TOWN OF HOLLAND
TOWN BOARD MINUTES
April 13, 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
- Planning Board Chairman Marty Regan
- Dog Control Officer Bill Newell

APPROVAL OF TOWN BOARD MEETING MINUTES

RESOLUTION # 50-2022

Motion made by Councilwoman Pfister and seconded by Councilwoman Kline to approve the March 2022 Town Board Minutes.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

SUPERVISOR’S REPORT

A. Constabulary Retirements- David Buresch and Richard Groh

RESOLUTION #51-2022

Motion made by Councilman Kolacki and seconded by Councilwoman Kline to accept the retirement of David Buresch and Richard Groh. The Board thanked them for their many years of service.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

B. Budget Amendments

RESOLUTION #52-2022

Motion made by Councilman Lotito and seconded by Councilwoman Kline to approve the following budget amendments:

GENERAL FUND

From: A1990.4	Contingency Contractual	\$600.00
To: A1320.4	Auditing- Contractual	\$600.00
From: A511	Appropriated Reserves	\$21,053.49

To:	A231C Community Center Reserve		
	A960 Appropriations		\$21,053.49
	A201 General Fund Savings		
	A1620.21 Capital Projects- Community Center		
From:	A1620.21 Capital Projects- Community Center		\$21,053.49
To:	A1620.1 Community Center- Personal Service		\$10,320.27
	A1620.41 Community Center- Contractual		\$10,733.22

5 AYE/ 0 NAY/ 0 ABSTAIN
MOTION CARRIED.

C. Website Reconstruction

RESOLUTION #53-2022

Motion made by Councilwoman Kline and seconded by Councilwoman Pfister to approve the quote from WNY Networks to reconstruct the website for \$8,600.00.

5 YEA / 0 NO / 0 ABSTAIN
MOTION CARRIED.

D. Website Annual Maintenance

RESOLUTION #54-2022

Motion made by Councilman Kolacki and seconded by Councilwoman Pfister to accept WNY Networks quote for annual website maintenance for \$1,200.00.

5 YEA / 0 NO / 0 ABSTAIN
MOTION CARRIED

E. New Employee- Brett Bakalik

RESOLUTION #55-2022

Motion made by Councilwoman Pfister and seconded by Councilman Kolacki to approve Brett Bakalik as a probationary full time highway employee.

5 YEA / 0 NO / 0 ABSTAIN
MOTION CARRIED

F. New Employee- Eric Doberstein

RESOLUTION #56-2022

Motion made by Councilwoman Kline and seconded by Councilman Lotito to approve Eric Doberstein as a part time general employee.

5 YEA / 0 NO / 0 ABSTAIN
MOTION CARRIED

G. Drinking Water Source Protection Program- DWSP2- Supervisor Hack advised the Board of the Town's participation in the program designed to protect water sources.

H. Dog Kennel Agreement

RESOLUTION #57-2022

Motion made by Councilwoman Kline and seconded by Councilman Kolacki to accept the updated Dog Control Kennel Agreement with Bill Newell at 12140 Genesee Rd, East Concord, NY

AGREEMENT REGARDING DOG CONTROL

Agreement made this 13th day of April 2022, between the Town of Holland, a municipal corporation organized under the laws of the State of New York and located in Erie

County, New York, with a mailing address of 47 Pearl Street, Holland, New York 14080, hereinafter referred to as the "Town" and William Newell, residing at 12140 Genesee Road, East Concord, New York 14055, hereinafter referred to as "Newell".

WITNESSETH:

WHEREAS, Newell is the appointed Dog Control Officer for the Town, and

WHEREAS, Newell provides dog shelter services in his duties as Dog Control Officer, and

WHEREAS, the Town has agreed to reimburse Newell for the cost of maintaining a dog shelter,

NOW, THEREFORE, the parties agree as follows:

Definitions:

1. Properly sheltered shall mean the provision of shelter suitable to the breed and age of the dog. Said shelter shall be structurally sound, clean and sufficient to protect the dog from detriment to its well-being and shall provide adequate space to allow the dog to move about in a natural manner, light, air and temperature sufficient to protect the animal.

2. Properly fed means the provision, at suitable intervals, of wholesome food appropriate for the breed and age of the dog and sufficient to maintain a reasonable level of nutrition in each dog. Such food shall be served in a receptacle, dish or container that has been physically cleaned so that agents injurious to the health of the dog have been removed and destroyed to a practical minimum.

3. Properly watered means the provision of constant access to a supply of clean, fresh, potable water in a sanitary manner, or the provision of such access at intervals suitable for the breed and age of the dog.

4. Dog Shelter shall mean to provide a dog shelter which shall comply with the Agricultural and Markets Law and Regulations for such maintenance.

Terms of Agreement:

5. Term: The Agreement is for one year commencing on the 1st day of January, 2022 and continuing to December 31, 2022. The Agreement will continue on a year-to-year basis unless either party gives written notice to terminate the Agreement as least sixty (60) days prior to the termination of the present term.

6. Remuneration: The Town shall pay to Newell the monthly sum of \$50.00 for providing the dog shelter.

7. Compliance: Newell agrees to maintain the dog shelter in compliance with the New York Agricultural and Markets Laws and Regulations. This includes the following:

- a. Clean food and water available in ample amount;
- b. Veterinary care provided as necessary;
- c. Dogs are euthanized humanely by authorized personnel;
- d. Complete intake and disposition records maintained for all seized dogs;
- e. Dogs transferred for purposes of adoption will be in compliance with Article 7;
- f. Compliance with the redemption period required before adoption, euthanasia or transfer;
- g. Owners of identified dogs are properly notified;
- h. Redeemed dogs are licensed before release;
- i. Proper impoundment fees paid before the dog(s) are released;

8. Notices: Any and all notices and payments required hereunder shall be addressed as indicated heretofore or at such other address as may be designated, in writing, by either

party.

9. No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving such breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

10. Modification: This Agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.

11. Headings: Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.

12. Binding Effect: This Agreement shall be binding upon the parties and their respective legal representatives, successors, and assigns.

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED.

COMMITTEE REPORTS

Buildings- Councilman Kolacki

Planning Board- Councilwoman Kline- Planning Board met with All Around Performance- 7286 Olean Rd.

Environmental Committee- Councilman Lotito

Beautification- Councilwoman Pfister

COMMUNICATIONS

A. Planning Board minutes

B. NYS and Erie County Health Department- Pump house passed inspections.

BUILDING/ZONING OFFICER –Justin Quant. Report submitted.

ZONING ENFORCEMENT OFFICER – Michael Sluce. Report submitted. Town Clerk Dix reminded the public of the NYS Burn Ban March 15th - May 16th

DOG CONTROL OFFICER – William Newell. Report submitted.

GRANT WRITER – Jill Dix- ARPA Funds reporting due this month, DASNY Backhoe Purchase finalized and awaiting payment.

HIGHWAY SUPERINTENDENT AND FACILITIES- Jason Simmons. Report Submitted.

NEW BUSINESS

A. **Special Use Permit Request- 131 Pearl St- Don McEvoy- Chickens for personal use**

RESOLUTION #58-2022

Councilwoman Kline motioned to refer the Special Use Permit application for 131 Pearl Street, Don McEvoy, to the Planning Board. Councilman Kolacki seconded the motion.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

B. **Special Use Permit Request- 9461 South Protection Rd- Miranda and Richard Workman- Chickens for personal use**

RESOLUTION #59-2022

Councilwoman Kline motioned to refer the Special Use Permit application for 9461 South Protection Rd- Miranda and Richard Workman to the Planning Board. Councilwoman Pfister seconded the motion.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

C. Special Use Permit Request- 11791 North Canada St- Adam Bove- Chickens for personal use

RESOLUTION #60-2022

Councilwoman Pfister motioned to refer the Special Use Permit application for 11791 North Canada St- Adam Bove to the Planning Board. Councilman Kolacki seconded the motion.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

D. Sign Permit- Butcher Dave’s 7286 Olean Rd.

RESOLUTION #61-2022

Councilman Lotito motioned to approve the sign permit for Butcher Dave’s at 7286 Olean Rd- pending the Building Inspector’s approval. Councilman Kolacki seconded the motion.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

OLD BUSINESS-

A. Special Use Permit- All Around Performance- Dustin Conner- 7286 Olean Rd

RESOLUTION #62-2022

Motion made by Councilman Kolacki and seconded by Councilwoman Kline, to approve the Special Use Permit for All Around Performance- Dustin Conner- 7286 Olean Rd with the special conditions agreed upon with the applicant and the Town Board to be documented in the Special Use Permit.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

TOWN ATTORNEY – Ronald Bennett

TOWN CLERK – Jill Dix

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

Abstract 4

General District Claims
forth in Abstract A-4 in the amount of \$47,832.57

Highway District Claims
as set
forth in Abstract DA-4 in the amount of \$18,450.16

Water District Claims
as set
forth in Abstract SW-4 in the amount of \$27,855.51

