

**TOWN OF HOLLAND
TOWN BOARD MINUTES
October 13, 2021**

PUBLIC HEARING- 8:00 p.m.- Local Law #2-2021- Override the New York State Tax Cap
The public hearing closed at 8:01 p.m. No comments were heard.

PUBLIC HEARING- 2022 Fiscal Year Budget Hearings-The public hearing closed at 8:04 p.m.
No comments were heard.

PUBLIC HEARING- Community Development Block Grant Public Hearing- The public
hearing closed at 8:05 p.m. No comments were heard.

PUBLIC HEARING- Local Law #3-2021- Sale and Consumption of Cannabis. Mr. Sweet,
resident of Holland, questioned the amount of time it would take to opt in later if the Town
Board opts out at this time. Answer was unknown. He further stated he was against the Town
Board opting in the sale and consumption of cannabis. Marty Regan, resident and Planning
Board Chairman, believes the possible cannabis dispensaries would be a large operation, not
small growers. His opinion was to opt into the sale of cannabis. The public hearing closed at
8:10p.m.

PUBLIC HEARING- Fire Protection District contract public hearing- Strykersville Fire
Company President, Andy Hope provided a lengthy report from Strykersville Fire Department
Chief Dustin Colkitt and himself to explain Strykersville Fire Department's equipment,
membership, mileage on the equipment, gallons of water on the equipment, vehicle replacement
schedules, grant success and indebtedness. Supervisor Kasprzyk questioned the level of service
and if they knew the percentage of calls received annually in the Fire Protection District. The
answer was unknown. Bill Streicher commented that all volunteer fire departments in New York
are experiencing under responding of fire calls, He averaged the dropped calls are currently at
8%. Charles Thum, resident and Holland Fire District Board of Commissioner's Chairman spoke
and provided the Town Board with equipment, membership, training and mutual aid numbers for
the Holland Fire Department. He also provided a list of members and their level of training that
are residing on the northeast section of the Town of Holland and mileage to respond to the Fire
Protection District. The public hearing closed at 8:30 p.m.

REGULAR TOWN BOARD MEETING- Holland Supervisor Michael Kasprzyk called the
Regular Town Board Meeting to order at 8:32 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 Bill Kolacki
Councilwoman Karen Kline
Councilman Geoff Hack
Councilwoman Roberta Herr
Supervisor Michael Kasprzyk

Other Officials Present:

Town Clerk Jill M. Zientek
Attorney Ronald Bennett
Highway Superintendent Jason Simmons
Town Engineer Dave Pratt
Planning Board Marty Regan

Zoning Officer Mike Sluce

APPROVAL OF TOWN BOARD MEETING MINUTES

RESOLUTION # 84-2021

Motion made by Councilman Hack and seconded by Councilwoman Kline to approve the September 2021 Town Board Minutes.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

SUPERVISOR'S REPORT

A. Community Development Block Grant

**COMMUNITY DEVELOPMENT BLOCK GRANT
PROJECT SELECTION FOR 2022**

RESOLUTION #85-2021

Motion made by Councilman Hack and seconded by Councilman Kolacki, resolve the Town of Holland prioritize the Projects for the Community Development Block Grant Program for 2022 as follows: Rural Transit Van Program and authorize the Supervisor to execute, sign and submit a contract with Erie County for the prioritized Community Development Block Grant Projects.

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED

B. Fire Protection District Contract

RESOLUTION #86-2021

Motion made by Councilwoman Kline, seconded by Councilman Kolacki to award the Fire Protection District to Holland Fire District. Supervisor Kasprzyk thanked the Strykersville Fire Department for their presentation. Roll Call vote followed.

RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE FIRE PROTECTION CONTRACTS FOR THE YEAR COMMENCING ON JANUARY 1, 2022

WHEREAS, the Holland Town Board having on the 13th day of October, 2021 commencing at 8:00 P.M., duly held a Public Hearing for the purpose of considering new contracts for the year commencing on January 1, 2022 with the Holland Fire District, said contract shall be for the fire protection and ambulance service for the Town of Holland Fire Protection District No. 1, and having heard all persons desiring to be heard in the matter and the matter of said contracts for such fiscal year having been fully discussed and considered,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is authorized to execute said contracts, copies of which are on file in the office of the Town Clerk, on the terms and conditions contained therein, for the fiscal year commencing on January 1, 2022, in the following amount:

Holland Fire District No. 1	\$7,000.00
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ROLL CALL VOTE: Councilman Hack –abstain
Councilwoman Kline – YEA

Motioned by Councilwoman Kline, seconded by Councilwoman Herr to declare October 31, 2021, as Halloween for trick or treaters with a curfew of 8:00pm

5 YEA / 0 NAY / 0 ABSTAIN

MOTION CARRIED

G. Town Hall Roof Replacement

RESOLUTION #91-2021

Motion made by Councilman Kolacki, seconded by Councilwoman Herr to accept the bid from Neth and Son, Inc. to replace the town hall roof for \$65,000.00. Only one bid was received.

5 YEA / 0 NAY / 0 ABSTAIN

MOTION CARRIED

H. Proposed Programmatic Agreement Section 106

RESOLUTION #92-2021

Motion made by Councilman Kolacki, seconded by Councilman Hack to accept the Proposed Programmatic Agreement regarding HUD assisted projects

5 YEA / 0 NAY / 0 ABSTAIN

MOTION CARRIED

- I. Park vandalism was reported at the park. Four youths destroyed the cameras at the snack shack and posted their acts on social media. The youths have been identified and will make restitution and perform community service. Also, playground parts have been destroyed and stolen by unknown vandals.
- J. The cemetery storage building was broken into, and the new zero turn mower, trimmers and various tools were stolen. The new door and lock will have to be replaced as well.
- K. Holland/Colden Electronic and Hazardous Waste drop off was September 18, 2021. Holland's turnout was lower than normal due to a notification issue.
- L. NYS Franchise and Telecommunication ceiling was received from New York State.
- M. Erie County Hazard Mitigation Plan

RESOLUTION #93-2021

Councilman Hack motioned to adopt the Erie County Hazard Mitigation Plan, seconded by Councilman Kolacki.

**A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HOLLAND, NY
AUTHORIZING THE ADOPTION OF THE
2021 ERIE COUNTY, NY HAZARD MITIGATION PLAN**

WHEREAS, all jurisdictions within Erie County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

WHEREAS; a coalition of Erie County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Erie County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the TOWN OF HOLLAND:

- 1) Adopts in its entirety, the 2021 Erie County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Planning Partnership as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

N. Budget Amendments

RESOLUTION # 94-2021

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

GENERAL FUND

From: A599	Unexpended Fund Balance	\$13,722.45	
To: A1620.1	Buildings- Personal Service		\$241.46
A3120.4	Constabulary- Contractual		\$88.84
A5650.4	Off Street Parking Contractual- sealing		
	\$4,184.37		
A8020.4	Planning- Contractual- recoding		\$2,090.00
A8810.4	Cemetery- Contractual		\$7,117.78

WATER FUND

From: SW8340.4	Water Transmission and Distribution	\$818.13
To: SW8330.4	Water- Purification	\$818.13

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

COMMITTEE REPORTS

Buildings- New flooring in the elevator and entry way is completed.

Cemetery- Will need to replace the mower that was stolen.

Planning Board- (3) Special Use Permits will be brought to the Town Board in Old Business.

Town Park and Community Center- The playground from the elementary school is currently being installed at the park

Environmental- Councilman Kolacki toured the Modern Disposal facility

Beautification- will be planting tulip bulbs for spring.

COMMUNICATIONS

A. Planning Board minutes

B. NYS DOT- Ward and Wagner speed limit

RESOLUTION #95- 2021

Motion by Councilman Kolacki, seconded by Councilman Hack to post the lower speed limit signs on Wagner Road and Wilkens Road per the approval from New York State.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

C. NYS Department of Public Service- The Town of Holland will post survey on website.

BUILDING/ZONING OFFICER –Justin Quant. Report submitted.

ZONING ENFORCEMENT OFFICER – Michael Sluce. Report submitted. Reminded residents to have their chimneys cleaned.

DOG CONTROL OFFICER – William Newell.

GRANT WRITER – Jill Zientek

HIGHWAY SUPERINTENDENT AND FACILITIES- Jason Simmons. Report Submitted.

A. Will be installing pedestrian yield signs by the Elementary School

NEW BUSINESS

A. **Olean Rd residence-** did not attend

OLD BUSINESS-

A. **Special Use Permit- 8723 Phillips Rd-** Peacocks, and other animals, a lease agreement was provided. The Town will be looking over the agreement and reviewing code allowances. The resident was not in attendance- **Kenel Permit- 8723 Phillips Rd-** all neighbors have not been properly notified.

B. **Special Use Permit Amendment- 9806 Wagner Rd-**

RESOLUTION # 96-2021

Motion made by Supervisor Kasprzyk and seconded by Councilman Kolacki to approve the amendment to the **Special Use Permit for Greg Putney- 9806 Wagner Rd** for a slaughterhouse addition with the following conditions.

- 1)Follow all USDA requirements
- 2)Septic approved by Erie County
- 3)Limit truck traffic to daytime hours

4) Updated drawing of interior layout to be provided to the Town once it's finalized by the USDA.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED.

C. **Special Use Permit Amendment- Breakin Grounds Coffee- 17 S Main**

St- adding Everyday's a Sundae to their inside location.

RESOLUTION # 97-2021

Councilwoman Kline motioned to amend the Special Use Permit for Breakin' Grounds Coffee to allow Everyday's a Sundae to sell ice cream inside the building. Seconded by Councilman Hack.

5 AYE/ 0 NAY/ 0 ABSTAIN

MOTION CARRIED

D. Local Law #2-2021 Override the New York State Tax Cap

RESOLUTION # 98-2021

Motion was made by Councilwoman Kline, seconded by Councilwoman Herr to adopt Local Law #2-2021 to override the New York State Tax Cap.

**RESOLUTION APPROVING ADOPTION OF LOCAL LAW
IN RELATION TO THE TAX LEVY LIMIT**

WHEREAS, General Municipal Law Article 2, Section 3-c places a limit upon real property tax levies by local governments, and

WHEREAS, General Municipal Law Section 3-c(5) provides for a local government to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, provided the governing body of such local government first enacts, by a vote of two-thirds (2/3) of the total voting power of such body, a local law to override such limit for such coming fiscal year only, and

WHEREAS, the proposed budget is required to accurately appropriate funds in the operation of the Town with an unprecedented increase in costs such as highway salt, medical coverage, New York State pension costs and others, and

WHEREAS, it is required to adopt a Local Law to override the tax levy prescribed by General Municipal Law Section 3-c, and

WHEREAS, the Town has complied with the provisions of New York Municipal Home Rule Law regarding the requirements for adoption of the Local Law including a Public Hearing.

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby approve and enact Local Law 2-2021 providing for an override of the tax limit prescribed by General Municipal Law Section 3-c for the fiscal year 2022, and be it further

RESOLVED, the Town Clerk is hereby directed to immediately file the Local Law with the New York Secretary of State.

ROLL CALL VOTE: Councilman Hack –AYE

Councilwoman Kline – AYE
Councilwoman Herr – AYE
Councilman Kolacki – AYE
Supervisor Kasprzyk – AYE

E. Adopt Final Budget 2022

RESOLUTION # 99-2021

Motion made by Councilman Hack and seconded by Councilman Kolacki, resolve the Town of Holland adopt the Preliminary Budget for 2022 as the Final Budget for 2022.

ROLL CALL VOTE: Councilman Hack – AYE
Councilwoman Kline – AYE
Councilwoman Herr – AYE
Councilman Kolacki – AYE
Supervisor Kasprzyk – AYE

5 YEA / 0 NO / 0 ABSTAIN

MOTION CARRIED

F. Local Law #3-2021 Sale and Consumption of Cannabis in the Town of Holland

RESOLUTION # 100-2021

Councilwoman Kline motioned for the Town of Holland to opt out of the allowance for sale and consumption on premise of Cannabis. Councilwoman Herr seconded the motion.

**TOWN OF HOLLAND
LOCAL LAW INTRO. #3-2021
LOCAL LAW NO. #3-2021**

A LOCAL LAW TO OPT-OUT OF THE RETAIL DISPENSERY LICENSE AND/OR ON-SITE CONSUMPTION LICENSE PROVISIONS OF CHAPTER 7-A OF THE CONSOLIDATED LAWS OF THE STATE OF NEW YORK

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HOLLAND AS FOLLOWS:

SECTION 1. TITLE.

This Local Law shall be known, cited and referred to as the “Town of Holland Adult Use Cannabis Retail Dispensaries and/or On-Site Consumption License Opt-Out.”

SECTION 2. PURPOSE AND INTENT.

The purpose of this Local Law is to enable the Town of Holland to opt-out of the provisions relating to the Cannabis Control Board’s authority to issue Retail Dispensary Licenses and/or on-site Consumption Licenses for cannabis pursuant to Chapter 7-A of the Consolidated Laws of the State of New York within the jurisdiction of the Town of Holland.

SECTION 3.

The Town of Holland hereby requests that the Cannabis Control Board prohibit the establishment of any Retail Dispensary Licenses and/or On-Site Consumption Licenses as provided for in Article 4 of Chapter 7-A of the Consolidated Laws of the State of New York within the jurisdiction of the Town of Holland.

SECTION 4. PERMISSIVE REFERENDUM.

This Local Law is subject to permissive referendum as provided under the Municipal Home Rule Law of the State of New York.

SECTION 5. EFFECTIVE DATE.

This Local Law shall take effect upon expiration of the time period for filing a Petition for Permissive Referendum pursuant to Municipal Home Rule Law and filing with the Secretary of State.

RESOLUTION TO ADOPT LOCAL LAW NO. #3-2021

WHEREAS, Local Law No. 3-2021 has been submitted to the Town Board of the Town of Holland to provide for opting-out of the Retail Dispensary License and/or On-Site Consumption License of provisions of Chapter 7-A of the Consolidated Laws of the State of New York, and

WHEREAS, the proposed Local Law has been carefully considered by the Town, and

WHEREAS, a Public Hearing was held on October 13, 2021 permitting public comments in regard to the Local Law opting out of the Cannabis Retail Dispensary License and/or On-Site Consumption License provisions of Chapter 7-A of the Consolidated Laws of the State of New York,

NOW, THEREFORE, be it

RESOLVED, Local Law No. 3-2021 is hereby adopted and shall become effective upon expiration of the time period for filing a Petition for Permissive Referendum and 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.

Duly adopted this 13th day of October 2021.

ROLL CALL VOTE: Councilman Hack – AYE

Councilwoman Kline – AYE

Councilwoman Herr – AYE

Councilman Kolacki – NAY

Supervisor Kasprzyk – AYE

MOTION CARRIED.

TOWN ATTORNEY – Ronald Bennett

TOWN CLERK – Jill M. Zientek

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

Abstract 10

General District Claims in the amount of \$34,373.70

forth in Abstract A-10

Highway District Claims in the amount of \$13,246.29

as set

forth in Abstract DA-10

Water District Claims in the amount of \$13,793.02

as set

forth in Abstract SW-10

Light District Claims in the amount of \$1,020.27

as set

forth in Abstract SL-10

Garbage District Claims in the amount of \$31,814.78

as set

Forth in Abstract SR-10

Trust and Agency Claims in the amount of \$9,227.68

as set

forth in Abstract TA-10

RESOLUTION # 101-2021

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

5 YEA / 0 NAY / 0 ABSTAIN

MOTION CARRIED

ADJOURNMENT –Supervisor Kasprzyk adjourned the Regular Town Board Meeting at 9:31 p.m. in honor of William Devine, Alberta Stevenson, Robert Rice Sr., Donald Corey, Ann Thill, Wally Lewis and Debbie McArthur

RESPECTFULLY SUBMITTED,

Jill Dix

Holland Town Clerk