

**TOWN OF HOLLAND
TOWN BOARD MINUTES
February 10, 2016**

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. The Pledge of Allegiance and official roll call followed.

Town Board Members Present:

- Councilman Geoffrey Hack
- Councilwoman Karen Kline
- Councilwoman Roberta Herr
- Councilman William Kolacki
- Town Supervisor Michael Kasprzyk

Other Officials Present:

- Highway Superintendent Patrick Joyce
- Town Clerk Merilu O’Dell
- Bookkeeper Jill Zientek
- Assessor Tammy Adsitt
- Zoning Enforcement Officer Michael Sluce
- Town Engineer David Pratt
- Zoning Board of Appeals Chairman William O’Dell
- Dog Enforcement Officer Bill Newell

Not Present:

- Town Attorney Ronald Bennett

RESOLUTION # 7-2016

8:02 p.m. – Motion made by C. Hack, Second by C. Kline, resolve the Town of Holland approve the minutes of the 2016 Organizational Meeting held January 15, 2016.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NAY / 0 ABSTAIN
MOTION CARRIED

RESOLUTION # 8-2016

8:02 p.m. - Motion made by Supervisor Kasprzyk, Second by C. Hack, resolve the Town of Holland approve the minutes of the Regular Town Board Meeting held January 15, 2016.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NAY / 0 ABSTAIN
MOTION CARRIED

PUBLIC COMMENTS – None.

SUPERVISOR'S REPORT – Supervisor Michael Kasprzyk

- A. Not on Agenda - Town Attorney Ronald Bennett – He is in the hospital as the result of a fall, following hip replacement. Bennett is out of intensive care and doing better, “although he is certainly not out of the woods yet,” the Supervisor said.
- B. Not on Agenda – Karl Simmeth present. He is a representative of NYS Assemblyman David DiPietro’s office. Simmeth said it is always a pleasure to be in Holland. He reported that DiPietro “is making waves about the Safe Act and the Common Core.” He said DiPietro is also pushing for making the members of the Assembly full-time. He also reminded Holland residents that if there are any issues the Assemblyman could help them with, to call his office. He said that if there are any citations or proclamations that could be issued, to please let the office know about them.
- C. Solar Project Update – The Supervisor said he had spoken with the company’s executive vice president that day, and that “Everything is in place,” other than the company’s financial arrangements. The Town is “Bundled with a couple of other projects.” He added, “The other issue is much more problematic.” NYSEG had originally approved the project, and “has changed the rules. Now, unless you have a meter, the offset cannot be used against our bill. That was news to me. “The lighting district in town is not on meters, but is at a set price for usage,” he said. “Apparently [NYSEG] is on solid footing with the Public Service Commission, but it is only NYSEG that does it this way...If they (Solar Liberty) aren’t able to convince NYSEG and the PSC, then they will be coming back to us, looking for additional load...possibly with the fire district.” He said the project and the interconnect is designed,” so it is just a matter of resolving these final things.”
- D. Association of Towns Resolutions Approval – “Usually, at this month’s meeting, we approve the resolutions presented at the AOT’s Annual Meeting held in New York City in February. However, they have apparently run into a snag with the resolutions committee of the AOT; I would hope to have them in hand shortly,” he said, adding that there were about 20 resolutions the AOT wanted action on, and some towns have petitioned the committee to simplify and condense the number of resolutions to be considered.
- E. Resolution – Approve Sidewalk Transfer – This will authorize the Town to enter into an agreement with the NYS Department of Transportation, to enable NYSDOT to acquire an easement for the sidewalk on Canada Street, which is half on state and half on Town property.

RESOLUTION #9-2016

Authorizing the implementation and funding of a State “Marchiselli” Program-aid eligible transportation Federal-aid project, to fully fund the local share of Federal and State aid-eligible and ineligible project costs and appropriating funds therefor.

WHEREAS, a project for the Town of Holland, PIN 5760.88 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the

costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, as provided for by agreement with the NYS Department of Transportation, PE and/or ROW Incidental or ROW acquisition work performed by the municipality for the Federal aid-eligible construction project covered by the agreement, the costs of such work that are approved in writing by NYSDOT as applicable to the Federal aid and Marchiselli aid construction work (excluding costs applicable to non-Federally eligible or non-Marchiselli eligible project elements) shall be credited following FHWA's construction phase closeout audit of the Project to Project costs that are eligible for Federal aid and Marchiselli aid; and

WHEREAS, the Town Board of Holland desires to advance the project by making a commitment of 100% of the non-Federal share of the costs of Project Phase work for the Project or portions thereof, with the Federal share of such costs to be applied directly by NYSDOT, pursuant to agreement; and

NOW, THEREFORE, the Holland Town Board, duly convened, does hereby

RESOLVE, that the Holland Town Board hereby approves the Project; and it is further

RESOLVED, that the Holland Town Bboard herby authorizes the Town of Holland to pay in the first instance the full non-Federal share of the cost of 71,400 work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$71,400 is hereby appropriated from A5410.2 and made available to cover the cost of participation in the above Phase of the Project; and it is further

RESOLVED, that in the event the non-Federal share of the costs of the project exceed the amount appropriated above, the Town Board of Holland shall convene as soon as possible to appropriate said excess amount immediately upon the notification by NYSDOT thereof; and it is further

RESOLVED, that the Supervisor of the Board of the Town of Holland be and is hereby authorized to execute all necessary Agreements, certifications, or reimbursement requests for Federal aid or Marchiselli aid on behalf of the Town of Holland with NYSDOT, in connection with the advancement or approval of the Project, and providing for the administration of the Project and the municipality's first instance funding of the non-Federal share of Project costs and permanent funding of the local share of Federal aid- and state aid-eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the NYS Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

8:07 p.m. - Motion made by C. Hack, Second by C. Kolacki, resolve the Town of Holland approve and enter into an agreement with NYSDOT, to proceed with the sidewalk construction in the Town of Holland.

Vote: Councilman Geoffrey Hack
 Councilwoman Karen Kline
 Councilwoman Roberta Herr
 Councilman William Kolacki
 Supervisor Michael Kasprzyk

**5 YEA, 0 NAY, 0 ABSTAIN
 MOTION CARRIED & RESOLUTION
 APPROVED**

F. Resolution – Shared Services Agreement

SHARED SERVICES AGREEMENT

Between

NYSDOT and Town of Holland

THIS AGREEMENT, dated Feb. 10, 2016, is between the People of the State of New York, hereinafter referred to as "State" or "NYSDOT" and the Town of Holland, hereinafter referred to as "Municipality." Pursuant to Section 99-r of the General Municipal Law, the State and the Municipality wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties' resources. Shared Services shall mean any service provided by one party (Provider) to another party (Recipient). The State and the Municipality agree to share services as follows:

1. Description and Cost of Services, Materials or Equipment to be shared: Provide details of the services, materials or equipment to be shared in the attached standard Schedule A. The total amount of the agreement shall not exceed ten thousand dollars (\$10,000.00). If applicable, indicate that the return exchange will be determined at a later date.
2. The Provider's employees shall remain under full supervision and control of the Provider. The parties shall remain fully responsible for their own employees for all matters, including but not limited to, salary, insurance, benefits and Workers Compensation.
3. If the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipient's use, the Recipient shall be responsible for such repairs.
4. The Municipality agrees to defend and indemnify the State for any and all claims arising out of the Municipality's acts or omissions under this Agreement.
5. The term of this Agreement shall be for one (1) year. The parties will endeavor to provide no less than thirty (30) days' notice of its intent to extend the Agreement. Either party may revoke this Agreement by providing sixty (60) days written notice of such revocation. Upon revocation, any outstanding obligations of the parties must be satisfied within thirty (30) days of the date of such revocation.

RESOLUTION # 10-2016

8:09 p.m. – Motion made by C. Kline, Second by C. Kolacki, resolve the Town of Holland approve the Shared Services Agreement between the Town of Holland and Erie County.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NAY / 0 ABSTAIN
MOTION CARRIED

- G. Town of Holland 200th Anniversary in 2018 – Councilwoman Karen Kline will chair the committee to plan celebrations. The Town of Willink was divided in 1818 into the towns of Holland, East Aurora and Wales. “It will be a pretty good birthday party,” said the Supervisor.
- H. Condemned House – 7148 Olean Rd. - The Board has been dealing with this issue since May of 2014. Owner Grant Mix had a contract to demolish the house, scheduled for January. Mix is on his fourth attorney in this matter. “This is not habitable, and it’s an eyesore as well as a safety issue,” the Supervisor said. “When [Mix] runs out of excuses, he just comes up with a new one. Building and Code Officer Justin Quant said Mix is not answering his calls or texts. The Town Board decided it has been long enough, and resolved to go ahead with the contractor demolition.

RESOLUTION # 11-2016

8:15 p.m. – Motion made by C. Kline, Second by C. Hack, resolve the Town of Holland move ahead with a contractor demolition of 7184 Olean Road, in light of owner Grant Mix’s failure to act.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NAY / 0 ABSTAIN
MOTION CARRIED

- I. Coalition for Tobacco-Free Erie County – This was a request from the Coalition for the Town Board to declare the Town Park smoke free, and to prohibit smoking in the Town Park. The members of the Board decided to not address the issue.
- J. Recycling Proposals – The Board is considering the purchase of wheeled totes to increase recycling levels. The current contracts runs into 2017, but there are options to consider when a new contract is negotiated. One would be to maintain the status quo, with wheeled totes and recycling bins, while the other would keep the wheeled totes for trash and add a wheeled tote for recyclables. Waste Management says the use of wheeled recyclables totes has been shown to increase recycling levels in communities. Since the projected expense is a concern, Councilwoman Roberta Herr said she would like to explore other options.
- K. Community Development Block Grant – “We are not eligible for anything (grants), because we do not have an updated income survey,” said the Supervisor. In 2000, the hamlet did qualify for low- to moderate-income status, but the Town as a whole does not qualify. The CBDG program does contract with a Rochester-based firm to conduct these surveys, at no cost to the town.

RESOLUTION # 12-2016

8:20 p.m. – Motion made by C. Kolacki, Second by C. Hack, resolve the Town of Holland approve doing a water district income survey for Community Development Block Grant program, at no cost to the Town of Holland.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NAY / 0 ABSTAIN MOTION CARRIED

- L. Resolution - Shared Sales Tax Formula – After having received copies of resolutions from several towns, asking for the current Shared Sales Tax Formula be replaced by something more equitable for Erie County towns, the Board decided to draft a similar resolution, and directed the Town Clerk to draft and send out the resolution.

RESOLUTION # 13-2016

8:27 p.m. – Motion made by C. Kline, Second by C. Hack, resolve the Town of Holland drafts a resolution requesting a more equitable formula for distributing sales tax incomes in Erie County.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NAY / 0 ABSTAIN
MOTION CARRIED

COMMITTEE REPORTS

- A. Buildings – Councilman Kolacki – The necessity for extensive repairs to, or replacement of, the Highway Garage on Edgewood Drive was discussed. Kolacki noted that the building is not even large enough to house the snow plows, without parking them kitty-corner. Town Engineer David Pratt submitted plans for a large addition along the entire face of the west wall of the building. Councilman Geoffrey Hack said the Town should consider replacing the building, in light of the deteriorated condition of the current facility. “We have run out of room,” said Highway Superintendent Patrick Joyce. The Board directed Pratt to proceed with investigating a replacement building.

RESOLUTION # 14-2016

8:29 p.m. – Motion made by C. Hack, Second by C. Kline, resolve the Town of Holland instruct Town Engineer David Pratt to investigate the costs of replacing the current Highway Department building on Edgewood Drive with a new facility.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NAY / 0 ABSTAIN
MOTION CARRIED

- B. Cemetery – Councilman Hack – No additional report.
- C. Planning Board Liaison – Councilwoman Kline – The Board had nothing official on its agenda for February, but met to discuss the Erie County water quality study, which could be provided to the Town on a no-cost basis.

- D. Town Park & Community Center – Councilman Hack – Wood chips have been laid down in the playground area. A proposed skateboarding area could cost \$25,000.
- E. Environmental Committee - Councilman Kolacki – He reported attending the January meeting of the Erie County Environmental Management Council.
- F. Beautification – Councilwoman Herr – She reported some Christmas banners had been missed when the others were taken down after the holidays. There was a discussion regarding some new banners to replace worn and faded ones, and for the Town’s 200th Anniversary in 2018.
Herr also said she gave the parent head of the skateboard park committee the information she had accumulated regarding cost and plans, and said the committee “would take it from there.” Including equipment, labor and installation, the cost is estimated at about \$28,000.

COMMUNICATIONS

- A. Planning Board Minutes – Report submitted.
- B. Zoning Board of Appeals – Reports submitted for December 2015 and January 2016.

BUILDING/ZONING OFFICER –Justin Quant. Report submitted.

DOG CONTROL OFFICER – William Newell. Report submitted.

FACILITIES MANAGER – Patrick Joyce. He asked Engineer David Pratt to “update things, so that the new [water] pumps can get online.” Supervisor Kasprzyk said The Town’s water is tested monthly. Regarding a sometimes-elevated level of iron, he said, “This is not a monthly occurrence. Erie County keeps changing what they want; we may have to sit down and discuss this with them.”

GRANT WRITER – Jill Zientek.

HIGHWAY SUPERINTENDENT – Patrick Joyce. Report submitted.

ZONING ENFORCEMENT OFFICER – Michael Sluce. Report submitted. He cautioned residents to be aware of building, zoning, and code regulations, and “Make sure you get a permit before you begin to build; otherwise, it’s a \$100 fine” on top of the permit costs.

NEW BUSINESS – None.

OLD BUSINESS – None.

TOWN ATTORNEY – Ronald Bennett – No report. He was not in attendance, as he is convalescing from a hip replacement and fall injury.

TOWN CLERK – Merilu O’Dell – No additional report.

COMMENTS FROM THE PUBLIC – None.

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

Abstract 2

General District Claims as set Forth in Abstract A-2	#1-53	in the amount of \$74,504.01
Highway District Claims as set Forth in Abstract DA-2	#1-27	in the amount of \$213,222.38
Garbage District Claims as set Forth in Abstract SR-2	#1	in the amount of \$22,646.52
Water Fund Claims as set Forth in Abstract SW-2	#1-10	in the amount of \$8,410.21
Lighting District Claims as set Forth in Abstract SL-2	#1	in the amount of \$1,929.94
Trust & Agency Claims as set Forth in Abstract TA-2	#5-7	in the amount of \$6,833.31

RESOLUTION # 15-2015

8:44 p.m. - Motion made by C. Hack and seconded by C. Kline, resolve the Town of Holland pay the preceding vouchers.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NAY / 0 ABSTAIN
MOTION CARRIED

ADJOURNMENT –Supervisor Kasprzyk adjourned the Regular Town Board Meeting at 8:45 p.m., with a moment of silence, in memory of late Holland residents:

Doug Hohl
Mary Kelley
Dorothy Quant

RESPECTFULLY SUBMITTED on February 10, 2016

MERILU O'DELL, TOWN CLERK