

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

PUBLIC HEARING – Java-Strykersville Fire Protection District Contract

The Public Hearing for the Java-Strykersville Fire Protection District Contract was set by resolution during the July 13, 2016 Town Board Meeting, and advertised in the *Arcade Herald's* Legals section with an official Notice of Public Hearing.

This Hearing follows a joint Hearing with the Strykersville Fire Company and the towns of Holland, Java and Sheldon in July. The current contract expires on December 31, 2016, and would provide fire protection to the Sanders Hill area and a portion of Mountain Meadows Campground.

The Supervisor called the Public Hearing to order at 8:02 p.m., and asked if there was anyone in attendance to comment. Hearing none, he then closed the Public Hearing at 8:04 p.m.

PUBLIC HEARING – Solar Moratorium

The Public Hearing for the proposed Solar Moratorium was set by resolution during the July 13, 2016 Town Board Meeting, and advertised in the *Arcade Herald* Legals section, with an official Notice of Public Hearing. The Public Hearing was opened at 8:04 p.m.

The proposed moratorium has partially arisen out of concerns by local fire departments, regarding safety of firefighting when solar panels are in operation. Even when the power is turned off, the system remains energized, creating possible hazardous situations for emergency response personnel. Of further concern is the fact that several landowners have been approached by companies seeking to install large solar arrays (up to, and possibly in excess of, 20 acres in size).

This moratorium concerns both commercial and residential arrays, and exempts those installed upon homes.

Neighboring towns have imposed six-month moratoria, until questions and concerns could be “sorted out,” said the Supervisor. He asked for any comments, and hearing none, he closed the Public Hearing at 8:06 p.m.

Regular Town Board Meeting - Holland Town Supervisor Michael Kasprzyk called the Regular Town Board Meeting to order at 8:06 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 – Arrived at 8:12 p.m.

Councilwoman Karen Kline

Councilwoman Roberta Herr

Councilman William Kolacki

Town Supervisor Michael Kasprzyk

Other Officials Present:

- Town Clerk Merilu O’Dell
- Building Officer Justin Quant
- Town Engineer David Pratt
- Town Attorney Ronald Bennett
- Bookkeeper Jill Zientek
- Zoning Enforcement Officer Michael Sluce
- Dog Control Officer William Newell

Town Officials Absent:

- Zoning Board of Appeals Chairman William O’Dell

RESOLUTION # 53-2016

8:06 p.m. - Motion made by C. Kline, Second by C. Kolacki, resolve the Town of Holland approve the minutes of the Regular Town Board Meeting held July 13, 2016.

4 YEA –Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

PUBLIC COMMENTS – None.

SUPERVISOR’S REPORT – Supervisor Michael Kasprzyk

- A. Java-Strykersville Fire Protection District Contract – The current contract, which provides fire protection services to Sanders Hill Road and part of the Mountain Meadows Campgrounds areas, will expire at the end of December. Councilman Geoffrey Hack, who is also chief of the Holland fire department, attended a joint public hearing between Java, Sheldon and Holland, where terms of the contract were discussed. There were no public comments at the aforementioned public hearing of this night, and no further discussion between Town Board members.

RESOLUTION # 54-2016

8:08 p.m. - Motion made by C. Kline, Second by C. Herr, resolve the Town of Holland approve a contract with the Strykersville Fire Company, for fire protection services for Sanders Hill Road and the Mountain Meadows Campground area.

4 YEA –Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

- B. Orchard Park Fire District EMS – Certificate of Need to operate in Holland, as a backup to the Holland Fire Company and Rural Metro. The Town of Orchard Park has a paid EMS service, and is asking to be “the backup to the backup,” after Holland and Rural Metro. Orchard Park Fire District EMS sent a letter to Holland, requesting an expansion of Primary Operating Territory, which would include Holland, among other municipalities.

The Supervisor said there have been instances when Rural Metro has been needed, but is unable to respond to Holland. The Town of Wales has already done this.

RESOLUTION # 55-2016

8:11 p.m. - Motion made by C. Kline, Second by C. Herr, resolve the Town of Holland approve sending a Certificate of Need to the Orchard Park Fire District EMS, to allow for expansion of its Primary Operating Territory, to include Holland. The Town Clerk is directed to send this to the Orchard Park Fire District EMS.

4 YEA –Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

(Councilman Geoffrey Hack arrived at the Town Board meeting at 8:12 p.m.)

- C. Meals On Wheels – The Holland route may be split, due to its size. On Mondays, Wednesdays and Fridays, 18 people are served meals. On Tuesdays and Thursdays, 11 meals are delivered. This move will be affected by the number of volunteers available.
- D. Southtowns Rural Preservation – Holland Project Approval – This is money from Federal sources, filtered to New York State, to Erie County, to Southtowns Rural Preservation, to clients who demonstrate need and are approved by SRP. Holland is a member of this group, and town residents are beneficiaries of this grant funding.
- E. Community Development Block Grants – The Town is currently qualifying to receive CDBG grants, with an updated income survey now in process. The income survey will be used to determine qualification for the grants. Survey forms have been sent out, but some are balking at filling them out. “This is completely anonymous,” said the Supervisor. No one is being asked to supply their names.” He urged those receiving the surveys to fill them out and return them immediately. “This is money the town can use to do much-needed projects,” he said.
- F. 2017 Budget Cap – 0.6% - “The [New York State] Tax Cap is not 2%; it is 0.6%,” said the Supervisor. “I am going to tell you now that there is no way of avoiding overriding the tax cap this year, just like last year.” He said the town has “lost franchise dollars” from utilities, who had their assessments lowered by the NYS Office of Real Property Tax Services. This lost money must then be made up locally, by town landowners.
- G. Final Equalization Rate - .88%. This is the same as last year. Town taxes are not impacted by this, but county and school taxes are, the Supervisor said.
- H. Sidewalk Project – New York State is managing the Canada Street portion of the project. The Supervisor noted that some residents would be adversely impacted, and alternate designs were looked into by Town Engineer David Pratt. The affected residents agreed to the changes.
- I. Highway Building Addition – Cost Estimates - “Sticker shock” was experienced, after town officials learned the cost of a proposed addition to the Town Highway Department building on Edgewood Drive - \$730,100. “This is a 50+ year-old building,” said the Supervisor. Given the remediation that would be needed, the town will now look into completely replacing the building.

- J. Hazardous Waste/Electronics Recycling Event – The joint event with the Town of Colden will be held on Saturday, September 17, at the Colden Fire Building, at the corner of Center and Partridge roads. Pre-registration is mandatory, either online or by phone.
- K. Acceptance of Bequest to Holland Cemetery by Estate of Dorothy Tarbox

RESOLUTION # 56-2016 - RESOLUTION ACCEPTING BEQUEST

WHEREAS, Dorothy S. Tarbox of Springville, New York, died on February 13, 2014 leaving a Last Will and Testament which has been probated by the Erie County Surrogate's Court, and

WHEREAS, the Holland Protestant Cemetery Association was named to receive 2.5% of the residuary of the Estate, and

WHEREAS, a final counting of the Estate has been submitted to the Town which has been reviewed by Ronald Bennett as Town Attorney, and

WHEREAS, the final accounting includes a bequest in the amount of \$29,625.64,
NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes Supervisor Michael Kasprzyk to sign a Waiver of Citation and Consent in Accounting, and be it further

RESOLVED, that the Town sincerely appreciates the bequest for use in the Holland Protestant Cemetery by the generous gift of the Estate of Dorothy S. Tarbox.

8:25 p.m. MOTION: Supervisor Michael Kasprzyk

SECOND: Councilwoman Karen Kline

VOTE : 5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN

MOTION CARRIED

- L. Solar Project Update – The Supervisor said he had spoken to Solar Liberty, which told him that they now had the installation schedule, set to begin by the end of September 2016, and to be completed by the end of the year. The financing arrangements should be completed by next week.
- M. Master Plan Update - With Erie County possessing unallocated funds in its economic development fund, it has approached the Town with a request to update the Town's Master Plan. This was last updated in 1994, over 20 years ago. "It's time to take a good look at this," said the Supervisor, who added that it costs between \$40,000 - \$50,000 to do this kind of an update. Holland's cost is anticipated to be about \$5,000. This is through the Erie County Department of Environment and Planning. Councilwoman Karen Kline said this has been a topic of conversation in the Town's Planning Board, and "could be a good thing for us." Councilman Geoff Hack expressed his concern about "Erie County reaching into local zoning, etc.", and Town Attorney Ron Bennett assured the Board that "This is just to say we're interested."

RESOLUTION #57-2016

RESOLUTION FOR UPDATE OF COMPREHENSIVE PLAN

WHEREAS, the Town of Holland has adopted a Town Comprehensive Plan pursuant to Section 272-a of the New York Town Law, and

WHEREAS, the County of Erie has under consideration a local municipal plan assistance program which would provide assistance to the Town to update its existing Master Plan, and

WHEREAS, one of the goals of the program would be to identify HUD eligible programs and project areas in low to moderate income housing issues and needs, and

WHEREAS, the Town would need to have a contract with a consultant signed by March 31, 2017 in order to not have the cost of the plan be charged as administrative funds in the 2017 program year, and

WHEREAS, the County has requested a response to permit it to have municipalities begin an RFP process,

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby express its interest in updating its existing Comprehensive Plan as proposed by the County of Erie, Department of Environment and Planning, and be it further

RESOLVED, the Town Clerk is directed to provide a certified copy of this Resolution to Paul D’Orlando, Principal Contract Monitor with the County of Erie, Department of Environment and Planning.

8:33 p.m. – MOTION: Councilwoman Karen Kline SECOND: Councilman Geoff Hack

VOTE: 5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN

MOTION CARRIED

N. Kiwanis Donated Building – Preparation of the building pad has already begun, and the building is on order. This is a 30-foot by 40-foot building with 12-foot high walls.

O. Budget Amendments

General Fund			
From:	A1990.4	Contingency Account	\$744.00
To:	A1910.4	Unallocated Insurance	\$598.30
	A8540.4	Drainage	\$147.70
	A599	Unexpended Fund Balance	\$36,197.80
	A960	Appropriations	\$36,197.80
	A5132.2	Highway Bulding	
		Highway Building Engineering Cost	
From:	SW8310.4	Water Admin- Contractual	\$940.77
To:	SW8340.4	Water- Transmission Contractual	\$940.77

RESOLUTION # 58-2016

8:39 p.m. - Motion made by C. Hack, Second by C. Kline, resolve the Town of Holland approve the Budget Amendments for August 10, 2016, as outlined above.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

COMMITTEE REPORTS

- A. Buildings – Councilman Kolacki – Following budget discussions, a meeting will be set to evaluate needs for a new highway building.
- B. Cemetery – Councilman Hack – No report. Due to the recent bequest to the town cemetery, pillars to match those already at the cemetery may be considered.
- C. Planning Board Liaison – Councilwoman Kline – The Board discussed two Special Use Permits: Tim Antholzner (business building) and Catherine Sells (chickens).
- D. Town Park & Community Center – Councilman Hack – No report.
- E. Environmental Committee - Councilman Kolacki – No report.
- F. Beautification – Councilwoman Herr – No report.
- G. Holland’s 200th Anniversary – Councilwoman Kline – The local committee is discussing Reunion Weekend, as well as signage and logos from Carlo Piech. There was also a joint meeting of representatives from Holland, Wales and Aurora, in July, regarding joint events.
- H. Skateboard Park – Councilwoman Herr – No report.
- I. Security Cameras – The camera situation at the Town Hall (estimated at a cost of about \$5,800), will be addressed during budget discussions later in August.

COMMUNICATIONS

- A. Planning Board Minutes – Minutes submitted.
- B. Zoning Board of Appeals – No meeting in August.

BUILDING/ZONING OFFICER –Justin Quant. Report submitted. He reported permits issued for four new homes in July.

ZONING ENFORCEMENT OFFICER – Michael Sluce. Report submitted. He cited problems with absentee landlords ignoring their properties in town. Councilman Geoff Hack said that he did not believe it was necessary to impose a burning ban, but that “People should be cautious.”

DOG CONTROL OFFICER – William Newell. Report submitted.

FACILITIES MANAGER – Patrick Joyce. No report.

GRANT WRITER – Jill Zientek. No report.

HIGHWAY SUPERINTENDENT – Patrick Joyce. Report submitted. He said that the contract for snow plowing County roads is due for renewal, and that Erie County “is hounding us”. He added, “We (the Town) aren’t making a profit. We are doing a better job than Erie County does, we are doing them a favor, and I think we deserve the money.” He said the matter is now under negotiation.

He also asked the Board for permission to attend a conference in Lake Placid, NY, from September 13-16.

RESOLUTION # 59-2016

8:39 p.m. - Motion made by C. Herr, Second by C. Hack, resolve the Town of Holland approve a request by Highway Superintendent Patrick Joyce to attend a conference in Lake Placid on September 13-16.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

NEW BUSINESS

A. Special Use Permit – T. Luke Eames – Sawmill. Mr. Eames, of 7810 Olean Rd., wants to open a sawmill business, Holland Timber Company, at his home. He has been doing this as a hobby since 2004 in Varysburg, NY. Since moving to Holland in 2012, he has provided his services on a limited basis, and filed a DBA in 2015 with Erie County. He is currently providing sawn lumber to Mullican Flooring in Holland, as well as a Pennsylvania company. He provided an extensive SUP application for the Board’s consideration. As is the norm, the Board referred this to the Planning Board for its recommendation.

RESOLUTION # 60-2016

8:11 p.m. - Motion made by S. Kasprzyk, Second by C. Kline, resolve the Town of Holland refer the Special Use Permit request of T. Luke Eames (sawmill) to the Planning Board for its recommendation.

5 YEA –Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

B. Local Law #1-2016 – Solar Moratorium. Based upon proper publication of a Public Hearing on the solar moratorium (local law), the holding of the Public Hearing, the Board:

RESOLUTION # 61-2016

8:50 p.m. - Motion made by C. Hack, Second by C. Kline, resolve the Town of Holland adopt Local Law #1-2016, a Local Law to amend Local Law 2-1988 “Adoption of Code”, adopted July 13, 1988 by the Town Board of the Town of Holland, as amended, to establish a six-month

moratorium on commercial solar power projects and residential solar power projects in the Town of Holland.

**TOWN OF HOLLAND
LOCAL LAW INTRO. NO.1-2016
LOCAL LAW 1-2016**

A LOCAL LAW TO AMEND LOCAL LAW 2-1988 “ADOPTION OF CODE”, ADOPTED JULY 13, 1988 BY THE TOWN BOARD OF THE TOWN OF HOLLAND, AS AMENDED, TO ESTABLISH A SIX-MONTH MORATORIUM ON COMMERCIAL SOLAR POWER PROJECTS AND RESIDENTIAL SOLAR POWER PROJECTS IN THE TOWN OF HOLLAND.

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

SECTION 1. LEGISLATIVE INTENT

This Local Law amends Local Law 2-1988, known as “Adoption of Code”, adopted by the Town Board of the Town of Holland on July 13, 1988, as amended, relating to the administrative, legislative and general legislation of Codes within the Town of Holland as herein set forth.

SECTION 2. PURPOSE

The Town Board of the Town of Holland has under review regulation in regard to commercial solar power projects and private residential solar power projects except for solar panels affixed to the primary residence within the Town of Holland. At the present, there are no Town restrictions or regulations in regard to the use of land within the Town for commercial solar power projects or private residential solar power projects. The Town Board finds that the commercial use of solar power projects and private residential use of solar projects requires a six-month moratorium intended to allow for regulations and/or appropriate amendments to existing laws or regulations to properly address community impacts, concerns or issues in a manner which is meaningful and consistent with the Town’s comprehensive plan.

SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the provisions of Article 16 of the New York Town Law and Section 10 of the New York Municipal Home Rule Law.

SECTION 4. MORATORIUM

The Town Board of the Town of Holland hereby declares that no new applications shall be issued and no new permits or approvals shall be granted by any officer, department, board or agency of the Town of Holland with respect to the siting, location or establishment of commercial solar power projects and private residential solar power projects, except for solar panels affixed to the primary residence within the Town of Holland, for a period of six months from the effective date of this Local Law, unless terminated by other Local Law, duly adopted.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

SECTION 6. EFFECTIVE DATE

This Local Law shall become effective immediately upon the adoption by the Town of Holland Town Board and filing with the New York Secretary of State.

8:50 p.m. - Motion made by C. Hack, Second by C. Kline, resolve the Town of Holland adopt Local Law #1-2016, a Local Law to amend Local Law 2-1988 "Adoption of Code", adopted July 13, 1988 by the Town Board of the Town of Holland, as amended, to establish a six-month moratorium on commercial solar power projects and residential solar power projects in the Town of Holland.

ROLL CALL VOTE – Councilman Geoffrey Hack - YEA
Councilwoman Karen Kline – YEA
Councilwoman Roberta Herr - YEA
Councilman William Kolacki – YEA
Supervisor Michael Kasprzyk - YEA

5 YEA, 0 NO, 0 ABSTAIN - MOTION CARRIED

OLD BUSINESS

A. Special Use Permit – Catherine Sells – Chickens

RESOLUTION # 62-2016

8:55 p.m. - Motion made by C. Kline, Second by C. Hack, resolve the Town of Holland approve the Special Use Permit request (chickens) of Catherine Sells, upon a recommendation, and with restrictions, of the Planning Board.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

B. Special Use Permit – Tim Antholzner – Business. He requested an SUP to operate his small machine shop at 241 North Main St. He already is operating on Lewis Road. He said there will be no signage on Main St. The Board referred this request to the Planning Board, for its recommendation.

RESOLUTION # 63-2016

9:08 p.m. - Motion made by C. Kline, Second by C. Kolacki, resolve the Town of Holland approve the Special Use Permit request (machine shop) of Timothy Antholzner, upon a recommendation by the Planning Board.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

TOWN ATTORNEY – Ronald Bennett – No report.

TOWN CLERK – Merilu O’Dell –

COMMENTS FROM THE PUBLIC – None.

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

Abstract 8

General District Claims #263-299 in the amount of \$54,100.82
as set Forth in Abstract A-8

Highway District Claims #126-138 in the amount of \$52,112.92

as set Forth in Abstract DA-8		
Garbage District Claims as set Forth in Abstract SR-8	#25	in the amount of \$22,775.56
Water Fund Claims as set Forth in Abstract SW-8	#65-71	in the amount of \$6,829.75
Lighting District Claims as set Forth in Abstract SL-8	#7	in the amount of \$1,660.75
Trust & Agency Claims as set Forth in Abstract TA-8	#23-24	in the amount of \$6,822.85
Cemetery Claims as set Forth in Abstract CF-8	#14	in the amount of \$1,100.00

RESOLUTION # 64-2016

9:11 p.m. - Motion made by C. Kline and seconded by C. Hack, resolve the Town of Holland pay the preceding vouchers.

5 YEA – Hack, Kline, Herr, Kolacki, Kasprzyk / 0 NO / 0 ABSTAIN
MOTION CARRIED

ADJOURNMENT –Supervisor Kasprzyk adjourned the Regular Town Board Meeting at 9:12 p.m., with a moment of silence, in memory of late Holland residents Paul Draper, Florence Wentland, and Samuel Hollenbaugh.

RESPECTFULLY SUBMITTED on August 12, 2016

MERILU O'DELL, TOWN CLERK