

**TOWN OF HOLLAND  
TOWN BOARD MINUTES  
October 11, 2017**

**PUBLIC HEARING** – 8:00 p.m. - To declare the Town’s intention to override the NYS 1.73% property tax cap calculation. With what the Supervisor termed “very modest increases” in the 2018 budget proposal, “The bottom line is that even the health care cost increases are more than the tax cap. It is one of the biggies. The highway contract provides for a 2% salary increase... It is just not attainable,” he said. Holland has no fund balance to apply to the budget, while some others do. With no public comments, the Public Hearing closed at 8:04 p.m.

**PUBLIC HEARING** – 8:04 p.m. – To present the 2018 Preliminary Budget. Property taxes will be “up slightly,” said the Supervisor. “We are very diligent as a Board to look for opportunities to save money,” he said.” There’s not a lot of excess.” He noted that some local towns have “massive increases, because they have used up their fund balances” to balance their annual budgets. “We didn’t have fund balance surpluses to begin with,” he said. He did note the town’s use of designated reserve funds, such as those for highway equipment purchases and the town hall roof, the town’s effort “to be prudent.” With no public comments, the Public Hearing closed at 8:08 p.m.

**REGULAR TOWN BOARD MEETING** - Holland Town Supervisor Michael Kasprzyk called the Regular Town Board Meeting to order at 8:08 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  
Building Officer Justin Quant  
Town Engineer David Pratt  
Town Attorney Ronald Bennett  
Zoning Enforcement Officer Michael Sluce  
Zoning Board of Appeals Chairman William O’Dell  
Bookkeeper Jill Zientek  
Dog Control Officer William Newell

**RESOLUTION # 74-2017**

8:10 p.m. - Motion made by C. Kline, Second by C. Hack, resolve the Town of Holland approve the minutes of the September 2017 Regular Town Board Meeting.

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

**PUBLIC COMMENTS** – None.

**SUPERVISOR’S REPORT** – Supervisor Michael Kasprzyk

A. Override Tax Cap for 2018 - 8:12 p.m. - Motion made by C. Hack, Second by C. Herr:

**RESOLUTION # 75-2017**

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 #3-2017 providing for an override of the tax limit prescribed by General Municipal Law Section 3-c for the fiscal year of 2018, 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 Geoffrey Hack – AYE
- Councilwoman Karen Kline – AYE
- Councilwoman Roberta Herr – AYE
- Councilman William Kolacki – AYE
- Supervisor Michael Kasprzyk – AYE

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

B. Adoption of Preliminary Budget for 2018

**RESOLUTION # 76-2017**

8:13 p.m. - Motion made by C. Hack, Second by C. Kolacki to approve the 2018 Preliminary Budget.

ROLL CALL VOTE

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

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

- C. Resolution – Approval of Refuse/Waste Collection Contract – Option B of Contract proposal by Waste Management, as amended by Town Attorney Ronald Bennett. Amendments include changing the original five-year contract with two two-year extensions to a five-year contract with two five-year extensions. A wheeled recycling tote will be available to residents who wish to use one.

**RESOLUTION # 77-2017**

8:16 p.m. - Motion made by C. Kolacki, Second by C. Kline, resolve the Town of Holland approve the Refuse/Waste Collection Contract – Option B of Contract Proposal by Waste Management, as amended by Town Attorney Ronald Bennett.

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

- D. Trick-or-Treating Curfew – Halloween Trick- or-Treating will be on October 31, with a curfew of 8:30 p.m.

**RESOLUTION # 78-2017**

8:18 p.m. - Motion made by Councilwoman Roberta Herr; Second by Councilwoman Karen Kline. Resolved, that the Town Board sets Halloween Trick-or-Treating on October 31, with a curfew of 8:30 p.m.

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

- E. Street Crossing for Boys & Girls Club – The Town has Erie County’s formal approval to place the crosswalk near the Boys & Girls Club. Highway Superintendent Patrick Joyce has the specifics, and the highway crew will do the work. This is a controlled crossing point, since there is not a completed sidewalk on the south side of Vermont St.
- F. Sidewalk Project Update – The Supervisor reported “lots of cuts” made into the existing sidewalks, to allow for four new crossings. One will be at the elementary school, two on Canada and Pearl streets (at grade crossings at both northeast and southwest corners), and one at Pearl St. (transition from the east down to street level). All are Americans with Disabilities Act-compliant. Completion of this phase of the project will mark the completion of the NYSDOT grant projects. “This has been a laborious and tedious process,” said the Superintendent.
- G. Solar Project Update – The solar array is completed and on line, said the Supervisor, adding that the electricity bills, beginning in November, should reflect the town’s savings from the electricity produced. This was through a NYSERDA grant. Solar Liberty was the project manager. There may be a formal ribbon-cutting in the future.
- H. Resolution – Revision of Town Permit Fee Schedule. Recommended by Building Inspector Justin Quant, “This [schedule] is still a bargain, compared to other towns,” said the Supervisor.

**RESOLUTION # 79-2017**

8:21 p.m. - Motion made by Councilwoman Kolacki; Second by Councilwoman Herr. Resolved, that the Town approves the Revised Permit Fee Schedule for the Town of Holland.

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

- I. Community Development Block Grant – Project selection for 2018

**RESOLUTION # 80-2017**

8:16 p.m. - Motion made by Supervisor Michael Kasprzyk; Second by Councilman Geoffrey Hack, to designate partial funding for Rural Transit as the #1 priority for the Community Development Block Grant Program (CDBG) for 2018.

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

- J. CBDG – Formal request for a new income survey for the Community Development Block Grant program, through Erie County.

**RESOLUTION # 81-2017**

8:25 p.m. - Motion made by C. Kline. Second by C. Kolacki. Resolved, that the Town Board approve seeking another income qualification survey for the Community Development Block Grant program, through Erie County.

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

- K. Legion Steak Roast – Request to use Community Center and to serve beer and wine.

**RESOLUTION # 82-2017**

8:26 p.m. - Motion made by C. Hack, Second by C. Kolacki. Resolved, that the Town Board approve the use of the Community Center by the Holland Legion on November 11, from 6:00 p.m. until Midnight, and to serve wine and beer at the event.

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

- L. Liquor License Renewal Notification – Longhouse Restaurant. No action required.

- M. Budget Amendments

**GENERAL FUND**

From:	A1620.1	Personal Service- Buildings	\$1,340.68	
To:	A1620.11	Personal Service- Buildings CC		\$642.70
	A7110.1	Parks- Personal Services- project/mowing		\$697.98

**HIGHWAY FUND**

From:	DA599	Unappropriated Fund Balance	\$12,108.88	
To:	DA960	Appropriations		\$12,108.88
	DA 5110.4	Road Repairs		

**CEMETERY**

From:	CM599	Unappropriated Fund Balance	\$4,674.02	
To:	CM8810.1	Personal Service- Cemetery		\$324.35
	CM8810.4	Contractual- Cemetery		\$4,349.67

**RESOLUTION # 83-2017**

8:28 p.m. - Motion made by C. Hack, Second by C. Kline, resolve the Town of Holland approve the Budget Amendments for October 2017, as outlined above.

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

**COMMITTEE REPORTS**

- A. Buildings – Councilman Kolacki – The Kiwanis storage building at the Town Park will soon have electricity, and then needs to be inspected.
- B. Cemetery – Councilman Hack – Work is being done on repairing gravestone foundations.
- C. Planning Board Liaison – Councilwoman Kline – The Board met concerning the Special Use Permit request of Arthur Sweet, to conduct a home business.
- D. Town Park & Community Center – Councilman Hack – He urged people to say something, if they see vandalism happening at the park. More graffiti was painted on the new half wall at the shelter.
- E. Environmental Committee - Councilman Kolacki – he hopes that the use of the new recycling wheeled totes will increase the recycling amounts in the Town.
- F. Beautification – Councilwoman Herr – The Supervisor said the mums in the Main St. planters look nice.
- G. Holland’s 200<sup>th</sup> Anniversary – Councilwoman Kline – Kline noted several items:
  - a. The Barn Quilt project is coming along, with nearly 30 quilts already up, and more in progress.
  - b. Formal photographs were taken of the three town supervisors at the land stake on Darien Road, where the three towns meet.
  - c. The 2018 calendar is done, and will be delivered to residents in November.
  - d. The next committee meeting will be on October 16.
  - e. The Supervisor reported that the other two towns “seem to be getting excited.”

**COMMUNICATIONS**

- A. Planning Board Minutes – Minutes submitted.
- B. Zoning Board of Appeals – Minutes submitted.

**BUILDING/ZONING OFFICER** –Justin Quant. Report submitted. Quant reported a “very busy month,” and said he expects that by next week, permit fee amounts will exceed all of September’s.

**ZONING ENFORCEMENT OFFICER** – Michael Sluce. A public hearing needs to be set, for possible demolition of an unsafe structure at 12895 Whitney Road.

**RESOLUTION # 84-2017**

8:37 p.m. - Motion made by C. Kline, Second by C. Herr resolve the Town of Holland set a public hearing for possible demolition of an unsafe structure at 12895 Whitney Road.

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

**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.

**NEW BUSINESS**

- A. SUP Request – Arthur Sweet. He would like to conduct a home business servicing CB radios for Gernatt Co., as well as Internet sales. No large trucks and no signage allowed. The Planning Board recommended approval of the SUP request.

**RESOLUTION # 85-2017**

8:40 p.m. - Motion made by C. Herr, Second by C. Kolacki, resolve the Town of Holland approve the SUP request of Arthur Sweet, like to conduct a home business servicing CB radios for Gernatt Co., as well as Internet sales. No large trucks and no signage allowed.

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

**OLD BUSINESS**

- A. SUP Request – Reid Petroleum. Director of Real Estate Lou Terragnoli appeared for the company. The Planning Board approved the site plan, and the Zoning Board of Appeals approved Reid's variances. The company wishes to raze the existing building and erect another of 4,200 square feet. New pumps, tanks, and canopies will be erected, and Terragnoli reported the company is "in deep negotiations with a partner, to provide food/beverages. A negative SEQR designation needs to be completed, and attorney Ron Bennett needs to give his approval. There was discussion regarding whether the potential partner would approve of the provided site plan, as well as traffic concerns about crossing Route 16.

**RESOLUTION # 86-2017**

8:38 p.m. - Motion made by C. Hack, Second by C. Herr, resolve the Town of Holland approve the Special Use Permit request of Reid Petroleum, to operate a convenience store/gas station/food and beverage, contingent upon a negative SEQR declaration, and the approval of Town Attorney Ron Bennett.

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

**TOWN ATTORNEY** – Ronald Bennett – No report.

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

**COMMENTS FROM THE PUBLIC**

A. Gary Kingston. Kingston commented on two issues:

a. Regarding the sidewalk crossing at the Boys & Girls Club. He said he disagreed with the sidewalk on the south side of Vermont St. being finished, saying it was a safety issue. He said that perhaps the town should use its power of eminent domain to acquire the right of way for the sidewalk. (Owners Chaney denied the town’s request to place a sidewalk at the front of their property, citing the possibility of damage to the large trees in their front yard.

Supervisor Kasprzyk said the town if reluctant to use eminent domain. “I have tried to convince them (the Chaney’s), and they are adamant about not having a sidewalk there,” he explained.

b. Regarding the wi-fi issue in the town. “Can this be expedited?” he asked. “This issue is already being addressed,” said Councilwoman Herr.

B. William O’Dell – He noted that the lights at the front of the Community Center were out during evening voting hours at the primary election in September. He requested that they be on during the upcoming election in November.

“These light have been a thorn in our sides since they were installed,” said Councilwoman Herr.

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

**Abstract 10**

General District Claims as set Forth in Abstract A-10	#351-384	in the amount of \$15,150.61
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Highway District Claims as set Forth in Abstract DA-10	#153-168	in the amount of \$18,896.36
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Garbage District Claims as set Forth in Abstract SR-10	#22-25	in the amount of \$33,090.05
Water Fund Claims as set Forth in Abstract SW-10	#78-87	in the amount of \$7,209.11
Lighting District Claims as set Forth in Abstract SL-10	#10	in the amount of \$1,566.11
Trust & Agency Claims as set Forth in Abstract TA-10	#28-29	in the amount of \$6,691.45
Cemetery Claims as set Forth in Abstract CF-10	#20-25	in the amount of \$5,507.88

**RESOLUTION # 87-2017**

8:54 p.m. - Motion made by C. Kline and seconded by C. Herr, resolve the Town of Holland pay the preceding vouchers.

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

Senator Gallivan's Office – Representative Mitch McConnell spoke briefly to the Board regarding an electronics recycling event on November 4, from 9:30 a.m. to 1:00 p.m., at the BOCES facility on Harlem Road in West Seneca.

**ADJOURNMENT** –Supervisor Kasprzyk adjourned the Regular Town Board Meeting at 8:56 p.m., with a moment of silence, in memory of late former Holland resident Al Newell.

**RESPECTFULLY SUBMITTED on October 14, 2017**

**MERILU O'DELL, TOWN CLERK**