

Regular Meeting  
December 14, 2009

A regular meeting of the Marilla Town Board was held December 14, 2009 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York.

Officials present were:

George Gertz, Supervisor  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
Warren Handley, Councilman  
Daniel Handy, Councilman

Supervisor Gertz called the meeting to order and the Pledge of Allegiance to the Flag was given.

### **Communications**

1. Allied Sportsmen of Western NY renewed their annual shooting range license and requested 2010 extended hours and dates.

### **Committee Reports**

Highway Superintendent Ronald Unverdorben wanted to remind residents that beginning January the Sanitation Department will not be picking up the hydraulic cans, residents must put the garbage in bags and then placed in the hydraulic cans for them to be able to pick up. He also wanted to remind residents to drive safely during the winter weather. Car Show Chairman Vinney Beisiegel wanted him to report the Car Show will be held on July 25<sup>th</sup>, 2010.

Councilman Spanitz reported that the Planning Board will meet on December 17<sup>th</sup> at 7:00 p.m.

Councilman Handy reported that he had attended a NEST Meeting and that New York State has refused to pay their portion which is 50% of the hazardous waste drop off days. This forced NEST to dip into their reserve and pay an additional \$55,000. This will end up increasing the rates to the Towns.

Councilman Handley reported that Christmas in Marilla was a huge success. He gave a hats off to everyone; the Highway Department, Sanitation Department, Fire Company, and Benevolent, the Pavilion Committee, the Town Hall Employees. There were 400 plus in attendance and it was like a Norman Rockwell moment. He said Shirley Limpinsel took 169 pictures and they will be putting a display of them at the Community Center. He also thanked the First Baptist Church and Iroquois School Volunteers, they did a great job.

Supervisor Gertz reported that we had the biggest turnout ever for the Christmas in Marilla program, he said over 500 people attended. He said Santa had a little trouble lighting the tree in the Pavilion, but it worked out really well with the children circled around the tree putting the last ornaments on and then lighting it. He reported that the December 22<sup>nd</sup> work session was cancelled and the Settlement Meeting would be held on December 29<sup>th</sup>. He also scheduled the 2010 organizational meeting on January 7<sup>th</sup> at 7:30 pm. He stated we are accepting applications for the Conservation Advisory, Planning Board and Zoning Board of Appeals. He reported the State is still conducting the audit of the Town. He said Code Red will be tested later this week or next. If residents don't receive a call they should contact the Town Hall to have their phone number added. He said he had attended a meeting in Geneva, NY last week concerning farmland protection, and Marilla is ahead of other communities. Unfortunately there is no funding from the State this year for PACE and there are still some towns that refuse to participate.

### **Open Board Presentations From the Public**

Resident and Councilman elect Don Darrow wanted to congratulate Councilman Warren Handley on the fantastic job he did for the Christmas in Marilla program.

Resident Gene Limpinsel dittoed Mr. Darrow's remarks.

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**Old Business**

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve Minutes from the Public Hearing and Regular Meeting held on 11/5/09. Motion Carried.

**New Business**

Supervisor Gertz stated that Greg Willey's application for rezone for senior housing on Clinton Street was rejected due to having the wrong parcel number and the parcel exceeded the allowable number of splits per the town code.

Motion: Councilman Handley moved, seconded by Councilman Spanitz authorize the Highway Superintendent to advertise for a new 4x4 pick-up truck. Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Handley to approve the rules for the East Avenue Cemetery with exception to the depth of the foundation for headstones. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve the following resolution;

WHEREAS, the Town of Marilla has requested that the Marilla Free Library remain open and continue to provide cultural and recreational programs for the Town of Marilla for the year 2010; and

WHEREAS, the Marilla Free Library has agreed to remain open and to continue to provide such cultural and recreational programs for the Town of Marilla for the year 2010; and

WHEREAS, the parties have negotiated and agreed that the amount required to allow the Marilla Free Library to remain open and provide such services for the year 2010 is \$18,000, which amount has been provided for in the adopted budget of the Town of Marilla for the year 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MARILLA AS FOLLOWS:

1. That the Town Board does agree to provide the Marilla Free Library with funding in the amount of \$18,000 for the year 2010 in return for the Marilla Free Library remaining open and providing cultural and recreational services to the Town of Marilla, including, but not limited to providing free library services, conducting reading workshops for youth, facilitating cultural development, promoting literary arts and providing public meeting rooms for other cultural and educational organizations.
2. That the Supervisor is hereby authorized to execute a Contract between the Town of Marilla and the Marilla Free Library, in form as presented at this meeting.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at regular meeting of the Town Board of the Town of Marilla on December 14, 2009, the results of which were as follows:

Councilman Spantiz ó Aye  
Councilman Handley ó Aye  
Supervisor Gertz ó Aye  
Motion Carried.

Councilman Specht ó Aye  
Councilman Handy ó Aye

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- Motion: Councilman Handley moved, seconded by Councilman Specht to authorize the Town Clerk to advertise the 2010 proposed extended shooting hours for Allied Sportsmen of WNY, located on Clinton St. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Spanitz to appoint Karen Giambra as a part time clerk in the Town Clerk's Office and pay according to the adopted clerks pay scale. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Handy to authorize the Supervisor to prepay Tru Green lawn service at a cost of \$706.80 for services at the Soccer Fields on Eastwood Road and at the Town Hall for the 2010 season. Motion Carried.

Supervisor Gertz wanted to put an end to the issues raised in the Marilla United Political literature. He stated after this evening this will not be discussed at a public meeting again. He has received letters from residents requesting their names be removed from Marilla United literature; their names were used without their permission. He said because there were allegations that town equipment and personnel were used he requested proof from Marilla United. He asked Councilman Handy or Councilman Specht if they had anything to say on behalf of Marilla United and they did not. He stated that he would be sending Marilla United literature and all pertinent information to the Attorney General's Office for further investigation.

### **Report of Town Officials**

Town Engineer Marie Nowak reported that they are on schedule with required permits for Water District 5 and it should be going out to bid by the end of January.

Building Inspector Scott Rider submitted a written report with 8 building permits issued and fees totaling \$473 and a value of \$64,800. 10 inspections were made. A total of 112 acts of official business were made for the month of November.

The Planning Board minutes have been received and posted, the next meeting will be held on December 17<sup>th</sup> at 7:00 pm.

Conservation Advisory Board minutes have been received and posted and the next meeting will be held on January 5<sup>th</sup> at 6:45 pm.

Supervisor Gertz reported that one of their Firemen's father's had passed away. He reminded residents to be careful driving and to clean out their hydrants from snow. He also wanted to remind residents if they have a family member that could have suffered from a stroke, time is of the essence, they should call 911 immediately to be checked out.

### **Open Board Presentations**

Resident Earl Gingerich Jr. said he thinks there are 2 issues pertaining to the East Avenue Cemetery in regards to the foundation. He feels the type of soil as well as the size of the tombstone is what determine the depth of the foundation. He also commented that the liability in addition to the safety issue for his Christmas in Marilla hayride were much better this year, West Avenue was a much safer route than previous years. He also commended Don Darrow and Beth Ackerman for not asking for any endorsements and running independently. In the past he was asked for special favors in lieu of an endorsement by the Conservative Party.

Shirley Limpinsel stated that she was never prouder to be a part of Marilla and the Pavilion Committee. She commended Councilman Handley for being a hard worker and a great team leader. She said she walked to the Highway Department to take pictures and was happy to see all the kids so excited.

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Councilman Specht stated that this is his last Board Meeting and he has really enjoyed working for the Town, he wanted to wish best of luck to the New Board Members.

Councilman Handley wished Councilman Specht and Councilman Handy best of luck in the future. He remembered when he came to Town and Fred was then the Building Inspector and how nice he was to work with. Fred always said he was here to help.

Councilman Spanitz stated that she has been on the Town Board for 10 years and learned so much from Fred. She said when they would interview someone Fred would say "let me ask a dumb question" Councilman Spanitz said Fred didn't know a dumb question, he has been an asset to this Town.

Supervisor Gertz reported that the Town is now putting meeting notices in the Buffalo News Sunday paper in the what's around town section. He said the Pennysaver has difficult time frames to get notices in. He reported the 2010 Census is looking for people to work and is paying \$13 an hour. He also said HEAP will be accepting applications for assistance at the Marilla Community Center on 1/4/10 from 9 am to 4 pm. He hopes Fred enjoys his retirement. He said Fred always asked intelligent questions and did a great job, he has been an important asset and will be missed. He said Don and Beth will have tough shoes to fill, he welcomed them and wished them luck. He said the Town accomplished a lot of good things this year; Car Show, Civil War Re-enactment, Ag Day and more, we are in great financial shape and disaster preparedness is moving along. He wished everyone a Happy Holiday Season.

All claims have been previously reviewed by Councilman Specht and Councilman Handy.

Motion: Councilman Specht moved, seconded by Councilman Handy to approve the claims as follows:

General Fund Claims, Vouchers 541-607	\$	34,825.81
Highway Fund Claims, Vouchers 149-180	\$	17,159.86
Special Districts		
Sanitation (SR), Vouchers 107-121	\$	15,324.02
Special Fire, Voucher	\$	.00
Water District #2, Vouchers 27-29	\$	4,749.81
Water District #3, Voucher 14	\$	1,353.40
Water District #4, Voucher 13	\$	817.40
Water District #5 Voucher 1	\$	22,925.00
Cemetery Vouchers 1-2	\$	207.22
Community Development PACE	\$	.00
Community Develop. HUD	\$	.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to adjourn the meeting at 8:15 p.m. Motion Carried.

Respectfully Submitted,

\_\_\_\_\_ Town Clerk \_\_\_\_\_ Supervisor  
 \_\_\_\_\_ Councilman \_\_\_\_\_ Councilman  
 \_\_\_\_\_ Councilman \_\_\_\_\_ Councilman