

The regular meeting of the Marilla Town Board was held on Thursday, February 11, 2010 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

Absent: George Gertz, Supervisor
Barbara Spanitz, Councilman
Warren Handley, Councilman
Elizabeth Ackerman, Councilman
Donald Darrow, Councilman

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

Communications

Communications were received and read from:

- a. Marilla Benevolent requested permission to put a banner across Bullis Road to advertise the Carnival and the Tractor Pull.
- b. Resignation from Town Assessor John Prell effective immediately.
- c. Resignation from Planning Board Member Judy Gillman effective February 1st.
- d. A request from William and Patricia Blarr for a rezone of property located at 11112 Coleman Road with an SBL #138.02-4-12 to agriculture.

Committee Reports

Highway Superintendent Ronald Unverdorben reported that the following equipment is being surplused;

- 2002 Ford F150 Pick-up Truck with 8ø Meyer Plow, aluminum toolbox and stainless steel salt spreader.
- 20ö Toro Snow Blower

All equipment is sold as is. He stated the discussion of a new Highway Garage is not being proposed for the near future.

Councilman Ackerman reported that she attended the Historical Society Meeting, they will be meeting on the 4th Monday of every month.

Councilman Handley reported that the Concert Series will have most of the same dates as last year. He also reported that anyone interested in advertising in the Car Show Flyer could do so at this time, the size of the ad is determined by the donation.

Councilman Darrow reported that at a Car Show Meeting, Chairman Vinny Beisiegel and the Committee decided to try having the Car Show as a 2 Day event. Saturday will be held on the Firemenø Grounds with a flea market, Bounce houses, band, and food and Sunday would be the traditional Car Show.

Supervisor Gertz reported that Two Rod Road would only be closed on Sunday for the Car Show, Saturdayø events would be held only on the Firemenø Grounds. He stated he received Tri-Towns annual report and he filed it with the Town Clerk. The Town requires non-profit organizations to file their annual reports with the Town. He reported that the work session scheduled for February 23rd is cancelled. Councilman Ackerman will fill in for Councilman Spanitz at the February 18th Planning Board Meeting. He said the Town was \$125,000 under budget last year with many improvements being done, the surplus increased by over \$135,000. He stated that some of next years possible projects could be the Highway Garage, upgrading lighting, disaster preparedness, and health insurance.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Handley moved, seconded by Councilman Ackerman to approve the minutes of the Regular Board Meeting held on 1/7/10. Motion Carried.

New Business

Motion: Councilman Handley moved, seconded by Councilman Ackerman to appoint Richard Rose to the Planning Board to fulfill the unexpired term of Judy Gillman to expire on 12/31/2011. Motion Carried.

Motion: Councilman Darrow moved, seconded by Councilman Ackerman to appoint Peter Wittmeyer to the Zoning Board of Appeals for a 5 year term to expire on 12/31/2014. Motion Carried.

Motion: Councilman Darrow moved, seconded by Councilman Ackerman to appoint John Janis as Chairman to the Zoning Board of Appeals for 2010. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Ackerman to re-appoint Roger Gustavel to the Conservation Advisory Board for a 2 year term to expire on 12/31/2011. Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Darrow to appoint Marian Prezyna to the Conservation Advisory Board for a 2 year term to expire 12/31/2011. Motion Carried.

Motion: Councilman Darrow moved, seconded by Councilman Handley to appoint Deborah Lerner to the Conservation Advisory Board for a 2 year term to expire on 12/31/2011. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Darrow to appoint Roger Gustavel as Chairman to the Conservation Advisory Board for 2010. Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Darrow to approve the following resolution to set the public hearing for Local Law No. 1 of 2010;

WHEREAS, the Town of Marilla currently has three part-time elected assessors to perform the assessing functions for the Town of Marilla which part-time elected assessors maintain only very limited hours during which they are open to the public and those hours are in the evening after normal work hours; and

WHEREAS, due to the increasing demand for public access and the need to expand the service that the assessor's office is currently provided, the Town Board of the Town of Marilla has determined that it would be in the public interest to abolish the system of three elected assessors and replace them with a single appointed assessor which would allow the assessor's office to have more extensive hours when it is open to the public including hours during the workday and otherwise better serve the residents of the Town of Marilla; and

WHEREAS, pursuant to Section 328 of the Real Property Tax Law, the Town of Marilla is authorized by local law to change from a system of three elected assessors to a single appointed assessor, which resolution may be subject mandatory or permissive referendum or not subject to referendum; and

WHEREAS, the Town of Marilla has determined that the proposed action is an Type II Action and a coordinated review is not required; and

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Marilla, in the County of Erie shall be held at the Town Hall, 1740 Two Rod Road, Marilla, New York at 7:30 p.m. on the 11th day of March, 2010, for the purpose of hearing all persons interested in the proposed Local Law No. 1 of the Year 2010; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser and the Elma Review, designated by the Town as its official newspapers for this publication, such publication to be not less than ten days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and (c) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 1 of the Year 2010, entitled Local Law Establishing the Office of a Single Appointed Assessor for the Town of Marilla, available at her office for inspection and distribution to any interested person during business hours.

Councilman Handley read a press release statement Albany has perpetually brought the elimination of Elected Assessor to the legislative table. Given the financial constraints of the State, coupled with New York State Office of Real Property being absorbed by another agency it is most likely only a matter of time before it is legislated. An Assessment Study found on Erie.gov also supports this initiative with the conversion of elected to appointed Assessors taking place through attrition. However, because of the staggered terms of the three man boards, attrition will never present itself.

Unfortunately one of our Assessors resigned. However, this opened the door for us to react now and formulate a plan that would be a win-win situation for everyone. Our plan includes retaining our two experienced Assessors on staff, increasing taxpayer accessibility from 2 hours per week during the evening to 8 hours per week, and result in a cost savings.

By doing this now, we can provide greater service to the taxpayer, save them money, and retain the valuable knowledge of our two Assessors. Their salary will remain the same this year. It's just a matter of reorganization that benefits everyone. Any time we have an opportunity to provide increased services with decreased costs, it is our duty to take action and react in the best interest of the taxpayer.

Supervisor Gertz stated that this is in the best interest of the Town, taxpayers will get better service at a cost savings.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Councilman Handley ó Aye	Councilman Ackerman ó Aye
Councilman Darrow ó Aye	Supervisor Gertz ó Aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Ackerman to approve the following resolution pertaining to purchases made with at Town Credit Card;

WHEREAS, the Town Board of the Town of Marilla recognizes the need to be able to utilize credit cards under certain circumstances but that it is important to monitor and control the use of credit cards by Town

Employees and Town Officials and has developed a proposed policy to govern the use of credit cards that it would like to formally adopt.

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

1. The Town Board does hereby adopt the Town of Marilla Credit Card Policies and Procedures attached hereto as the official policy of the Town of Marilla.
2. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on February 11, 2010, the results of which are as follows:

Councilman Handley ó Aye Councilman Ackerman ó Aye
Councilman Darrow ó Aye Supervisor Gertz ó Aye
Motion Carried.

Motion: Councilman Darrow moved, seconded by Councilman Ackerman to approve the following resolution pertaining to the Town's drug policy;

WHEREAS, the Town Board of the Town of Marilla would like to insure that a safe and drug-free work environment is provided for its residents and employees and has come up with a draft policy that it wished to formally adopt.

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

1. The Town Board does hereby adopt the Town of Marilla Drug-Free Workplace Policy attached hereto as the official policy of the Town of Marilla.
2. This policy shall be circulated to all employees of the Town by their respective supervisors.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on February 11, 2010, the results of which are as follows:

Roll Call Vote:
Councilman Handley ó Aye Councilman Ackerman ó Aye
Councilman Darrow ó Aye Supervisor Gertz ó Aye
Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Handley to approve the following resolution on violence at the work place:

WHEREAS, the Town of Marilla has been advised by the State of New York that it is required to develop a policy with respect to workplace violence and the Town has reviewed sample policies developed by other municipalities and has come up with a draft policy that it wished to formally adopt.

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

1. The Town Board does hereby adopt the Town of Marilla Workplace Violence Prevention Statement attached hereto as the official policy of the Town of Marilla.
2. This policy shall be circulated to all employees of the Town by their respective supervisors.

3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on February 11, 2010, the results of which are as follows:

Councilman Handley ó Aye Councilman Ackerman ó Aye
Councilman Darrow ó Aye Supervisor Gertz ó Aye
Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Ackerman to approve the following resolution on for EMW:

WHEREAS, Elma, Marilla, Wales Sports, Inc. provides services for the benefit of the residents of the Town of Marilla; and

WHEREAS, the Town of Marilla has made provision in the 2010 budget in support of such organization.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby approve the proposed agreement with Elma, Marilla, Wales Sports, Inc. with an annual payment of \$3,900 for the year 2010, a copy of which agreement is annexed hereto.
2. That the Supervisor is hereby authorized to execute such agreement on behalf of the Town of Marilla.
3. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Handley ó Aye Councilman Ackerman ó Aye
Councilman Darrow ó Aye Supervisor Gertz ó Aye
Motion Carried.

Motion: Councilman Darrow moved, seconded by Councilman Handley to approve the following resolution for Boys and Girls Club;

WHEREAS, the Boys and Girls Club of Elma, Marilla, Wales, Inc. provides services for the benefit of the residents of the Town of Marilla; and

WHEREAS, the Town of Marilla has made provision in the 2010 budget in support of such organization.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby approve the proposed agreement with The Boys and Girls Club of Elma, Marilla, Wales, Inc. with an annual payment of \$5,000 for the year 2010, a copy of which agreement is annexed hereto.
2. That the Supervisor is hereby authorized to execute such agreement on behalf of the Town of Marilla.
3. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Handley ó Aye Councilman Ackerman ó Aye
Councilman Darrow ó Aye Supervisor Gertz ó Aye
Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Darrow to not allow Marilla Benevolent to put banner across Bullis Road due to the liability to the Town.

Roll Call Vote:

Councilman Handley ó Aye Councilman Ackerman ó Aye
Councilman Darrow ó Aye Supervisor Gertz ó Abstain
Motion Carried.

- Motion: Councilman Handley moved, seconded by Councilman Darrow to retain the current status of the Special Use Permit for Eastwood Service located on Two Rod Road and operating as a automotive repair shop. Motion Carried.
- Motion: Councilman Ackerman moved, seconded by Councilman Handley to approve 2009 Service Award list for the Marilla Fire Company. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Darrow to authorize the Highway Superintendent to declare the 2002 Ford F-150 pick-up Truck and 1999 Troy-bilt Snow Thrower and authorize the Town Clerk to advertise. Motion Carried.
- Motion: Councilman Darrow moved, seconded by Councilman Handley to authorize Councilman Ackerman to attend "No Farm no Food Lobby" in Albany. Motion Carried.

Supervisor Gertz stated that Assessment Grievance Day will be Thursday May 27th, 2010

Report of Town Officials

Town Engineer Marie Nowak reported that Water District 5 is almost ready to go out to bid it is now being reviewed by several agencies. They should be going out to bid sometime in March. They are also working on FEMA Flood Mapping for the Town, the New York State DEC and the Federal Emergency Management Association are working on current flood insurance rate maps. They will be attending a meeting to see if there are any changes that will affect the Town.

Town Attorney Nathan Neill questioned whether they would inform residents that would be affected by the changes?

Building Inspector Scott Rider submitted a written report with no building applications received with fees totaling \$0, 0 building permits were issued with a total value of \$0, 12 inspections were made for the month of January. Scott Rider completed his 24 hour annual training and Assistant Joe Nuttle has completed his first 2 certification classes.

Town Attorney Nathan Neill reported that he is currently working on the local law establishing alternates on the Zoning Board of Appeals, the Planning Board, and the Conservation Advisory Board. He is also working on the training requirements for those Boards. He stated he is working local laws for the rezone on Coleman Road and on portable storage units.

Assessor Chairman Kandace Wittmeyer stated that the Department of Real Property Services is being consolidated with Taxation and Finance from the Governor's budget. New York Assessors feel it is a bad mix for a number of reasons. She gave Town Board members a packet of information for them to review, and said if they agree with the reasons they should contact their State Officials. The Assessors Association does promote consolidation, but they would like to merge with the Department of State, which oversees appraisers, licensing, Taxation and Finance. They feel merging with Taxation and Finance would take away the checks and balances. She said they are also going to eliminate our State Board; which sets the Towns equalization rates, the special franchise values, as well as the railroad sealing. Instead they want to replace it with a tribunal that has no real property experience. She said in the packet there is a sample resolution and phone numbers of State Officials they could contact. She also reported that in late December the County introduced a Local Law that would allow exemptions for capital improvements on residential buildings which several municipalities are against. She said she wrote a position paper that went into testimony for the Legislature, she said Chris Collins vetoed it last month and the Legislature held and support the Assessors views. She said there is a property tax monitor that has an article about Erie County, Elma and Marilla and she reminded residents to their exemptions by March 1st.

The Conservation Advisory minutes have been received and posted.

Town Historian Hubert Kutter thanked the Town Board for his re-appointment, he has been the Historian for about 15 years. He said this year will be a big year for the Historical Society. They are having their 50th anniversary of the founding of the Society. It was founded in October of 1960, they will be having some special events and certain displays in the Museum and special talks during the year. He said on February 23rd, they will have Dave Keiver a member who is an archeologist making a presentation. March 29th is a special anniversary for the 100th year of the Boy Scouts of America. There will be a presentation and special display in the Museum honoring the Boy Scouts and a Cub Scout crossing over ceremony. He said for the Historical Society's 50th anniversary, Jim Gingerich will be giving a slide show of the history of the Williston Church and Marilla History. He said the Civil War Re-enactment would be at the Marilla Town Park on June 26th and 27th.

Open Board Presentations

Planning Board Member Rick Janiga asked if the training guidelines would be in effect for 2010 or 2011?

Supervisor Gertz responded as soon as possible.

Councilman Handley stated that it was nice to see Town Historian Hubert Kutter again.

Supervisor Gertz said the new Elevator is now working and the Board is working on a lot of things for next month. He also thanked John Prell for all of his hard work.

Councilman Handley stated that the Councilmen all audited the vouchers as recommended by the State Auditor.

Motion: Councilman Handley moved, seconded by Councilman Ackerman to approve the claims as follows:

General Fund Claims, Vouchers 18-76	\$ 31,203.95
Highway Fund Claims, Vouchers 4-25	\$ 49,500.96
Special Districts	
Sanitation (SR), Vouchers 2-10	\$ 10,420.54
Special Fire	\$.00
Water District #2, Voucher 2-3	\$ 2,585.06
Water District #3 Voucher 1	\$ 1,353.40
Water District #4 Voucher 2	\$ 817.40
Water District #5 Voucher 1	\$ 75.00
Community Develop. PACE Vouchers	\$.00
Community Develop. HUD	\$.00

Motion Carried.

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

Respectfully submitted,

_____ Town Clerk _____ Supervisor
 _____ Councilman _____ Councilman
 _____ Councilman _____ Councilman