

The regular organizational meeting of the Marilla Town Board was held on Thursday, January 7, 2010 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  
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. Supervisor Gertz gave a welcoming message:

He welcomed everyone to the 2010 organizational meeting. He welcomed the two new Board Members; Beth Ackerman and Don Darrow. He thanked residents for their support in re-electing him. He stated that he didn't have all the budget numbers but they are looking really good. He reported the Auditor was in last week and balanced the books and the Town was under budget for 2009. Sales tax revenue was up from last year, even with unbudgeted improvements at the Town Hall and Community Center we still were under budget. He said there were things that needed to be done such as; lighting and maintenance issues in both buildings, heating next door and air conditioning in the Town Hall as well as the elevator in the Town Hall. He stated that later in the meeting the Board will be passing a resolution on conduct at the meetings, it has been posted for several years. He stated he wants the Town to move forward and not look back at the past. He said overall this was a good year, Christmas in Marilla and Ag Day attendance was up and he thanked everyone for their participation.

### **Communications**

Communications were received and read from:

- a. Association of Towns regarding the Training School & Annual Meeting to be held this year in New York City on February 14-17, 2010.
- b. Assessor Earl Dabb thanked his office for all of their support and notified the Town that he was stepping down as Chairman of the Assessors.
- c. Request for appointments from; Jennifer Strong, Nathan Neill, Scott Rider, Joseph Nuttle, Thomas Whiting, Roger Gustavel, Vincent Beisiegel, Leonard Janiga, Mary Earsing, Richard Rose, Deborah Lerner.

### **Committee Reports**

Highway Superintendent Ronald Unverdorben reported that their activities have been mainly snow removal. He also reported that the Highway Garage has gone 2337 days without any injuries or claims to workers compensation.

Councilman Spanitz reported that the Library had a security system installed and that the next Planning Board Meeting will be held on Thursday, January 21<sup>st</sup> at 7:00 p.m.

Councilman Handley reported that the Holidays came and left quickly, they will be taking the trees down soon. He will be scheduling next year's concert schedule and welcomed any ideas.

Councilman Darrow reported that he had met with Car Show Chairman Vinny Beisiegel and they are at the beginning stages of planning this year's show.

Supervisor Gertz reported that the code red reverse 911 does work and he has received positive feedback. He said anyone that did not receive the code red call should either go to the Town's website and enter their information or contact him at the Town Hall to get on the calling list.

**Open Board Presentations From the Public**

Resident Earl Gingerich said that at the work session on Tuesday the Board discussed capping employees at \$750 for schooling per year, he feels they should keep it at \$500, he thinks this would prohibit abuse. He also feels that there should be a separate line in the budget for Building Superintendent and he would like the Board to reconsider the rezone on Bullis Road.

**Old Business**

Motion: Councilman Spanitz moved, seconded by Councilman Handley to approve the minutes of the Regular Board Meeting held on 12/14/09 and the Settlement Meeting minutes of 12/29/09. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Ackerman to approve the regular and extended hours for Allied Sportsmen of WNY for 2010. Motion Carried.

**New Business**

Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint Kandace Wittmeyer as Chairman to the Board of Assessors. Motion carried.

Motion: Councilman Handley moved, seconded by Councilman Ackerman to appoint Laura Nuttle as Assessor Clerk for 2010 and pay according to the adopted clerk's pay scale. Motion Carried.

Motion: Councilman Darrow moved, seconded by Councilman Ackerman to appoint Attorneys for the Town as follows; Neill & Strong for daily business, DiFilippo for litigation, and Berkowitz for assessment litigation for 2010. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint Scott Rider as Building Inspector and CEO for 2010. Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Darrow to appoint Joseph Nuttle as Deputy Building Inspector and CEO for 2010. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to appoint Thomas Whiting as Town Constable for the Town for 2010. Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Handley to appoint Pat Blarr as Clerk to the Conservation Advisory Board. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Darrow to appoint Dawn Stover as Court Clerk for 2010 and pay according to the adopted clerk's pay scale. Motion Carried.

Motion: Councilman Darrow moved, seconded by Councilman Ackerman to authorize the Supervisor to appoint Warren Handley as Deputy Supervisor. Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Handley to appoint Donald Roesch to the position of Dog Control Officer for the year 2010. Motion Carried.

Motion: Councilman Darrow moved, seconded by Councilman Ackerman to appoint Greg Pruski as Assistant Dog Control Officer for 2010. Motion Carried.

- Motion: Councilman Spanitz moved, seconded by Councilman Ackerman to appoint Paul White to the position of EMW Representative for the year 2010. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Spanitz to appoint Nussbaumer & Clarke, Inc. as Engineers and Planners for the Year 2010 not to exceed the budgeted amount of \$8,100.00. Motion Carried.
- Supervisor Gertz re-appointed Hubert Kutter as Town Historian and Jeff Lewinski as Deputy Town Historian.
- Motion: Councilman Handley moved, seconded by Councilman Spanitz to re-appoint Vincent Beisiegel as a Member to the Planning Board for a 7-year term to expire December 31, 2016. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Ackerman to appoint Judy Gillman as Chairman and Vincent Beisiegel as Vice Chairman to the Planning Board for 2010. Motion Carried.
- Motion: Councilman Ackerman moved, seconded by Councilman Handley to appoint Melissa Stark as Planning Board Clerk for the year 2010 and pay according to the adopted clerk's pay scale. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint Nussbaumer & Clarke, Inc. as Consultants to the Planning Board for the year 2010 at a rate of pay of \$4,560.00. Motion Carried.
- Motion: Councilman Darrow moved, seconded by Councilman Ackerman to appoint Dawn Pearce as Registrar of Vital Records. Motion Carried.
- Motion: Councilman Ackerman moved, seconded by Councilman Handley to appoint Sara Bender as Deputy Registrar of Vital Records. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint Kim Parker as Bookkeeper/Secretary to the Supervisor. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Darrow to appoint Helen Bourgeois as Senior Citizen Rec. Attendant/ Trip- Coordinator for 2010 and receive salary according to the budgeted amount. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Spanitz to appoint Ronald Unverdorben as Superintendent of the Park and Sanitation Department for the year 2010. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Ackerman to appoint Jennifer Strong as Town Prosecutor for 2010. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Spanitz to appoint Bonnie Mather as Tri-Town Recreation Director for the year 2010. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Ackerman to appoint Paulette Schloss as Clerk to the Zoning Board of Appeals for 2010 and pay according to the adopted clerk's pay scale. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Darrow to designate Alden State Bank, JP Morgan Chase as depositories and Municipal Solutions as fiscal advisor for Water District 5 and Capital Market Advisor for Fiscal Advisor for the Town of Marilla Funds for the Supervisor and Alden and M&T Banks for the Town Justices and to designate JP Morgan Chase Bank for the Town Clerk's Office for the year 2010. Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Spanitz to establish a petty cash fund in the amount of \$400.00 for the Town Clerk's combined Office. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Darrow to adopt the pay scale for employees with one, two and three year service to the town with one grade for each job classification. Pay scale as follows:

|                 | 1 <sup>st</sup> Year | 2 <sup>nd</sup> Year | 3 <sup>rd</sup> Year |
|-----------------|----------------------|----------------------|----------------------|
| Clerk of Boards | \$ 11.58             | \$ 12.86             | \$ 14.05             |
| Clerk Regular   | \$ 12.24             | \$ 13.51             | \$ 14.71             |

To Adopt Salaries as follows;

|                                     |              |
|-------------------------------------|--------------|
| Supervisor                          | \$ 30,516.00 |
| Councilman (4)                      | 8,700.00     |
| Chairman, Board of Assessors        | 11,520.00    |
| Member, Board of Assessors          | 10,164.00    |
| Town Clerk                          | 43,446.00    |
| Highway Superintendent              | 52,442.00    |
| Sanitation Superintendent           | 7,200.00     |
| Park Superintendent                 | 1,944.00     |
| Town Justice                        | 12,816.00    |
| Building Inspector                  | 15,780.00    |
| Deputy Building Inspector           | 6,840.00     |
| Senior Citizen Recreation Attendant | 1,560.00     |
| Town Historian                      | 1,512.00     |

Rate of Pay for other employees as follows;

Assessment Review Board - \$83 Chairman, \$68 members

Dog Control Officer - \$16.20 per hour as needed

Attorney for Town - \$115 an hour

Cleaning at Town Hall & Community Center ( \$160 per visit)

Constable for the Town - \$24 per summons

Laborer for Assessor's Office and Town Park - \$12.32 an hour

Town Prosecutor - \$115 an hour

Boards (Zoning Bd of Appeals, Planning Bd, CAB Bd) - \$42 Chairman, \$29 member

Motion: Councilman Ackerman moved, seconded by Councilman Handley to authorize the Highway Superintendent to purchase equipment, tools, etc. without prior approval of the Town Board in the amount of the budgetary provision and not to exceed the appropriated amount in the 2010 budget according to Town Law. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Darrow to authorize the Supervisor to prepay utilities, postage, tipping fees, thruway tolls, charge cards, insurance, medical, ADP and other bills that do not exceed \$1000. Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Darrow to establish a mileage allowance of \$.45 per mile for the Supervisor, Councilmen, Town Justices, Town Clerk, Assessors, Code Enforcement Officers, Dog Control Officers, Bookkeeper, Justice Clerk in the performance of their duties ( including dog damage cases) for the year 2010 and to keep a log of mileage as used in order to be paid. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Ackerman to adopt the following Resolution: RESOLVED that the Alden Advertiser

and Elma Review (to be published in both the East Aurora Advertiser and Elma Review for the same price as solely the Elma Review) be named as the official newspapers for the Town for the year 2010. Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Handley to authorize the Supervisor to pay various organizational dues for the year 2010. Motion Carried.

Motion: Councilman Darrow moved, seconded by Councilman Handley to retain the services of Kotas and Kotas, Accountants at an annual cost of \$9,145.40 for general accounting and \$1133 for the preparation of the Annual Update Document, in addition a fund specific audit statements for Water Districts 2,#4 & 5 for \$2,000. Motion Carried.

Supervisor Gertz appointed the following work committees:

**Councilman Spanitz:** Affirmative Action Officer, auditing claims, Library, Youth, Planning Board Liaison, Cemetery.

**Councilman Handley:** Memorial Day & Veterans Day, Pavilion Concert Committee, Justice Audit, Deputy Supervisor.

**Councilman Ackerman:** Historical Society, Pavilion Concert Committee, Fire Service Award, Youth.

**Councilman Darrow:** NEST Board , auditing claims, Liaison to CAB Board, Park, Senior Ride Program, Cemetery.

**Supervisor Gertz:** HUD, Insurance, Disaster/ Traffic & Safety, PACE, Technology, Justice audit.

Motion: Councilman Ackerman moved, seconded by Councilman Handley to accept the calendar of dates and times of Town Board Meetings and Work Sessions for 2010. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Ackerman to appoint Dave Wyzykowski as the Town's Youth Court Representative. Motion Carried.

Motion: Councilman Darrow moved, seconded by Councilman Handley to approve the following resolution for Town Employees to attend seminars;

WHEREAS, the Town of Marilla has determined that it is the best interest of the Town of Marilla that elected and appointed officials attend seminars and continuing education sessions to better fulfill their positions as officials of the Town of Marilla; and

WHEREAS, due to economic conditions and budget constraints, the Town of Marilla, while wishing to encourage such attendance, needs to control the cost of doing so.

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

1. That each elected or appointed official shall be authorized to expend a total of \$750 per year for attendance at seminars or continuing education sessions that must be job related.
2. That elected or appointed officials shall not be reimbursed for costs of attendance in excess of that amount per year unless they receive prior Town Board approval to attend such seminar or continuing education session.
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 January 7, 2010, the results of which were as follows:

Roll Call Vote:

Councilman Spanitz ó Aye  
Councilman Ackerman ó Aye  
Supervisor Gertz ó Aye

Councilman Handley ó Aye  
Councilman Darrow ó Aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to authorize the Code Enforcement Officers to attend annual seminar.  
Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Darrow to approve the following resolution on rules of conduct:

WHEREAS, the Town Board of the Town of Marilla has determined that it is in the best interest of the Town of Marilla to formally adopt rules governing the conduct of meetings which provide rules not only for the placing of matters on the agenda, time deadlines, and rules relating to the conduct by the Town Board of matters before the board but also address the need to insure that public meetings are conducted in a civil and courteous manner with respect for the feelings of others; and

WHEREAS, the Town Board has prepared a proposed set of rules governing the conduct of business, a copy of which is annexed hereto and made a part hereof.

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

1. The Town Board does hereby adopt the Rules Governing the Conduct of Business attached hereto as the official rules for the Town of Marilla.
2. The Town Board directs that a copy of the rules be publicly displayed in the Town Hall Meeting Room and the Community Center Meeting Room.
3. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spanitz ó Aye  
Councilman Ackerman ó Aye  
Supervisor Gertz ó Aye

Councilman Handley ó Aye  
Councilman Darrow ó Aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Darrow to approve the following resolution for renewal of Special Use Permits;

WHEREAS, a number of special use permits are issued by the Town of Marilla subject to annual review and approval or subject to revocation; and

WHEREAS, the Town Board has discussed the special use permits with the Code Enforcement Officer and has determined that all the properties are operating substantially in accordance with the requirements of the special use permits and that there have been no complaints.

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

1. The Town Board does hereby approve the following special use permits through December 31, 2010:

1. Mary Albrecht 12863 Williston Rd. East Aurora, NY 14052 kennel

2. B & C Lewandowski 12997 Bullis Rd. East Aurora, NY 14052 kennel
3. Judith Quirk 2390 Eldridge Rd. East Aurora, NY 14052 kennel
4. Thomas Stasierowski 724 Three Rod Rd. Alden, NY 14004 kennel
5. Gloria Summers 13077 Clinton St. Alden, NY 14004 kennel
6. Judith Vasilion 3399 Four Rod Rd. East Aurora, NY 14052 kennel
7. Catherine Wojcik 13025 Bullis Rd. East Aurora, NY 14052 kennel
8. Julie Garvey 12935 Williston Rd. East Aurora, NY 14052 animal shelter
9. SBC Tower One SBC Center, 36M-1 St. Louis, MO 63101 cell towers
10. Crown Castle Court 4017 Washington Rd. McMurry, PA 15317 cell
11. Leon Berner 257 Townline Road Lancaster, NY 14086 gravel/mining
12. First Baptist Church 11651 Bullis Rd, Marilla, NY 14102 picnic shelter
13. Bradley Keem 3976 Two Rod Rd. East Aurora, NY 14052 milk hauling
14. AT&T, Phillips 3400 HSBC Center Buffalo, NY 14203-2887 cell Lytle
15. GC Acres 2598 Two Rod Rd. East Aurora, NY 14052 Horse Boarding
16. William Peter 600 Two Rod Rd., Marilla, NY 14102 Auto Repair Facility
17. Sandra Rogers 12632 Bullis Rd., East Aurora, NY 14052 kennel

2. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spanitz ó Aye

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 for pertaining to the NYS Retirement System:

WHEREAS, the State of New York has recently enacted a new regulation defining the process of reporting retirement service credit for elected and appointed officials which system mandates that each official **who is a member of the Retirement System** and does not use a time and attendance system must maintain a record of his or her work related activities for three consecutive months within 150 days of the start of a new term or appointment and then submit it to the secretary or legislative clerk of the governing body within 180 days of taking office.

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

1. That each elected or appointed official who is a member of the retirement system and who does not use a time and attendance system must maintain a record of his or her work related activities for three consecutive months within 150 days of the start of a new term or appointment and submit the record to the Town Clerk within 180 days of the start of the new term or appointment.
2. That each newly elected or appointed officials shall inform the Town Clerk within 180 of the start of a new term or appointment whether they are a member or intending to become a member of the retirement system to allow the Town Clerk to monitor which officials are required to report.
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 January 7, 2010, the results of which were as follows:

Roll Call Vote:

Councilman Spanitz ó Aye  
Councilman Ackerman ó Aye  
Supervisor Gertz ó Aye  
Motion Carried.

Councilman Handley ó Aye  
Councilman Darrow ó Aye

### **Report of Town Officials**

Town Engineer Marie Nowak thanked the Town Board for their reappointment and reported that they are working on obtaining the easements for Water District 5. She reported that the Army Corp of Engineers approved the stream crossing.

Building Inspector Scott Rider submitted a written report with 3 building application received with fees totaling \$116, 3 building permits were issued with a total value of \$96,500, 25 inspections were made for the month of December.

Town Attorney Nathan Neill reported that he is waiting for 3 easements for Water District 5.

Assessor Chairman Kandace Wittmeyer thanked the Town Board for her appointment, she said that all the exemptions have to be in by March 1<sup>st</sup> and the tax roll has been sent down to the County to print the County tax bills.

Planning Board Member Vinny Beisiegel thanked the Town Board for his reappointment and stated the next Planning Board Meeting would be held on 1/21/10.

Supervisor Gertz stated that Councilman Ackerman would be representing the Town Board at that meeting.

The Conservation Advisory minutes have been received and posted.

Supervisor Gertz reported on behalf of the Marilla Fire Company of the urgency of calling 911 for an emergency. He said time is of the essence in an emergency situation. He said the Fire Company is doing very well, they have just ordered a new truck and he reminded residents to shovel hydrants.

### **Open Board Presentations**

Resident Earl Gingerich Jr. had some questions and recommendations concerning procedures for auditing claims, and budgeting.

Resident Marcia Canetti thanked the two new Board Members for running and all the members of the Board for what they do.

Resident Daniel Handy requested being put on a courtesy list for his exemption applications.

Councilman Spanitz wished everyone a Happy New Year, and she will be out of town for the next Planning Board Meeting.

Councilman Darrow stated that he is glad to be here and looks forward to working with the residents.

Councilman Ackerman had the same sentiments as Councilman Darrow and said it would be an honor to serve the residents.

Councilman Handley wished everyone a Happy New Year and thanked everyone that helped him throughout the year with the success of the concerts, tree lighting , and Ag Day.

Supervisor Gertz stated that it was a good year last year with a few bumps, he thanked Warren for filling in while he was injured. He looks forward to this year, he hopes everyone pulls together for the betterment of the Town. He commented on the new benches in the Meeting Room.

Motion: Councilman Spanitz moved, seconded by Councilman Darrow to approve the claims as follows:

|                                    |             |
|------------------------------------|-------------|
| General Fund Claims, Vouchers 1-17 | \$ 5,868.76 |
| Highway Fund Claims, Vouchers 1-3  | \$ 3,463.53 |
| Special Districts                  |             |
| Sanitation (SR), Vouchers 1        | \$ 1,330.13 |
| Special Fire                       | \$ .00      |
| Water District #2, Voucher 1       | \$ 2,492.40 |
| Water District #3 Voucher 1        | \$ 1,353.40 |
| Water District #4 Voucher 1        | \$ 817.40   |
| Community Develop. PACE Vouchers   | \$ .00      |
| Community Develop. HUD             | \$ .00      |

Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Handley to adjourn the meeting at 8:20 p.m. Motion Carried.

Respectfully submitted,

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

\_\_\_\_\_ Councilman \_\_\_\_\_ Councilman

\_\_\_\_\_ Councilman \_\_\_\_\_ Councilman