

The regular organizational meeting of the Marilla Town Board was held on Thursday, January 11, 2007 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given. Supervisor Foss gave a welcoming message:

He welcomed everyone to 2007. The Town had a very good year last year both financially and with events that occurred in town. He is certainly not going to list them all but top billing had to go to the Car Show, Concert Series, Re-enactment, Memorial Day, Veterans Day, Tree Lighting Ceremony and the saving of our Library. We survived the October storm in good fashion, completed the Lemke shelter in the Park and put in a new camera system to protect our Town Hall and Community Center. We also were successful with another PACE grant and obtaining funds to put a hand railing along the Veterans walkway. We also found time to update our ordinances and at least kept the Sheriff's Patrol for this year. Many other things were accomplished last year and he thanks all those who were involved in keeping Marilla a wonderful place to be.

The New Year promises to also be eventful with many of the same events becoming bigger and better and some of the same challenges as this past year. We will have to continue to support our Library and somehow keep our Deputy Sheriff's on duty in the rural towns. We have received another donation for a new shelter in the Town Park and he thinks this will finally satisfy the needs of our residents for large shelters for family and other events. He has asked the CAB to develop a Master Plan for the Town Park and he would hope they can get most of it accomplished this year. He also is going to recommend to the Town Board and CAB that they consider a walking path within the Park when they do the Master Plan.

This year will see the Town rework its electrical system in the Community Center and Town Hall as we have had so many additions it needs to be better organized. We also will be putting in some type of new controls in the Community Center HVAC system. It does not work properly and will be replaced. We are also putting a small addition to the building in the recycling center.

With the above information we certainly will be busy but we are being very conservative with our expenditures in the budget so we can maintain control of our tax rates for the Town of Marilla. I just got the final numbers for 2006 and all accounts ended with a positive balance. When you factor in the storm in October, the increased energy prices, and we have not raised local taxes. He believes our Town is doing a good job in providing necessary services at a reasonable cost. A lot of credit can be given to our Town employees for the great job they have done for our residents and a Town Board that works together to control our budget and keep things running smooth.

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 18-21, 2007.
- b. Request for appointments from; Earl Dabb, Laura Nuttle, Joseph Lankes, John Fronczek, Nathan Barnard, John Janis, Thomas Whiting, Jennifer Strong, Nathan Neill, David Coder.
- c. Letter of resignation from Ralph Burch of the Conservation Advisory Board.

Committee Reports

Highway Superintendent Dave Pierce reported that due to the lack of snow they have been cleaning the road ditches. Leaves and debris are clogging the ditches from the

October storm. They are also building an addition at the recycling center approximately 180 wide by 600 long.

Councilman Spanitz reported that Marilla Library now has wireless internet and users will be able to access them with their flash drives. The Library Board approved the Marilla Library's budget. The next Planning Board Meeting will be held on Thursday, January 18th at 7:00 p.m.

Councilman Specht reported that the Town's Fire Service Award list for 2006 has 35 members. Residents can hear from the up to date status with Time Warner and Fox and Channel 49 on the news.

Councilman Gertz reported that the County will be holding a recycling day on January 13th from 9:00 a.m. to 1:00 p.m. at the Buffalo Zoo parking lot. The new Town Code Book will be ready in another month due to the new local laws the Town Board passed at the December Board Meeting. He also reported there will be another CERTS Training Program starting again. It is an 8 week program on survival in an emergency. There will also be a seminar on Disaster Preparedness with the Marilla Kiwanis on February 19th at the Marilla Community Center.

Supervisor Foss reported that the Town accountants have just finished our financial report for 2006 and he is happy to report that all accounts from General Fund, Highway, Sanitation, Special Fire, and all the Water Districts ended in a positive note. The Town Board should be proud to again have our revenue exceed our Expenditures and having done so without raising taxes. To have accomplished the above is proof of just how efficient and effective our Town is operating and providing the services residents need.

He has also received a donation of \$8500 toward a new shelter in the Town Park from the Albert and Mary Pierce Family and we have budgeted for the remainder so we can build this much needed large shelter. For the residents of the Town of Marilla and from the Town Board we wish to thank the Pierce Family for their generous donation to help improve our Town Park. The shelter probably will not be ready for use until 2008 but it is sure needed as we get a lot of demand from residents to reserve Park shelters. We will be going to bid as soon as possible so the shelter will be fully completed by 2008.

He has received notice from Community Development personnel that the Town of Marilla's grant application for funds to construct railings on the Veteran's walkway has been approved and bidding is projected to begin in March. Because much of the walkway is on a hillside this will help individuals up and down the walkway. The grant is for an amount not to exceed \$18,000 with the final amount to be determined by bid.

The Town Board will be meeting with our insurance agent on January 23rd at our regular work session. Our representative Jason has indicated to me our costs will remain about the same.

We have hired Jason Engel to be the project director for the grant we received for PACE for the Foss farm on Three Rod Road. There has already been problems and it is good to have an expert in this field to do the necessary work to get the project completed and we are looking to complete the grant this year.

This week he received from the Comptrollers Office a check for \$5,000 that was due the Town in 2004. It was a grant for the new speaker system and electrical work on the pavilion. Due to the County Budget crisis the money was withheld from the Town even after we had completed the project. With the new comptroller and Kathy Konst in office, she was able to get the situation reviewed and the money meant for Marilla was finally sent to us. Thank you very much Kathy Konst for following up on his request and getting the money sent to where it was supposed to go.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes of the Regular Board Meeting held on 12/14/06 and the Settlement Meeting minutes of 12/28/06. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the extended hours requested by Allied Sportsmen of WNY for 2007. Motion Carried.

New Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to appoint Earl Dabb as Chairman to the Board of Assessors and Laura Nuttle as Assessor Clerk. Motion carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to appoint Attorneys for the Town as follows; Neill & Strong for daily business, DiFilippo for litigation, and Berkowitz for assessment litigation for 2007. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to appoint John Fronczek as Building Inspector and CEO for 2007. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint Scott Rider as Deputy Building Inspector and CEO for 2007. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to appoint Thomas Whiting as Town Constable for the Town for 2007. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to appoint Joe Lankes, and Dave Coder to the Conservation Advisory Board to a two-year term to expire on December 31, 2008. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to appoint Cynthia Jondle as Court Clerk for 2007 and pay according to the adopted clerk's pay scale. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to appoint Donald Roesch to the position of Dog Control Officer for the year 2007. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint Paul White to the position of EMW Representative for the year 2007. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Gertz to appoint Nussbaumer & Clarke, Inc. as Engineers and Planners for the Year 2007 not to exceed the budgeted amount of \$7,400.00. Motion Carried.

Supervisor Foss reappointed Hubert Kutter as Town Historian and Jeff Lewinski as Deputy Town Historian.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to re-appoint Nathan Barnard as a Member to the Planning Board for a 7-year term to expire December 31, 2013.

Roll Call Vote:

Councilman Spanitz ó Aye

Councilman Specht ó Aye

Councilman Gertz ó Aye

Councilman Handley ó Aye

Supervisor Foss - Abstained

Motion Carried.

- Motion: Councilman Specht moved, seconded by Councilman Gertz to appoint Nathan Barnard as Planning Board Chairman, and Laura Nuttle as Planning Board Clerk for the year 2007 and pay according to the adopted clerk's pay scale. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Spanitz to appoint Nussbaumer & Clarke, Inc. as Consultants to the Planning Board for the year 2007 at a rate of pay of \$4,160.00. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Gertz to appoint Helen Bourgeois as Senior Citizen Rec. Attendant/ Trip- Coordinator for 2007 and receive salary according to the budgeted amount. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Spanitz to appoint David Pierce as Superintendent of the Park and Sanitation Department for the year 2007. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Specht to appoint Jennifer Strong as Town Prosecutor for 2007. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint Bonnie Mather as Tri-Town Recreation Director for the year 2007. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Specht to re-appoint John Janis as a Member to the Zoning Board of Appeals to a five year Term to expire December 31, 2011. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Gertz to appoint Stanley Travis as Chairman to the Zoning Board of Appeals for 2007 and Paulette Schloss as Clerk to the Zoning Board of Appeals for 2007 and pay according to the adopted clerk's pay scale. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to designate Alden State Bank, JP Morgan Chase, CLAS, Fire Service Agency Inc., as depositories and Munistat as 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 2007. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Handley 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 Spanitz to approve the Highway and Sanitation and General Fund Employees Work Policy for the year 2007 available to full time employees as negotiated by the Town Board as follows:

Town Of Marilla
Highway, Sanitation And General Fund
Full-Time Employee's Work Agreement - 2007

The Town Board has agreed to pay the following salaries to the Town of Marilla Employees:

Laborers for the Marilla Highway and Sanitation Departments shall receive -	\$11.28 per hour
Motor Equipment Operators shall receive ó Starting Rate	\$14.82 per hour
After 1 year	\$15.79 per hour
After 2 years	\$17.41 per hour

Mechanics shall receive - Starting Rate	\$15.58 per hour.
After 1 year	\$17.71 per hour.
After 2 years	\$19.82 per hour.

Maintenance Employees for the Sanitation, Highway and General Fund shall receive ó Starting Rate	\$13.06 per hour
After 1 year	\$13.94 per hour
After 2 years	\$14.82 per hour

Employees moving up from Sanitation to Highway start at second year rate.

In addition, full-time hourly employees of the Highway, Sanitation and General Fund Departments will receive the following benefits for 2007:

1. Eleven (11) paid holidays to include:

a. January 1	New Years Day
b. January 15	Martin Luther King Day
c. February 19	President's Day
d. April 6	Good Friday
e. May 28	Memorial Day
f. July 4	Independence Day
g. September 3	Labor Day
h. October 8	Columbus Day
i. November 12	Veteran's Day
j. November 22	Thanksgiving Day
k. December 25	Christmas Day

2. Vacation - Five (5) days, (one) (1) day being eight (8) hours) for the first year of town employment, after six (6) months. One (1) additional day for each year thereafter until a maximum of twenty (20) days is reached. A maximum of ten (10) days may be carried over to the next year without prior approval. Vacation scheduling will be approved by the Highway Superintendent or the Sanitation Superintendent. Two (2) employees from the same department may not take the same week or other critical weeks as designated by the Highway or Sanitation Superintendents. No vacations shall be allowed between November 1 and April 15 except in an emergency. (Also, during this period Employees are required to be available for snowplowing unless prior approval is given by the Highway Superintendent.) Employees will be paid for unused vacation time remaining at the end of November in a December paycheck of 2007; provided that said employee has at least ten (10) days of unused vacation time as of the first paycheck of December of 2007.
3. Vacation Time ó Forty (40) days notice must be given in writing with dates specified prior to two (2) or more consecutive days off.
4. Personal Leave - Five (5) days per year after one (1) year of employment.
5. Sick days - Five (5) days per year. Thirty (30) sick days may be accumulated and will be paid upon retirement at a rate of one-half (1/2) of the employee's pay at retirement based upon one (1) work day (where one (1) work day equals eight (8) hours).
 - i. Employees employed by the Town of Marilla prior to January 1, 2001 and who have accumulated sick days under previous Work Agreements with the Town of Marilla are entitled to those previously accumulated sick days, as designated in the Work Agreement(s) in effect during the period of accumulation, but are not entitled to continue the accumulation commenced under previous Work Agreements. Previously accumulated sick days are not to be counted in the accumulation of sick days under the instant Work Agreement.
 - ii. In the event that future Work Agreements discontinue the policy of accumulating sick days, employees are entitled to receive, as outlined by this Work Agreement, all sick days under this Work Agreement.

6. Highway Superintendent and Sanitation Superintendent may require a doctor's certificate for three (3) consecutive sick days.
7. NYS Disability Insurance after a period of seven (7) consecutive days. The Town will pay employee his or her normal wage for the work week missed during the waiting period if, and only if employee files disability claim beginning the first day of his or her disability.
8. Personal Safety Equipment - \$ 400.00 annually.
9. Pay shall be issued on a bi-weekly basis. Checks to be issued no later than Thursday following the last pay period day.
10. Full Independent Health - Group Number B2704H
11. Time paid is considered time worked. Upon returning to work, benefits will be pro-rated for the balance of the year.

An Employee will be eligible for the above benefits provided they have worked 80% of the current calendar year. All Marilla paid time off, except DBL time off, will be considered time worked. When an employee returns to work and completes working 80% of that current calendar year, their benefits received for the remaining portion of that calendar year shall be pro-rated.

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley 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 st Year	2 nd Year	3 rd Year
Clerk of Boards	\$ 10.59	\$ 11.78	\$ 12.85
Clerk Regular	\$ 11.19	\$ 12.37	\$ 13.45

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to adopt the following Resolution: RESOLVED, that the Town Board of the Town of Marilla does hereby fix the salaries of the officers and employees for the year 2007 and that they be paid as follows:

Supervisor	\$ 27,648.00
Councilman (4)	7,980.00
Chairman, Board of Assessors	10,524.00
Member, Board of Assessors	9,300.00
Town Clerk	39,752.00
Highway Superintendent	47,944.00
Sanitation Superintendent	6,578.00
Park Superintendent	1,742.00
Town Justice	11,700.00
Building Inspector	14,404.00
Deputy Building Inspector	6,236.00
Senior Citizen Recreation Attendant	1,416.00
Town Historian	1,368.00

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to pay Assessment Review Members per day and to receive the same rate of pay per day for required schooling, pay scale as follows: \$76.00 for the Chairman and \$ 62.00 for members. Motion Carried.

- Motion: Councilman Specht moved, seconded by Councilman Spanitz to pay Dog Control Officer at the rate of Maintenance employees as per the Towns work agreement of 2007 at \$14.82 per hour for hours worked as needed and to include taking a Census of dogs doing one-third of the Town each year. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Specht to pay Attorney for the Town \$115 per hour for 2007. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Gertz to appoint Barbara Rebmann to clean the Community Center and Town Hall at a rate of \$9.78 per hour. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Specht to pay the Constable for the Town \$21.42 per summons and pay for court time at adopted clerk's rate of pay. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to pay laborers for the Town Park and Assessor's Office at a rate of \$11.27 per hour. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Gertz to pay Town Prosecutor Jennifer Strong at a rate of \$115 per hour. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Gertz to set the rate of pay for the Zoning Board of Appeals, Planning Board and the Conservation Advisory Board as follows: Chairman \$38.21 per meeting and \$ 26.52 per meeting per member. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Gertz 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 2007 budget according to Town Law. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Specht 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 Handley moved, seconded by Councilman Gertz to establish a mileage allowance of \$.40 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 2007 and to keep a log of mileage as used in order to be paid. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Gertz 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 2007. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Spanitz to authorize the Supervisor to pay various organizational dues for the year 2007. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Specht to retain the services of Kotas and Kotas, Accountants at an annual cost of \$8,391 for general accounting and \$984 for the preparation of the Annual Update Document, in addition a fund specific audit statements for Water Districts #2 & #4 for \$2,500. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to accept the calender of dates and times of Town Board Meetings and Work Sessions for 2007. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to appoint Dave Wzykowski as the Town's Youth Court Representative. Motion Carried.

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

Motion: Councilman Gertz moved, seconded by Councilman Handley to authorize Town Assessors to attend annual seminar. Motion Carried.

Supervisor Foss appointed the following work committees:

Councilman Spanitz: Affirmative Action Officer, Library, Youth, Planning Board Liaison, Link at Mystic Pines Golf Course.

Councilman Specht: Technology, Historical Society, audit of claims, liaison to the CAB.

Councilman Gertz: Disaster/Traffic & Safety, Town Parks, and Fire Service Award, Memorial and Veteran's Day Celebrations, Zoning Ordinance updates.

Councilman Handley: Audit of claims, Pavilion Concert Committee, Zoning Ordinance updates.

Supervisor Foss: HUD, Insurance, Alternate to NEST, PACE 2005 + 2006.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to accept year end reports from the following offices; CEO, Justice Court, Town Clerk, and Tax Collector. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to authorize the Town Clerk to accept bids for construction of the new picnic shelter at the Marilla Town Park. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to thank Ralph Burch for his service on the Conservation Advisory Board and accept his resignation with regret. Motion Carried.

Report of Town Officials

Building Inspector John Fronczek submitted a written report with no building applications received with fees totaling \$0, 0 building permits issued with a total value of \$0, 11 inspections were made and 2 complaints were received for the month of December 2006. He also submitted an annual report for 2006, a copy of which will be filed in the Town Clerk's Office.

The next Planning Board meeting will be in two weeks on January 19th at 7:00 p.m.

The Conservation Advisory minutes have been received and posted.

Town Historian Hubert Kutter thanked the Town Board for his re-appointment

Open Board Presentations

Councilman Gertz stated that he received a call from a woman from Darien asking about the house signs in Marilla, she liked them and wanted to know where they came from. The house signs are still available through the Marilla Fire Company.

Councilman Spanitz complimented the Marilla Fire Company for the great job, good fellowship, and wonderful meal at their Installation Dinner.

Supervisor Foss stated that changing the rules for the Firemen's Service Award age limit last year was the right thing to do, people should be treated fairly. He also stated that it is nice to see younger people getting involved in Town business, it's important to get them involved.

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

General Fund Claims, Vouchers 1-17	\$ 30,458.45
Highway Fund Claims, Vouchers 1-16	\$ 14,321.92
Special Districts	
Sanitation (SR), Vouchers 1-5	\$ 10,287.51
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 1-2	\$ 76,245.63
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to adjourn the meeting at 8:07 p.m. Motion Carried.

Respectfully submitted,

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