

A Public Hearing was held May 10, 2007 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the hearing was to hear comment from the public to consider using surplus funds and funds received through grants, to purchase development rights in two (2) parcels of real property located at Three Rod Road in the Town of Marilla, County of Erie and State of New York for the purposes of maintaining an open space and preserving farmland. Said parcels are further identified by SBL Numbers: 140.00-1-2.1 and 140.00-1-5.1 both totaling 84.07 acres. The Town Clerk presented affidavits showing that certified copies of the Order Calling a Public Hearing had been published and posted pursuant to the provisions of the Town Law. Approximately (7) persons were in attendance. Officials present were:

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

Supervisor Foss stated that the Public Hearing on the use of surplus funds and funds received through grants to purchase development rights in two (2) parcels of unimproved real property located at Three Rod Road, in the Town of Marilla, County of Erie and State of New York, was now open and asked if there was any interested person who desired to be heard.

Hearing no comments from those in attendance, the hearing was closed at 7:34 p.m.

Respectfully Submitted,

_____ Town Clerk

Regular Meeting
May 10, 2007

A Regular Meeting of the Marilla Town Board was held May 10, 2007 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John 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.

Communications

- a. Tri- Town Soccer requested use of the Town Soccer Fields on Eastwood Road for practices on Monday through Friday beginning at 6 p.m. and lasting approximately 90 minutes.
- b. Leonard Blizniak requested a position on the Zoning Board of Appeals.
- c. Eugene Gawronski requested a position on the Zoning Board of Appeals.

Committee Reports

Councilman Gertz reported for Highway Superintendent Dave Pierce that the Town wide rubbish pick-up was complete. The new pavilion at the Town Park was now up and they will be getting the Park ready for its opening on Memorial Day Weekend.

Councilman Spanitz reported that the Planning Board will be holding its next meeting on May 17th at the Community Center at 7:00 p.m. and there is a lot on the agenda.

Councilman Handley reported that the Summer Concert Series will kick off on June 7th at 5 p.m. with the Iroquois School 7th and 8th grade select chorus & Orchestra. The Pavilion Committee will be having a meeting next Wednesday, May 16th at 7 p.m.

Supervisor Foss stated that the bids for the Veterans walkway railings should go out next month. The Town Hall is getting ready for Memorial Day we will be putting in new shrubs and flowers around the building.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes from the Public Hearing and the Regular Board Meeting held on 4/12/07. Motion Carried.

New Business

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

WHEREAS, motorcycle safety awareness is of critical importance to both riders and other potential victims; and

WHEREAS, in the past year, Erie County has experienced more than a dozen mishaps involving motorcycles, more than half ending in fatalities; and

WHEREAS, no single cause is to blame; and

WHEREAS, motorcycle safety awareness has been identified by Governor Eliot Spitzer, as well as other government officials, as a priority in traffic safety;

NOW, THEREFORE WE the members of the Town Board of the Town of Marilla, declare the month of May 2007 as "Motorcycle Safety and Awareness Month" in our municipality.

Roll Call Vote:

Councilman Specht ó Aye

Councilman Spanitz ó Aye

Councilman Gertz ó Aye

Councilman Handley ó Aye

Supervisor Foss - Aye

Motion Carried.

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

WHEREAS, the Town of Marilla has enacted a local law prohibiting peddling and soliciting on public property within the right-of-way of any road, street or highway during prohibited periods, which law is codified as Chapter 346 of the Code of the Town of Marilla; and

WHEREAS, the Code provides that the Town Board annually establish by resolution specific dates and periods of times during which peddling and soliciting is prohibited for that particular year.

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

Section 1. The Town Board does hereby determine that peddling and soliciting shall be prohibited within the right-of-way or any road, street or highway during the period beginning at 12:01 a.m. on June 14, 2007 and ending at midnight on June 16, 2007.

Section 2. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Specht ó Aye

Councilman Spanitz ó Aye

Councilman Gertz ó Aye

Councilman Handley ó Aye

Supervisor Foss - Aye

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve the following resolution:

WHEREAS, the Town Board of the Town of Marilla is considering the purchase of development rights to an approximately 80.52 acre parcel of land located at 1460 Three Rod Road in the Town of Marilla and has caused a long form environmental assessment form (EAF) to be prepared in connection with such purchase; and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 9 (State Environmental Quality Review Act-SEQRA) of the Environmental Conservation Law, the Marilla Town Board has reviewed the proposed purchase of development rights and the EAF prepared in connection therewith and has determined that the proposed action constitutes an Unlisted Action under SEQRA; and

WHEREAS, the Town Board of the Town of Marilla following review of the EAF has determined that the proposed action is primarily of local significance and that conducting a coordinated review is not necessary; and

WHEREAS, the Town of Marilla has determined that the proposed project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and is consistent with social and economic considerations

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Marilla, after considering the action proposed herein, in reviewing the Environmental Assessment Form, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment for the reasons set forth in the attached Negative Declaration.

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to complete and execute the Part III of the said Environmental Assessment Form and to check the box thereon indicating that the proposed action will not result in any significant adverse impacts; and be it further

RESOLVED, that the annexed Negative Declaration is hereby approved and the Town Clerk is hereby authorized and directed to make the appropriate filings in accordance with the provisions of the General Regulations of the Department of Environmental Conservation.

Roll Call Vote:

Councilman Specht ó Aye

Councilman Spanitz ó Aye

Councilman Gertz ó Aye

Councilman Handley ó Aye

Supervisor Foss - Aye

Motion Carried.

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

WHEREAS, the Town of Marilla has surplus funds in its budget;

WHEREAS, the Town of Marilla has received a grant to purchase development rights in real property for the purposes of maintaining open space and preserving farmland.

WHEREAS, the Town of Marilla has determined that it is within the Town's best interest to purchase development rights in real property for the purposes of maintaining open space and preserving farmland.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board is permitted to purchase real property with surplus funds and the grant funds development rights in two (2) parcels of real property located at Three Rod Road in the Town of Marilla, County of Erie and State of New York, for the purposes of maintaining an open space and preserving farmland.
2. That the Town Board has the authority to negotiate, execute and deliver Contracts to purchase two (2) parcels of real property located at Three Rod Road, in the Town of Marilla, County of Erie and State of New York, for the purposes of maintaining an open space and preserving farmland.
3. The execution and delivery of the Contracts by the Town Board shall constitute approval of the terms of the Contract as executed and delivered.
4. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Specht ó Aye

Councilman Spanitz ó Aye

Councilman Gertz ó Aye

Councilman Handley ó Aye

Supervisor Foss - Aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to permit Tri-Town United Soccer Club use of the Town's Eastwood Road Soccer fields. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to authorize the Town Clerk to bid the railings for the Veteran's Walkway. Motion Carried.

Report of Town Officials

Building Inspector John Fronczek submitted a written report with 15 building applications received with fees totaling \$2,407.00, 15 building permits issued with a total value of \$841,617, 12 inspections were made and one complaint was received for the month of April 2007, One Variance application with a fee of \$150, and one B-1 Subdivision Preliminary Plat Application was received. A total of 154 official code enforcement activities were performed in the month of April.

Town Attorney Nathan Neill reminded anyone that would be interested in attending Newstead's training sessions next week at a cost of \$20 should contact his office.

The Planning Board's next meeting will be May 17th at the Community Center at 7:00 p.m. and the minutes have been received and posted.

The Conservation Advisory minutes have been received and posted.

Open Board Presentations

Councilman Handley stated he wanted to thank Mrs. Coy's class from Iroquois High School, they had a participation in Government class that was a two hour session. He participated in it as well as Kathy Konst, Tim Howard, Mike Nolan and a few others. It was a great session and he wanted Councilman Gertz to know that the kids are wondering how he will rescue all the animals in case of an emergency.

Councilman Gertz stated that the Buffalo Bicycle Club will be having another race on August 5th and wants residents to be aware they are out there and to be cautious if you see them racing.

Councilman Spanitz stated that she spoke with Diane Held who is active with the PACE Program and Ms. Held wanted to commend the Town for its commitment to open space and commented on how often she commends our Town in her speeches.

Supervisor Foss stated Go Sabres.

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

General Fund Claims, Vouchers 149-191	\$ 25,989.75
Highway Fund Claims, Vouchers 77-94	\$ 6,016.55
Special Districts	
Sanitation (SR), Vouchers 44-57	\$ 15,759.06
Special Fire Vouchers	\$.00
Water District #2, Vouchers 9-11	\$ 3,062.93
Water District #3 Vouchers 5-6	\$ 6,284.19
Water District #4 Voucher 5	\$ 817.40
Community Develop. PACE 7-10	\$ 2,150.61
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to adjourn the meeting at 7:46 p.m. Motion Carried.

Respectfully submitted,

_____ Town Clerk _____ Supervisor

_____ Councilman _____ Councilman

_____ Councilman _____ Councilman