

The regular meeting of the Marilla Town Board was held on Thursday, August 11, 2011 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, Councilwoman
Warren Handley, Councilman
Elizabeth Ackerman, Councilwoman
Donald Darrow, Councilman

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

Communications

1. Allied Sportsmen of WNY notified the Town of their liquor license renewal.
2. Michael Eldridge requested a reduction in his water tax on a land locked parcel.
3. Darleen Thuman informed the Town Board of an incident with a Marilla Fire Company Member.

Committee Reports

Highway Superintendent Ronald Unverdorben reported that his department had completed 2 inspections; one from the New York State Department of Labor and the other from Workers Compensation and both went well. He reported that he will be resurfacing St. Charles Place, Shannon Drive, and Lyndale Lane on the 22nd and Sunrise Lane on the 15th weather permitting.

Councilwoman Spanitz reported that the Friends of the Library will be having a book sale on September 16th, 17th, and 18th. Friday will be from 9 am to 8 pm, Saturday will be the bag sale from 9 am to 3 pm and Sunday from 1 pm to 5 pm. She said they are still collecting books for those who would like to donate.

Councilwoman Ackerman reported that the next Planning Board Meeting will be Thursday, August 18th at 7:00 pm at the Community Center. The required training class was postponed to September 28th with the WNY Land Conservancy.

Councilman Handley stated it has been a busy month, the surveys were sent out and he wants to thank Councilwoman Spanitz, Councilwoman Ackerman and her husband, Town Assessor Kandace Wittmeyer and her children Peter and Brianne for helping stuff the envelopes. He said the Town is getting a good response. He reported that movie night had great weather and a good turnout. Today was the Civileto singing Sinatra Concert and it had great weather and a good response.

Councilman Darrow wanted to address Mrs. Thuman and apologize to her on behalf of himself and the Town Board. He reported that later in the meeting the Town Board will be voting to go to bid on the Community Center improvements. He showed the Architects rendition of the improvements to the residents, he said they are trying to mirror the look of the Town Hall.

Supervisor Gertz reported that the Car Show was successful, and they had to shut Bullis Road down. He said there were very few problems with the Car Show this year and he thanked Vinney Beisiegel for a job well done. He reported that the Department of Labor was out to inspect the building and are requesting that we update the Town's violence in the workplace policy and post it. He reported that the Town Hall renovations are almost complete, the Assessor and Building Inspector are now upstairs. The Court Room Security System is being installed and there will be a meeting room for the Attorneys and Deputies to meet their needs.

Open Board Presentations From the Public

Resident Earl Gingerich Jr. reported on behalf of the Car Show Committee and Vinney Beisiegel that there were over 1000 vehicles registered and estimating 20,000 spectators. He said the Celebrity dinner was a success, John Schneider called and said he was treated very well and he looks forward to coming back. The vendors did well, he apologized for the confusion with the shuttle buses. There were some things that he and Vinney wanted

to bring to the public's attention. They are concerned regarding the conflict between the Marilla Fire Company and the Marilla Benevolent Association, they want to know who leases the firemen's grounds? The Car Show paid the Fire Company \$2,500 to use the grounds and rented the Hall from the Benevolent Association and during the chicken barbecue they shut the air conditioning off, last year the Fire Company conducted a boot drive during the Car Show. They were asked not to do so this year and Supervisor Gertz had to stop them. Two antique fire trucks showed up at the Car Show from a neighboring fire company, the individuals wanted to park in front of the Fire Company's building and were told they could not. He said there were numerous other rumors about next year and is concerned that they are in preliminary talks with Wales to move the Car Show, he hopes it stays in Marilla. He stated that because the show has gotten so big various Marilla groups want to make money off of the Car Show. He feels it is a public event to benefit Mercy Flight and other Towns would be happy to have it.

Resident Robert Lemke stated that all the Car Show Volunteers donate their time and don't take a dime, everything goes to Mercy Flight, the stores and organizations all make money selling things during the event.

Resident Gene Limpinsel stated that the Fire Company should stop this or we will lose the Car Show, the \$2,500 should go to Mercy Flight.

Resident Darlene Thuman said she saw the people volunteering and they were happy to do it.

Resident Shirley Limpinsel said she worked at the booth for the Veteran's Raffle during the Car Show, she said the Celebrities were brought in by the Sponsors not the Car Show. She met people from all over the Country that love it. This event benefits our Community and the Car Show is the second largest donor to Mercy Flight. She feels the public should demand the Fire Company give the \$2,500 to Mercy Flight. The Fire Company could raise money by doing something that day. The tax payers give them \$300,000. She asked why none of the Fire Company Members that were at the incident with the woman did not come to her defense. She feels the Town Board needs to revamp this.

Resident Don Barnard asked about a particular section of the town code pertaining to attached or detached garages. It seems there is no maximum size for an attached garage.

Old Business

Motion: Councilwoman Ackerman moved, seconded by Councilwoman Spanitz to approve the minutes of the Special Meeting on 6/28/2011 and 7/12/2011, the Public Hearing and Regular Meeting held on 7/14/11 and the Special Meeting held on 7/26/11. Motion Carried.

New Business

Motion: Councilman Handley moved, seconded by Councilwoman Ackerman to set the public hearing for Local Law #4 entitled "Outdoor Wood Boiler Law of the Town of Marilla" for September 8th, 2011 at 7:30 pm.

Roll Call Vote:

Councilwoman Spanitz ó Aye Councilwoman Ackerman ó Aye

Councilman Handley ó Aye Councilman Darrow ó Aye

Supervisor Gertz ó Nye

Motion Carried.

Motion: Councilwoman Ackerman moved, seconded by Councilwoman Spanitz to approve the following resolution:

WHEREAS, the Town Board of the Town of Marilla has received a written request from a town resident for a reduction in the speed limit on Exchange Street between Clinton Street and Broadway in the Town;

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

1. It is hereby requested that a feasibility study be conducted to determine the propriety of a reduction in the speed limit on Exchange Street between Clinton Street and the town line in the Town of Marilla and that any necessary forms and paperwork for purposes of the same be completed and submitted.
2. This Resolution shall take effect immediately.

Roll Call Vote:

Councilwoman Spanitz ó Aye Councilwoman Ackerman ó Aye
Councilman Handley ó Aye Councilman Darrow ó Aye
Supervisor Gertz ó Nye
Motion Carried

Motion: Councilman Darrow moved, seconded by Councilwoman Ackerman to authorize the Town Clerk to advertise for bids on the Community Center renovations. Motion Carried.

Report of Town Officials

Building Inspector Scott Rider submitted a written report with 13 building applications received with fees totaling \$2143.00, 13 building permits were issued with a total value of \$558,600.00, 9 inspections were made for the month of July. There were a total of 145 logged activities.

Town Assessor Kandace Wittmeyer submitted a written report for the month of July. She reported that the Town's equalization rate remained 46% this year, which is good for taxpayers. The Town was served with an article 7, which is a repeat case from last year. The roll went to the County for the school tax bills to be printed. She discussed how the 2% cap would affect residents' tax bills.

Supervisor Gertz said that the Planning Board and Conservation Advisory Board minutes were received and posted. Supervisor Gertz reported the Planning Board is currently working on revising the Flag Lot Law. Elma will be hosting training classes for Advisory Board Members in September.

Open Board Presentations

Resident Mrs. Thuman said she attended the meeting to comment on the letter she received from the President of the Marilla Fire Company. She had asked the Fire Company what action they had taken with the Fire Company Member that was in the incident with her. She stated that this is a wonderful community and she asked what she needs to do to get an answer.

Supervisor Gertz stated that he asked someone from the Fire Company to attend and they declined.

Resident Shirley Limpinsel stated that this is a great Town and she wants to make sure this gets straightened out.

Resident Earl Gingerich Jr. stated that he is active with the County Legislature, and he thinks Marilla does not have the same positive reputation it did in the past. He feels that some people are not donating from the heart, but for their own egos.

Resident Robert Lemke asked what happened to give and take? He said the Fire Company and Benevolent just want to take.

Town Board

Councilman Handley stated that Ag Day is coming up and it is a celebration of agriculture. He feels the communication needs to open up between the Town and Residents. The Town Board needs to hear from people, he remembers the sesqui-centennial year when everyone was on a high for Marilla. He said we have to continue working together and give and take. He is looking forward to Ag Day.

Councilman Darrow stated that he contacted the Town Attorney in reference to the lease for the Firemen's Grounds. They are trying to find out who the Car Show has to deal with for use of the grounds.

Supervisor Gertz said that no one is there at the work sessions and residents should attend. He said there are a lot of good suggestions in the surveys coming in, and the Town Board needs to work together. He explained to Mr. Barnard that there are always loopholes in the code, he said the code book evolves. He said he is in a difficult position with the Fire Company, he is the Town Supervisor and an Assistant Chief for the Fire Company. He said he is disgusted with their actions, there are some problems with some people's opinions and attitudes. He said the Town Board will look at the Fire Company's contract and he will not take part in that process. He said he is embarrassed at their behavior and he cannot give her any answers. He feels it is a good group that gets up at 2 am to go on Fire calls, there are individuals working hard. Unfortunately this situation makes everyone look bad. He announced there will be a free rabies clinic on Saturday, August 20th from 2-5 pm for Marilla Residents only, at the Marilla Highway Garage on Webster Lane.

The Vouchers have been audited by all of the Town Board Members.

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

General Fund Claims, Vouchers 361-425	\$ 60,302.37
Highway Fund Claims, Vouchers 101-114	\$ 6,077.95
Special Districts	
Sanitation (SR), Vouchers 73-79	\$ 17,322.50
Special Fire Voucher	\$.00
Water District #2, Vouchers 16-17	\$ 2,503.68
Water District #3 Voucher 10	\$ 1,353.40
Water District #4 Voucher 8	\$ 817.40
Water District #5 Vouchers	\$
Community Develop. PACE Vouchers	\$.00
Community Develop. HUD	\$.00
Cemetery Voucher	\$.00

Motion Carried.

Motion: Councilman Darrow moved, seconded by Councilwoman Ackerman to adjourn the meeting at 8:30 p.m. Motion Carried.

Respectfully submitted,

_____ Town Clerk _____ Supervisor

_____ Councilman _____ Councilman

_____ Councilman _____ Councilman