

Regular Meeting of the Marilla Town Board was held June 14, 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. Iroquois Intermediate School thanked the Town Board for their generous gift of \$500 for the 5<sup>th</sup> grade drug resistance program.

### **Committee Reports**

Councilman Gertz reported for Highway Superintendent Dave Pierce that Valley Lane, Creekridge Drive and West Avenue have been paved with blacktop. Roadsides have been mowed on Town Roads. The concrete has been poured for the new shelter and the grading and topsoil with grass seed are all done on the new shelter as well.

Councilman Spanitz reported that the Planning Board will be holding its next meeting on June 21<sup>st</sup> in the Town Hall at 7:00 p.m.

Councilman Handley wanted to thank the Iroquois School 7<sup>th</sup> and 8<sup>th</sup> Grade Select Chorus & Orchestra for their concert on June 7<sup>th</sup>. The first concert of the season opened with sunshine and beautiful weather, everyone enjoyed hot dogs, cookies and beverages. The Akron Community Band will be performing on July 8<sup>th</sup>, we will also be displaying the photos from the photo contest which must be entered by June 30<sup>th</sup> with the theme ð Animals in Marillaö. The Friends of the Library will also be serving root beer floats.

Supervisor Foss stated that we will be going to bid for the Veteranø walkway railings. They will be opened on July 10<sup>th</sup> and approved at the Town Board Meeting on July 12<sup>th</sup>. It must be completed by September 1<sup>st</sup>. He also reported that we will be putting in new shrubs around the Town Hall.

### **Open Board Presentations From the Public**

Mike Coangelo from East Avenue stated that a neighbor was racing around on a dirt bike and trying to hit his dog.

Mark Skingley from East Avenue said that three weeks ago his mail box was blown up, and if not for the tree it could have gone through a neighborø window. He now has to pay \$40 a year for a post office box. This type of activity has been going on for three years since these people moved in.

Supervisor Foss responded that they need eye witnesses of the crime and then they have to be willing to prosecute. The Town Board has no authority in this type of matter, it must be handled through law enforcement.

### **Old Business**

Motion: Councilman Specht moved, seconded by Councilman Handley to approve the minutes from the Public Hearings and the Regular Board Meeting held on 5/10/07. Motion Carried.

**New Business**

- Motion Councilman Gertz moved, seconded by Councilman Handley to set the Public Hearing on the rezoning of property owned by John Schubert located on Bullis Road for July 12, 2007 at 7:30 p.m. at the Marilla Community Center, 1810 Two Rod Road, Marilla, NY 14102. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Specht to set the Public Hearing on the site plan of the B-1 Business District of property owned by the Rohl Family located on the south west corner of Clinton Street and Two Rod Road for July 12, 2007 at 7:30 p.m. at the Marilla Community Center, 1810 Two Rod Road, Marilla, NY 14102. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Specht to authorize Supervisor Foss and Town Attorney Nathan Neill to attend the GFOA Conference in Lockport. Motion Carried.
- Motion: Councilman Specht moved, seconded by Supervisor Foss to appoint Eugene Gawronski to the Zoning Board of Appeals to fulfill the unexpired term of James Bernhardt to expire 12/31/2009.  
Roll Call Vote:  
Councilman Spanitz ó Aye                      Councilman Specht ó Aye  
Councilman Gertz - Abstained              Councilman Handley - Aye  
Supervisor Foss ó Aye  
Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to authorize the Town Clerk to advertise for bid the refuse disposal contract. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the following resolution:

WHEREAS, the Town of Marilla has received a proposed Memorandum of Understanding Agreement for Use of the Reverse 911 Notification System from Erie County for services to be offered by Erie County Central Police Services; and

WHEREAS, the Town Board has discussed the proposal and has determined that it is in the best interest of the Town of Marilla to enter into such agreement as the reverse 911 notification system will greatly facilitate the Town's ability to notify residents in the case of any emergency and in the case of other events where specific areas of the Town need to be notified.

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

1. The Town Board does hereby approve the Memorandum of Understanding Agreement for Use of the Reverse 911 Notification System between the Town of Marilla and Erie County.
2. The Supervisor of the Town of Marilla is hereby authorized to execute such Memorandum of Understanding on behalf of the Town of Marilla.
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 June 14, 2007, the results of which were as follows:

Councilman Spanitz ó Aye	Councilman Specht ó Aye
Councilman Gertz - Abstained	Councilman Handley - Aye
Supervisor Foss ó Aye	
Motion Carried.	

Motion: Councilman Spanitz moved, seconded by Councilman Specht to set the Public Hearing on the flag lot application of property owned by Everett Hoffman located on Bullis Road for July 12, 2007 at 7:30 p.m. at the Marilla Community Center, 1810 Two Rod Road, Marilla, NY 14102. Motion Carried.

### **Report of Town Officials**

Deputy Building Inspector Scott Rider submitted a written report with 10 building applications received with fees totaling \$3,304.00, 10 building permits issued with a total value of \$1,215,300, 7 inspections were made and one complaint was received for the month of May 2007. A total of 164 official code enforcement activities were performed in the month of May. Eight sites were visited this month for junk vehicles and auto parts and one new residential dwelling is replacing the demolished existing building.

Town Attorney Nathan Neill stated that he sent the proposal for the refuse bid to Elmaø Town Attorney and he has not heard back from them yet. He thought they should be going out for bid soon.

The Planning Boardø's next meeting will be June 21<sup>st</sup> in the Marilla Town Hall at 7:00 p.m. and the minutes have been received and posted.

The Conservation Advisory minutes have been received and posted.

Bill Blarr from the Marilla Fire Company stated that the Marilla Benevolentø Carnival begins this evening and runs through Saturday. He also stated that the Fire Company is going to replace their flag pole.

Town Historian Hubert Kutter reported that he recently had a request for some burial information on an Everett Snyder. He stated that the Historical Society is currently involved in a lot of different programs, they will be having the Civil War reenactment in the Town Park on July 14<sup>th</sup> and 15<sup>th</sup>.

### **Open Board Presentations**

Councilman Specht asked if the two Scouts that were attending the meeting were here for badges. He stated that the car show at the end of July is an inconvenience for the residents on Bullis Road and East Avenue. The Marilla Methodist Church will be holding their service at the Park that day. The residents in the Car Show area will get passes to get in and out of the area.

Councilman Handley stated that his heart goes out to the residents on East Avenue. Itø sad something canø be done and he is very concerned about the bomb in the mailbox. He remembered that there was also a bomb at the bathroom at the Town Park a year or so ago. His hope is that the Sheriffs look into this.

Councilman Gertz stated that the speed limit on Clinton Street is now 45 mph the complete length. He also stated that there was a house fire today on Two Rod Road and the house was destroyed but, thankfully, there were no injuries.

Councilman Spanitz stated that her heart goes out to the residents on East Avenue as well, once something is done they have to press charges.

Supervisor Foss stated that he was at the hospital last night visiting his grandson Beau who has been in the hospital since his birth on February 26th . Today they operated on him to put the feeding tube in and, hopefully, in two or three weeks he will be home. We almost lost Beau three times but last night he looked wonderful and now weighs 12 and a

half pounds; we are blessed. The operation went well today and hopefully before the next Board Meeting he will be home.

He also stated that he knows there are things going on in town that disturb us but there are also good things and good kids in this town, hopefully we will get this problem on East Avenue solved.

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

General Fund Claims, Vouchers 193-267	\$ 29,214.10
Highway Fund Claims, Vouchers 95-114	\$ 59,282.59
Special Districts	
Sanitation (SR), Vouchers 58-72	\$ 11,494.74
Special Fire Voucher 9	\$ 8,008.95
Water District #2, Vouchers 12-15	\$ 4,377.85
Water District #3 Vouchers 7-8	\$ 2,993.66
Water District #4 Voucher 6	\$ 817.40
Community Develop. PACE 11	\$ 313.69
Community Develop. HUD	\$ .00

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to adjourn the meeting at 8:00 p.m. Motion Carried.

Respectfully submitted,

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

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

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