

The regular meeting of the Marilla Town Board was held on Thursday, June 11, 2009 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
Fred Specht, Councilman
Warren Handley, Councilman
Daniel Handy, Councilman

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

Communications

None

Committee Reports

Highway Superintendent Ron Unverdorben reported that all the Right to Farm signs were up in Town and he brought one to show the Residents. He stated that the covered bridge being built in the Town park was on the cover of the Elma Review, he wanted to take the opportunity to thank Kopp Forest Products for the custom lumber used on the bridge, and Bob Lemke for the old silo boards used for the flooring, and Earl Gingerich Jr. for the loads of rocks for the landscaping. He reported they replaced a culvert pipe on Fawn Drive and the Town road sides have been mowed. He reported they finished the site work for the installation of the Town Hall Air Conditioning Unit and their part for the new elevator lift was complete.

Supervisor Gertz told residents to take a ride to look at the covered bridge at the Town Park, the Highway Department is doing a fantastic job.

Councilman Spanitz reported that the Planning Board will be meeting on Thursday, June 18th at 7:00 pm and the Library Board Meeting will be on June 23rd.

Councilman Specht reported that the CAB worked on the design for the right to farm sign for over a year, he said the signs meet the standard for reflective ness and many other Towns don't. He said he attended the Car Show Meeting last night and things are proceeding nicely.

Councilman Handy reported that went to the Town Park to look at the covered bridge and told Ron what a wonderful job he had done. He noticed the tennis courts and the basketball court needed to be painted. He brought it to Ron's attention and Ron was already planning to take care of it he commended Ron for being on top of things. He reported that June 20th NEST is having their household hazardous waste drop off day from 9 am to 2 pm at ECC South Campus, the flyer is posted on the bulletin board in the Town Hall.

Councilman Handley reported that the June 4th Concert with Iroquois Select Chorus and Orchestra went very well. A new group the Iroquois Booster Club served hot dogs and refreshments. The next event will be on July 11th, The Hutchinson Family revival at noon at the Town Park the weekend of the Civil War Reenactment. On July 15th there will be the first Kids Day Concert with Glen Colton, that is on a Wednesday at 11:30 am. He said plan to go early they expect a lot of kids at this event.

Supervisor Gertz reported that last year the Town Highway Department and Fire Company installed a new radio system, recently they received an FCC License for the Highway Department and are waiting for the Fire Company's. This allows them to have their own frequency without having any outside interference. He stated that they have received several applications for the PACE Program, he has talked to Jason Engel and the State is not currently funding the program. So at this time the Town will not be pursuing any properties without any available grant funds. He stated that the Rohl Property at Two Rod Road and Clinton street has to go back to the Town Engineer to review the drawings for drainage before the Town Board can approve it. The Bullis Road subdivision had concerns from the DEC, the developer has sent a response to the DEC but they have not responded back yet. The Town Board cannot vote until they have a full report back from the DEC hopefully by

next month because the Town Board has to act by next month either way. He stated that he had a phone call a few months ago asking the Town to identify and honor residents currently serving in the Military. He spoke with Lt. Cornel Tim Zack who works at the Pentagon asking if it would be possible to retrieve such information and was told that is considered privileged and prohibited to give out. Supervisor Gertz said although it's a great idea they will not be able to act on it.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes of the Public Hearing and Regular Board Meeting held on 5/14/2009 and the Special Meeting held on 5/26/2009. Motion Carried.

New Business

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

WHEREAS, the Erie County Water Authority currently is responsible for the operation and maintenance of Water District No. 2, 3 and 4 of the Town of Marilla pursuant to a Lease Management Agreement dated May 13, 1999; and

WHEREAS, Water District No. 5 has now been created and as part of the map, plan and report and the plan of operation, Water District No. 5 is also to be covered by the Lease Management Agreement so it is necessary for the Town of Marilla and the Erie County Water Authority to enter into Amendment No. 1 to Lease Management Agreement to provide for the Lease Management of Water District No. 5 in addition to Water District No. 2, 3 and 4; and

WHEREAS, the Erie County Water Authority has prepared a draft Amendment No. 1 to Lease Management which amends the existing Lease Management Agreement to cover Water District No. 5 and amend the Exhibit A to the Lease Management Agreement to add Water District No. 5 to the map of the water districts that are covered by the Lease Management Agreement and to extend the term for an additional 10 year period.

NOW, THEREFORE, be it resolved by the Town Board of the Town of Marilla as follows:

1. That the Town Board does hereby approve Amendment No. 1 to the Lease Management Agreement dated May 13, 1999 between the Town of Marilla and the Erie County Water Authority.
2. That the Supervisor of the Town of Marilla is authorized to execute the Amendment No. 1 on behalf of the Town of Marilla.
3. This Resolution shall take effect immediately.

DULY ADOPTED, this 11th day of June, 2009, by the following vote:
Councilman Spanitz ó Aye Councilman Specht ó Aye
Councilman Handley ó Aye Councilman Handy ó Aye
Supervisor Gertz - Aye
Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handy to approve the following resolution for Water District No. 5;

WHEREAS, the Town of Marilla has formed Water District No. 5 in the Town of Marilla and has recently completed a proceeding to Increase the Estimated Maximum Cost of Water District No. 5; and

WHEREAS, the Town of Marilla has been advised that it is eligible for grants and loans through the United States Department of Agriculture Rural Development Administration but in order to proceed with the closing of the grants and loans it will be necessary for the Town of Marilla to enter into a number of agreements and execute documents in connection with the closing and by resolution adopted on May 14, 2009, the Town Board authorized the Supervisor to sign all required agreements; and

WHEREAS, the United States Department of Agriculture Rural Development Administration has requested modifications to the Legal Services Agreement, the Bond Counsel Agreement and certain other agreements.

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

1. That the Town Board does hereby approve the execution and delivery of all the agreements and documents required in connection with the loans and grants through Rural Development, including, but not limited to, Legal Services Agreement, Bond Counsel Agreement, Fiscal Advisor Agreement, Lease Management Agreement with Erie County Water Authority, Engineering Agreement, all applications and all closing documents and including any required amendments thereto.
2. The Supervisor of the Town of Marilla is hereby authorized to execute each such agreement and/or document on behalf of the Town of Marilla in consultation with the Attorney for the Town of Marilla.
3. This resolution shall take effect immediately.

DULY ADOPTED, this 11th day of June, 2009, by the following vote:
Councilman Spanitz ó Aye Councilman Specht ó Aye
Councilman Handley ó Aye Councilman Handy ó Aye
Supervisor Gertz - Aye
Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley 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 was formerly codified as Chapter 149 of the Code of the Town of Marilla and is now 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 18, 2009 and ending at midnight on June 20, 2009 and for the period beginning at 12:01 a.m. on July 25, 2009 and ending on midnight on July 26, 2009.
- Section 2. 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 11, 2009, the results of which were as follows:

DULY ADOPTED, this 11th day of June, 2009, by the following vote:

Roll Call Vote:

Councilman Spanitz ó Aye

Councilman Specht- Aye

Councilman Handley ó Aye

Councilman Handy ó Aye

Supervisor Gertz ó Aye

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to appoint Leonard Janiga to the Zoning Board of Appeals to fulfill an unexpired term ending on 12/31/2009. Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Handley to authorize the Supervisor to send a letter of approval for a temporary beer and wine permit for the Marilla Kwik Fill. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported that they are still continuing to work on Water District 5.

Building Inspector Scott Rider submitted a written report with 3 building applications received with fees totaling \$66 and a value of \$8,000, 12 inspections were made for the month of May 2009. There were a total of 174 calls logged of official business.

Town Assessor Kandace Wittmeyer reported that grievance day went very well and stated she was impressed how professional the Assessment Review Board conducted themselves.

Planning Board minutes were received and posted. Their next meeting will be June 18th at 7:00 p.m.

The Conservation Advisory Board minutes were received and posted. Their July 7th meeting is cancelled.

Supervisor Gertz reported for the Marilla Fire Company that Benevolent Carnival will be June 19th and 20th.

Open Board Presentations

Resident Joyce French stated that she had been reading articles in the paper concerning zoning and raising taxes and she asked if that were true.

Supervisor Gertz responded that we have had some zoning issues before the Town Board but nothing about raising taxes. He stated that the Town does not have a town tax and is not planning on implementing one.

Resident Bill Gonza asked if the Town could do some type of Memorial for residents serving in the Military to show our appreciation.

Resident Marsha Canetti stated she knows residents have been coming to the meetings because of the 2 controversial parcels but she hopes they keep coming afterwards as well.

Resident Bill Gonza wanted to thank Supervisor Gertz for his quick response to an email he sent the Supervisor.

Councilman Handy wanted to expand on some statements made last month about the Assessors. He stated Kandy does a wonderful job down there but there are two other assessors that work just as hard and put just as much time in. He wanted to thank them, they do all the field work and they put time in down stairs too.

Supervisor Gertz reported that he received an email from the Erie County Harbor Development Corporation detailing there are a bunch of festivities and events going on at the Harbor he will post it on the board. He also received an email from Kandy thanking the Assessment Review Board, she said their knowledge of market values and professionalism

was outstanding and they did a good job of reviewing assessments that residents were unhappy with. Supervisor Gertz stated he received a letter from Resident Mrs. Fullington commending our Sanitation Employees for being diligent in their work and picking up scatted garbage due to birds and animals. The Supervisor and residents commended them with applause. He said that the Marilla Car Show made the cover and a 3 page article in a National Magazine called Show and Cruising News. It was in the May 2009 issue with pictures from last years show, the Car Show is getting national attention and he recommended that residents attend this year, it's a good time. He also reported that in these recessionary times we have to watch our spending, the Town's sales revenue was down a bit. He said over the last year we have been spending money not haphazardly but making a lot of improvements to the Town. He listed some of them; new radio system, remodeling at the Town Hall, new windows at the Town Hall, remodeled the downstairs bathrooms, a new phone system, air conditioning at the Town Hall. He said these improvements are necessary, we are working on the parking lot next door and we have set up the Community Center for Disaster Preparedness. He said having said all that and having our income slightly down he went over the numbers and we have more in our reserve and bank accounts than we did in the past 3-4 years. He said after we payoff our 2 trucks we have no other loans, the Town is in good financial shape.

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

General Fund Claims, Vouchers 210-273	\$ 25,808.58
Highway Fund Claims, Vouchers 80-94	\$ 11,746.72
Special Districts	
Sanitation (SR), Vouchers 56-63	\$ 13,649.93
Special Fire Voucher 14	\$ 32,616.35
Water District #2, Vouchers 14-15	\$ 2,522.28
Water District #3 Voucher 8	\$ 1,353.40
Water District #4 Voucher 6	\$ 817.40
Community Develop. PACE Vouchers	\$.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to adjourn the meeting at 7:55 p.m. Motion Carried.

Respectfully submitted,

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