

Public Hearing

A Public Hearing was held June 9, 2011 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Proof of publication in the Alden Advertiser, Elma Review and the East Aurora Advertiser as well as posting it on the Official Bulletin Board of the Town was presented by the Town Clerk. Officials present were:

George Gertz, Supervisor
Barbara Spanitz, Councilwoman
Warren Handley, Councilman
Elizabeth Ackerman, Councilwoman
Donald Darrow, Councilman

Approximately (74) persons were in attendance. Supervisor Gertz stated that the Public Hearing was called to order. The purpose of the hearing was to hear comments on a Flag Lot Application for a parcel on Liberia Road with an SBL#157.00-3-14.1 owned by John Clapp. Supervisor Gertz asked if there were any interested persons who desired to be heard?

Supervisor Gertz read a letter from Resident Charles Cook on Liberia Road speaking against the flag lot.

Resident Sally Hess asked questions on the number of flag lots and if the driveway was going to be landlocked?

Applicant John Clapp responded to the questions.

Hearing no further comment from those in attendance, the hearing was closed at 7:41 p.m.

Respectfully Submitted,

Town Clerk

Public Hearing

A Public Hearing was held June 9, 2011 at 7:42 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York Proof of publication in the Alden Advertiser, Elma Review and the East Aurora Advertiser as well as posting it on the Official Bulletin Board of the Town was presented by the Town Clerk. Officials present were:

George Gertz, Supervisor
Barbara Spanitz, Councilwoman
Warren Handley, Councilman
Elizabeth Ackerman, Councilwoman
Donald Darrow, Councilman

Approximately (74) persons were in attendance. Supervisor Gertz stated that the Public Hearing was called to order. . The purpose of the hearing is to listen to public comment on 1 flag lot application at property located on Two Rod Road with the section block and lot number of 157.00-7-15.11, currently owned by Sandra Ells. Supervisor Gertz asked if there were any interested persons who desired to be heard?

Resident Phil Schuca spoke in favor of the flag lot.

Resident Karen Thompson spoke in favor of the flag lot.

Resident and Builder Rick Snyder described the plan and driveway position.

Resident Sally Hess questioned the driveway distance.

Resident Peggy Christensen spoke in favor of the flag lot.

Resident Brad Keem spoke in favor of the flag lot.

Sandy Ells mother spoke in favor of the flag lot.

Resident Valerie Shoecart spoke in favor of flag lot.

Resident Frank Howell stated he would like to see her use the current driveway.

Rick Snyder stated that he would like to have a meeting with Sandy Ells and her neighbors.

Hearing no further comment from those in attendance, the hearing was closed at 7:51 p.m.

Respectfully Submitted,

Town Clerk

Regular Meeting
June 9, 2011

The regular meeting of the Marilla Town Board was held on Thursday, June 9, 2011 at 7:52 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

Tyler Twichell sent a card thanking the Town and Ron Unverdorben for all of their help with his Eagle Scout Project.

Natalie Taylor sent a letter to the Town Supervisor expressing how nice the Maplewood Cemetery looks with the new fence, plants, flags and plaques.

Committee Reports

Highway Superintendent Ronald Unverdorben reported that they are behind due to the weather. The Civil War Reenactment will be held on June 25th and 26th at the Town Park.

Councilwoman Spanitz reported that the Historical Society will be hosting the Civil War Reenactment at the Town Park and is open to the public with free admission. The Historical Society will be traveling around Town taking pictures of old barns to make a scrapbook and display it in Town. She reported there is a new Librarian Kelly Waller who replaced Joyce at the Marilla Free Library, there summer hours are posted. She was then informed by Mr. Thompson that Kelly's husband was transferred and the new Librarian is Shannon.

Councilwoman Ackerman reported that the next Planning Board Meeting will be Thursday, June 16th at 7:00 pm at the Community Center. They are working on a continuing education program for the Boards. They are looking at farmland protection, GIS Mapping, stream bed conservation and various other various other things for July 27th probably in the evening.

Councilman Handley thanked everyone that participated in the Memorial Day Celebration, there was a great turnout. He thanked Lynn Parry from the Kiwanis, and Tyler Twichell for the Civil War Memorial. He said the Concert Series opened with the Iroquois Select Chorus for the 8th year. The next concert will be on June 29th with Nickel City Reptiles from 12 noon to 1 pm, ice cream will be served. He reported that he has been working with Councilwoman Spanitz and the Town Board on a farmland protection plan survey, this is being conducted to see the needs and concerns of the people regarding open space resources. He asked residents to fill it out and send it back to the Town Hall. He said we need residents to speak up and respond.

Councilman Darrow reported that he was unable to attend the CAB Meeting. He attended the Car Show Meeting and will allow Vinney Bieseigel to report on that. He thanked Highway Superintendent Ron Unverdorben for getting involved with the plants on the gravesites and moving them to the Town Grounds.

Supervisor Gertz stated that the Town is looking into providing a free rabies clinic for residents from the increased revenue from dog licensing. He said Sally Kutter is helping Dawn Pearce with a community link page on the website. He also reminded residents to be sure they are on the code red list for the Town in order for them to receive emergency messages from the Town. He explained they just click on the link on the Town's website and follow the directions to be added.

Open Board Presentations From the Public

Resident Shirley Limpinsel commended Councilman Donald Darrow for initiating a study for the speed limit on Clinton Street.

Old Business

Motion: Councilwoman Ackerman moved, seconded by Councilwoman Spanitz to approve the minutes of the Public Hearing held on 5/12/2011 and the Regular Board Meeting held on 5/12/2011, the bid opening on 5/17/2011, and Special Meeting on 5/20/2011. Motion Carried.

New Business

Motion: Councilwoman Ackerman moved, seconded by Councilman Handley to approve the Flag Lot Application for property on Liberia Road with an SBL# 157.00-3-14.1 owned by John Clapp.

Roll Call Vote:

Councilwoman Spanitz ó Aye	Councilwoman Ackerman ó Aye
Councilman Handley ó Aye	Councilman Darrow ó Aye
Supervisor Gertz ó Aye	

Motion Carried.

Motion: Councilwoman Spanitz moved, seconded by Councilwoman Ackerman to approve the Flag Lot Application for property on Two Rod Road with an SBL# 157.00-7 -15.11 owned by Sandra Ells.

Roll Call Vote:

Councilwoman Spanitz ó Aye	Councilwoman Ackerman ó Aye
Councilman Handley ó Aye	Councilman Darrow ó Aye
Supervisor Gertz ó Abstained	

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilwoman Ackerman to approve the following resolution on peddling in Town;

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 17th, 2011 and ending at midnight on

June 9, 2011

June 18th, 2011 and for the period beginning at 12:01 a.m. on July 30th, 2011 and ending on midnight on July 31st, 2011.

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 9, 2011, the results of which were as follows:

Councilman Spanitz ó Aye	Councilman Handley ó Aye
Councilman Ackerman ó Aye	Councilman Darrow ó Aye
Supervisor Gertz ó Aye	

Motion Carried.

Motion: Councilwoman Spanitz moved, seconded by Councilman Darrow to approve the following work agreement for the Court Clerk;

Town Of Marilla
Court Clerk
Full-Time Employee's Work Agreement-2011

The Court Clerks position is 36 Hours per week @ 15.15 per hour.

1. Eleven (11) paid holidays to include:

January 1	New Years Day
January 17	Martin Luther King Day
February 21	President's Day
April 22	Good Friday
May 30	Memorial Day
July 4	Independence Day
September 5	Labor Day
October 10	Columbus Day
November 11	Veteran's Day
November 24	Thanksgiving Day
December 26	Christmas Day

2. Vacation - Five (5) days, (one (1) day being (7.2) 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.

3. Personal Leave - Five (5) days per year after one (1) year of employment.

4. Sick Days

Full-time employees are eligible, after six months of employment, for five paid sick days each year.

Sick days are calculated according to the calendar year.

You may use accrued sick time to care for your sick child.

Sick days may be carried over to the following year. Accumulated sick days carried over from year to year may not exceed 165 days.

Employees are not paid for earned but unused sick days upon termination.

Employees who retire may apply banked Sick Time towards post-retirement health care up to 165 days ó 1 sick time day equals an 7.2 hour times employee's hourly rate as of his/her retirement.

5. Pay shall be issued on a bi-weekly basis. Checks to be issued no later than Thursday following the last pay period day.
6. Blue Cross Blue Shield of Western New York Group ID# 00411372
7. Time paid is considered time worked. Upon returning to work, benefits will be pro-rated for the balance of the year.

Roll Call Vote:

Councilwoman Spanitz ó Aye	Councilwoman Ackerman ó Aye
Councilman Handley ó Aye	Councilman Darrow ó Aye
Supervisor Gertz ó Aye	

Motion Carried.

Motion: Councilman Darrow moved, seconded by Supervisor Gertz to request a traffic study be done on Clinton Street from Two Rod Road to the County line.

After much discussion on both sides:

Roll Call Vote:

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

Motion Defeated.

Motion: Councilman Handley moved, seconded by Councilwoman Ackerman to set a public hearing for the Flag Lot Application for property on Eldridge Road with an SBL# 148.00-10-45.11 owned by William Rider for July 14th, 2011 at 7:30 p.m. Motion Carried

Motion: Councilman Handley moved, seconded by Councilwoman Ackerman to approve the 2011 agreement with EMW Sports. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported that Water District 5 is near completion and 51 out of 52 households are tapped. Residents have 30 days from the day they are tapped to contact the Erie County Water Authority. The Contractor has completed the driveway restorations and if any Residents have questions they should contact her thru the Town Hall.

Building Inspector Scott Rider submitted a written report with 6 building applications received with fees totaling \$1156, 6 building permits were issued with a total value of \$200,200, 7 inspections were made for the month of May. There were a total of 136 logged activities.

Town Assessor Kandace Wittmeyer reported that Grievance Day went well and the Assessment Review Board Members were very professional. She reported that the Town's equalization rate would remain 46% which is a good thing. She said her office is ready to disconnect from the Server for the move upstairs, there were 31 phone calls for the month of May and the tentative roll is now on the Town website.

Supervisor Gertz said that the Planning Board and Conservation Advisory Board minutes were received and posted. Supervisor Gertz stated that the Firemen's Carnival will be next weekend.

Open Board Presentations

Resident Robert Lemke questioned the Roberts Rules of Order and felt he should have been able to make his point before the Town Board voted on the Clinton Street speed study.

Car Show Chairman and Planning Board Member Vinney Bieseigel reported that the Car Show will be a 2 day event, July 30th and 31st. Saturday there will be a swap meet, flea market, the General Lee, and on Saturday there will be a Celebrity dinner. Sunday the road will be shut down for about 1 mile of cars, trucks and motorcycles.

Robin Pfeil, father of Kim King who owns a home in Alden but has 25 acres of land locked acreage that is in Water District 5 in the Town of Marilla asked to present some information to the Town Board.

Supervisor Gertz stated that Mr. Pfeil had made a presentation last month and it would not be allowed at this meeting, he suggested he bring it to a work session.

Kim King demanded that the Town Supervisor allow her father to speak.

Resident Richard Rose stated that he was against the petitions for the speed study on Clinton Street and Councilman Darrow pursuing it.

Councilman Handley requested this be put in the minutes:

I would like to take a moment to apologize to anyone offended with my outburst toward the Town Clerk at our last meeting.

I believe the Town Clerk has no right telling the town Supervisor to stop any board member from asking any questions. I am referring to a note the Town Clerk passed the Supervisor at the last Town Board meeting. The note stated this has to stop! At the time Councilwoman Ackerman and I had questions for the Town Engineer.

The town board does not meet with our Town Engineers or the Town Attorney at work sessions any longer. It is our right as council members to ask questions when we have questions to ask. We work for the people in this town and it is for them we seek answers.

It is my hope, that all those that work within the walls of the Town Hall, remember it is the people of this Town that employ us.

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

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

General Fund Claims, Vouchers 238-292	\$ 22,952.23
Highway Fund Claims, Vouchers 79-88	\$ 3,682.44
Special Districts	
Sanitation (SR), Vouchers 55-63	\$ 10,448.50
Special Fire Voucher	\$
Water District #2, Vouchers 12-13	\$ 2,523.04
Water District #3 Voucher 8	\$ 1,353.40
Water District #4 Voucher 6	\$ 817.40
Water District #5 Voucher 18	\$ 64,621.51
Community Develop. PACE Vouchers	\$.00
Community Develop. HUD	\$.00
Cemetery Vouchers 3-4	\$ 1,024.23

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilwoman Ackerman to adjourn the meeting at 8:40 p.m. Motion Carried.

Respectfully submitted,

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