

Public Hearing

A Public Hearing was held November 5, 2009 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Proof of publication in the Alden Advertiser, the Elma Review and 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, Councilman
Fred Specht, Councilman
Warren Handley, Councilman
Daniel Handy, Councilman

Approximately (48) persons were in attendance. Supervisor Gertz stated that the Public Hearing was called to order. The purpose of the hearing was to consider the new contract for the year 2010 with the Marilla Fire Company. The following general terms of said new contract shall be for fire protection to the Town of Marilla Fire Protection District:

- (a) The Marilla Volunteer Fire Company shall answer and attend all fire calls in said District.
- (b) For such services, the Marilla Volunteer Fire Company shall be paid a sum of \$250,750.00.
- (c) The Marilla Volunteer Fire Company shall maintain and operate its fire station at West Avenue, Marilla, New York.
- (d) The Marilla Volunteer Fire Company shall insure all of its equipment against all liability and shall protect the Town of Marilla from liability for any accident in which any fire company vehicle may be involved.
- (e) This contract shall continue until December 31, 2010.
- (f) Such other incidental terms as may be necessary or proper.

Supervisor Gertz asked if there were any interested persons who desired to be heard.

Resident Richard Janiga asked what was the auditing process of these funds?

Supervisor Gertz responded the Fire Company is required to have an outside audit done every year and a copy is given to the Town.

Hearing no further comments from those in attendance, the hearing was closed at 7:33 p.m.

Respectfully Submitted,

Town Clerk

Public Hearing
November 5, 2009

A Public Hearing was held November 5, 2009 at 7:34 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Proof of publication in the Alden Advertiser, the 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, Councilman
Fred Specht, Councilman
Warren Handley, Councilman
Daniel Handy, Councilman

Approximately (48) persons were in attendance. Supervisor Gertz stated that the Public Hearing was called to order. The purpose of the hearing was to review the Preliminary Budget for the year 2010 and to give citizens an opportunity to express their views concerning the budget or any part therein. Supervisor Gertz asked if there were any interested persons who desired to be heard.

Hearing no comments from those in attendance, the hearing was closed at 7:35 p.m.

Respectfully Submitted,

_____ Town Clerk

Regular Meeting
November 5, 2009

A regular meeting of the Marilla Town Board was held November 5, 2009 at 7:40 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

Deputy Highway Superintendent Ronald Unverdorben reported that they put the plows and sanders on the trucks and the road markers are up. He said that the recycling center will be open every Saturday from 9am to 3pm until December 12th due to the new legislation prohibiting leaf burning. He also wanted to remind residents that there is a weight limit of 50 pounds per container for the sanitation pick-up and after January 1st the hydraulically dumped cans will not be emptied.

Councilman Spanitz reported that the next Planning Board Meeting will be held on November 19th at 7:00 p.m.

Councilman Handy reported that he will be attending a NEST Meeting next week at 4 pm in Orchard Park.

Councilman Handley reported that the Veterans Day Parade will be held on Sunday, November 8th parade line up will be 11:45 a.m. at the Fire Hall, hot dogs will be cooked by the Kiwanis. The Tree Lighting Ceremony will be on Saturday, December 12th From 4pm to 8pm. It will be the same set up as in the past with trees decorated in front of the Town Hall, pizza, hay rides and entertainment, there will also be caroling at 7pm with Santa. The Kiwanis will be selling tree bulbs.

Supervisor Gertz reported that last month the Town Board awarded Sahlems Roofing as the low bidder for the roofing jobs for the cold storage building and salt shed. Sahlems Roofing then changed their specs and withdrew their bid, so the Town is going to wait to re-bid the work until next spring. He reported that the Town Hall will be closed on Friday November 27th the day after Thanks Giving. He stated there is a new burn law in New York State, they will be discussing it further when the Fire Company gives their report. He said it is now illegal to burn leaves, residents can burn branches. He reported

that the Town Board will be approving rules and regulations for the Cemetery on East Avenue at the December Board Meeting. The Town has already been receiving compliments from residents on East Avenue concerning the improved appearance of the Cemetery. The State will be conducting an audit beginning November 12th at after he had requested a risk assessment audit in 2008. He stated that the H1N1 vaccines will be done at the Schools in Elma for the Elma, Marilla, and Wales area. There is a shortage of the vaccine and he will let residents know as it becomes more available.

Open Board Presentations From the Public

Resident Richard Rose stated that over the past couple of days there has been an issue with a lighted sign and to be fair he is asking for all of the lighted signs in Town be checked, to see if they are in compliance with the Town code or if they are grandfathered.

Supervisor Gertz stated they have received an appearance ticket and Scott is looking into it.

Town Resident Karen Thompson stated that she runs a small business in Town for the past 42 years. She said she received phone calls last week concerning a flyer with her name on it. She said she had no idea that her name was on it and it or had been on it for a couple of years. She had three phone calls in a row that were upset with her for choosing one candidate over another. She stated that her husband and her were both on it and they don't know how they were both on it. She said Sunday she was pleased it had been retracted in the Penny Saver, and for the record she wanted to publicly state that they did not join anything, they are neutral. She doesn't hate any of them, she would never let her name be on something that runs people down. She said everyone in this room must have some skeleton in their closet and if they don't they are very fortunate and all of us have done things that we are not proud of and we learn from our mistakes and we shouldn't have them rubbed in. She publicly wanted it known that they did not join anything and her business was attacked saying she didn't want to do peoples hair because of Dave Pierce. She said our Town has gone forward so much and she has been here her whole life and she has seen such a change in this Town. This Town Board saved our Library and she doesn't know why they even want these jobs and she is thankful that they do. Her prayer is whoever gets into office loves Marilla just as much as they do.

Resident and Car Show Chairman Vincent Beisiegel stated that he is here tonight as the Chairman of the Car Show. He came to clarify a few things that were posted in the recent campaign slingers that were sent around to residents of the Town of Marilla. He was appalled at the fact that the group representing themselves as Marilla United would make an accusation against someone involved in the car show. He said this accusation was slanderous against the former Treasurer of the car show. It was unfounded and a complete outright lie. This group accused that \$8,000 was missing from the car show fund and that this person quickly resigned after the show. He said the fact of the matter is, the \$8,000 was never missing or stolen or anything. There was a miscalculation by another former member of the car show committee. This other member actually had an error in his records and showed a balance of \$8,000 less in the bank account that what was really there. Don Darrow corrected this person and told him that the figures were incorrect and that there was \$8,000 more in the account than that person had calculated. Due to the seriousness of this accusation it needs to be cleared up. An honest person's name has been tarnished and serious damage has been done to the car show's name. This is an organization made up solely of volunteers to raise money for Mercy Flight which we feel is a good cause. Not only does this show help out Mercy Flight but it also has brought income into the Town on the day of the show. As the Chairman he feels that these people who have brought forth accusations not only harmed the good name of Don Darrow but have insulted each and every member of the car show committee. He said over last 6 years the car show has been in existence and over \$100,000 has been donated to Mercy Flight. With accusations like that, why would people who have committed hundreds of hours of their time want to continue working for this when there is a chance that the concerned citizens of Marilla United want to sling mud and accuse someone of a theft? He said it is disheartening and wrong that they would make such slanderous remarks against people who want to give and not take or steal. He feels that for the sake of the names that have been damaged the writers of Marilla United should publish a written apology to Don Darrow and the Committee Members. The publishing should be

done in all local papers like the Alden Advertiser, Elma Review, and the East Aurora Bee, and the Penny Saver and Buffalo News. He thanked everyone for their time.

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve Minutes from the Public Hearing and Regular Meeting held on 10/8/09 and the Special Meeting held on 10/13/09 and 10/29/09. Motion Carried.

New Business

Motion: Councilman Spanitz moved, seconded by Councilman Handley to authorize the Supervisor to sign the Firemen's Contract for the Year 2010 for \$250,900.

Roll Call Vote:

Councilman Spanitz ó Aye

Councilman Specht ó Aye

Councilman Handley ó Aye

Councilman Handy ó Aye

Supervisor Gertz ó Aye

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to adopt the preliminary budget as the final budget for 2010, by Roll Call Vote;

Councilman Handy stated that he was voting against the 2010 budget due to the 3% pay raises.

Councilman Specht stated that he agrees with Councilman Handy and as a symbolic gesture they should give up the 3% raises.

Councilman Handley stated that he respects their opinion but New York State residents are being taxed to death and the cost of living is going up. He doesn't feel the \$240 increase per year for Councilman would have a negative affect on the Town's budget, he puts many hours and his own funds for Town events and feels it is justified.

Councilman Spanitz stated that she feels the Town employees not just Town Officials will be receiving the 3% and they deserve it. She said only the Highway and Sanitation employees will have to negotiate with the Union.

Supervisor Gertz stated that in 2008 the Town was under budget and in 2009 Marilla United accused the Town of having a \$200,000 deficit. He said according to John Foss we are going down the tubes and giving bonuses and raises. He said we have no town tax and the highway tax is one of the lowest in Erie County. He then went over all the certified numbers and said the Town of Marilla is now \$460,000 a head in its surplus than it was 2 years ago. He said concerning the raises; the Highway Superintendent recently worked on the garbage truck and continually works along side his employees and he doesn't have to, he is saving the Town thousands of dollars by not hiring an additional employee. He said everyone does multiple jobs without asking for anything in return. The Town has a major surplus, and we are not like other towns such as Orchard Park; they pay their employees health insurance for life after 4 years. He stated our Town's sanitation is only \$135 a year where the Town of Wales is \$165 a year. He feels other Towns should be copying us. He said the figures are available at the Town Hall there is nothing to hide.

Roll Call Vote:

Councilman Spanitz ó Aye

Councilman Specht ó Nye

Councilman Handley ó Aye

Councilman Handy ó Nye

Supervisor Gertz ó Aye

Motion Carried.

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

WHEREAS, the President of the United States in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, Local and Tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of the cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, Local and Tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, Local and Tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, Local and Tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the Town of Marilla's ability to utilize funding to enhance local readiness, maintain first responder safety and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended the adoption of a standardized Incident Command System.

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

1. That the Town of Marilla does hereby establish the National Incident Management (NIMS) as the standard for the Town of Marilla for incident management.
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 of the Town of Marilla held on November 5, 2009, the results of which

Roll Call Vote:

Councilman Spanitz ó Aye

Councilman Specht ó Aye

Councilman Handley ó Aye

Councilman Handy - Aye

Supervisor Gertz - Aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve the following resolution for Silver Star Banner Day;

WHEREAS, the Town of Marilla has always honored the sacrifice of the men and women in the Armed Force and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star (Service) Banner and Flag and

WHEREAS, to date the Silver Star Families of America has freely given thousands of Silver Star (Service) Banners to the wounded and their families, and

WHEREAS, the members of the Silver Star Families of America have worked tirelessly to provide the wounded of this Town and Country with Silver Star Service (Banners), Flags and care package, and

WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star (Service) Banner in a window or a Silver Star (Service) Flag flying, that people remember the (sacrificed) for this Town, State and Nation and

WHEREAS, the people, and Supervisor of the Town of Marilla wish that the sacrifice of so many in our Armed Forces never be forgotten

NOW THEREFORE, I, George J. Gertz, Supervisor of the Town of Marilla do hereby proclaim my appreciation of the Silver Star Families of America and honor their commitment to our wounded Armed Forces members. I hereby declare May 1st "SILVER STAR BANNER DAY" the permanent and official day to honor the wounded and ill Soldiers of the Town of Marilla.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the Town of Marilla in the State of New York (this month of November 5th day of 2009).

Roll Call Vote:

Councilman Spanitz ó Aye	Councilman Specht ó Aye
Councilman Handley ó Aye	Councilman Handy - Aye
Supervisor Gertz - Aye	

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handy to authorize the Supervisor to sign the contract with Code Red (reverse calling system) at a cost of \$3990 a year for 5 years.

Roll Call Vote:

Councilman Spanitz ó Aye	Councilman Specht ó Aye
Councilman Handley ó Aye	Supervisor Gertz ó Aye

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to authorize the Supervisor to sign a contract with Securitronics for CCTB System Inspection at an annual cost of \$395. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to authorize the Supervisor to sign a contract with Amherst Alarm for a system in the Community Center at a cost of \$1795 for installation and \$454 for annual monitoring. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported they will be taking soil borings on Cayuga Creek, Exchange and Clinton Streets by the end of the month.

Building Inspector Scott Rider submitted a written report with 2 building applications received totaling fees of \$43.00 and the building permits issued valued at \$3,300 and 3 inspections were made. A total of 192 acts of official business were made for the month of October.

Town Assessor Kandace Wittmeyer reported that she is working on a project with the State to educate the taxpayers on where their assessments come from. She said the State eliminated the 1-800 number for Star questions so if residents need help they should contact the Assessors office.

The Planning Board minutes have been received and posted, Chairman Richard Janiga reported that the next meeting will be held on November 19th at 7:00 pm.

Conservation Advisory Board minutes have been received and posted.

Marilla Fire Company Representative Brad Wurthner reported that he had copies of New York States new burn law if anyone would like a copy. He said residents can have campfires 3 feet in height and 4 feet in length, only charcoal or clean dry untreated or unpainted wood can be burned. If the Fire Company gets a call about a fire, they will come and put it out. He said he believes the fines are pretty hefty from the DEC. He thanked the Town Board for their support. He said there would be a dedication in coordination with the Elma Fire Company on Sunday at 2 pm at the Elma Fire Company's new station on Girdle Road. He reminded residents to check their smoke detectors, clean their chimneys and keep the fire hydrants clear.

Open Board Presentations

Resident Earl Gingerich stated he appreciated the Supervisor's comments concerning the Marilla United, today he received phone calls from residents who claimed they didn't know their names were on it. He stated that he went through this in the past and if you go to court to defend their accusations, the court discards it as part of politics. He said at least there are finally enough people to stand up against this type of activity.

Resident Jim Rados asked if information about Marilla could go into the Buffalo News Sunday edition in the around town section?

Supervisor Gertz said he would look into it.

Resident Shirley Limpinsel said she was glad to see so many residents attend the Board Meeting and speak up. She stated that Ron Unverdorben goes above and beyond and that 3% is nothing to what it would cost us. She also stated that she had received many calls concerning the political lighted sign across the street; she said that she was told it went on many years ago. She said the difference is that in 2005 the Town passed a new sign law while Dan Handy was on the Planning Board and John Foss was the Town Supervisor, prohibiting that. She said and when the Code Enforcement Officer told them to remove it, they still didn't. She said it amazes her that they put the law in and broke their own law. She stated that it was also said that Supervisor Gertz and Deputy Supervisor Handley would cause a tax increase, she said people don't understand this Town does not have a town tax. She said this Supervisor has made many improvements (windows, air conditioning, ect.) and we still have a \$500,000 surplus, it makes her wonder what was going on previously.

Resident Richard Rose asked if the Code Red calls would get through to restricted numbers?

Supervisor Gertz responded they would need to contact the Town Hall to have their number added.

Resident Lorraine Martzolf asked where the new Fire Station was located in Elma.

Supervisor Gertz responded across from Iroquois School and next to EMW.

Resident Charlie O'Brian stated that he has lived here for 8 years and this Town over those years had lost its luster, he now feels this past week brought it back.

Supervisor Gertz said that residents can bring their leaves to the recycling center, Ron has increased the hours on Saturdays from 9 am to 3 pm until December 12th to accommodate residents needing to bring their leaves. He said it is too expensive for the Town to purchase equipment and manpower to pick leaves up at the roadsides.

Resident Marsha asked if the DEC is first giving warnings if you are caught burning?

Highway Superintendent Ron Unverdorben said no one has been fined yet, only warned.

Supervisor Gertz reported that the new elevator was now up and running. He will have signs installed in the front and back of the building. He stated that he has fielded many

calls concerning the accusations from the Marilla United. He said he was very disturbed over the accusations in Marilla United literature, that Town funds and manpower were being used, and he was especially concerned that an incident that happened 2 years ago and should be behind us is continually used for political rhetoric. He said it was investigated by the FBI, DA, and the State Police and maybe this group of people should be working for the FBI. He said he asks each and everyone of the people listed on Marilla United Slingers to come to next month's Town Board Meeting and bring proof of their allegations and he would be happy to bring in someone from the DA's office to prosecute anyone found doing what they allege, but he knows nothing happened.

All claims have been previously reviewed by Councilman Specht and Councilman Handy.

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

General Fund Claims, Vouchers 496-540	\$	25,915.25
Highway Fund Claims, Vouchers 145-148	\$	4,624.46
Special Districts		
Sanitation (SR), Vouchers 98-106	\$	12,126.05
Special Fire, Voucher	\$.00
Water District #2, Vouchers 25-26	\$	2,515.89
Water District #3, Voucher 13	\$	1,353.40
Water District #4, Voucher 12	\$	817.40
Community Development PACE	\$.00
Community Develp. HUD	\$.00

Motion Carried.

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

Respectfully Submitted,

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