

A Public Hearing was held October 11, 2007 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the hearing was to hear comment from the public to consider an application for a flag lot on property located at 12339 Williston Road, the section block and lot number of 148.00-6-2.211, currently owned by Jutta Soeder. The approximate size of the proposed flag lot is 300ø x 550ø out of the 13.5 acre parcel. The Town Clerk presented affidavits showing that certified copies of the Order Calling a Public Hearing had been published and posted pursuant to the provisions of the Town Law. Approximately (14) persons were in attendance. Officials present were:

John R. Foss, Supervisor
George Gertz, Deputy Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
Absent: Warren Handley, Councilman

Supervisor Foss stated that the Public Hearing on the proposed Flag Lot was now open and asked if there was any interested person who desired to be heard.

Hearing no comments from those in attendance, the hearing was closed at 7:32 p.m.

Respectfully Submitted,

Public Hearing
October 11, 2007

A Public Hearing was held October 11, 2007 at 7:33 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the hearing was to hear comment from the public to consider an application for a special use permit from William Peter for Eastwood Garage, an auto repair facility at property located on a vacant lot behind the southeast corner of Clinton Street and Two Rod Road currently owned by Walter Schmidt. The Town Clerk presented affidavits showing that certified copies of the Order Calling a Public Hearing had been published and posted pursuant to the provisions of the Town Law. Approximately (14) persons were in attendance. Officials present were:

John R. Foss, Supervisor
George Gertz, Deputy Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
Absent: Warren Handley, Councilman

Supervisor Foss stated that the Public Hearing on the proposed Special Use Permit was now open and asked if there was any interested person who desired to be heard.

Resident Shirley Limpinsel asked if it was an auto repair shop and not a gas station and asked how the people next door to it felt?

Supervisor Foss responded that the owner of Marilla Kwik Fill, Greg Willey is in favor of the proposed business and they will be sharing a driveway.

Hearing no comments from those in attendance, the hearing was closed at 7:36 p.m.

Respectfully Submitted,

A Public Hearing was held October 11, 2007 at 7:33 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the hearing was to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects or programs to meet those needs, particularly projects which would benefit low and moderate income persons in the Town of Marilla. The Town Clerk presented affidavits showing that certified copies of the Order Calling a Public Hearing had been published and posted pursuant to the provisions of the Town Law. Approximately (14) persons were in attendance. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Absent: Warren Handley, Councilman

Supervisor Foss stated that the Public Hearing regarding the use of Federal Community Development funds in the Town of Marilla was now open. Supervisor Foss asked for public comment.

Hearing no comments from those in attendance, the hearing was closed at 7:39 p.m.

Respectfully Submitted,

Regular Meeting
October 11, 2007

Regular Meeting of the Marilla Town Board was held October 11, 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
Absent: Warren Handley, Councilman

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

Communications

- a) Erie County Legislature designated November 1st through November 30 as the annual thirty day period during which land owners may submit requests for the inclusion of predominantly viable agricultural land within an existing certified agricultural district as per New York State Agriculture and Markets Law Section 303-b.
- b) Kodiak Jacks restaurant notifying the Town of their application for the renewal of their liquor license.

Committee Reports

Councilman Gertz reported for Highway Superintendent Dave Pierce that the Town Park is now open only weekends through the month of October.

Councilman Spanitz reported that the Planning Board will be holding its next meeting on October 18th at 7:00 p.m.

Supervisor Foss reported that Councilman Handley called him at 6:30 this evening stating that he had an emergency and would not be able to attend but wanted to report that Ag Day was a huge success and wanted to thank all the people that helped and attended.

Councilman Specht reported that the CAB will hold their meeting on October 30th at 6:30 pm instead of November 6th which is election day. He also attended a Car Show meeting and reported that they collected \$35,000 for Mercy Flight at this year's car show.

Supervisor Foss reported that the Town Board met with Robert Bronkie and later with his attorney and with Julie Garvey from the Pet Connection at work sessions to try and resolve the complaint from Mr. Bronkie. The Town Board also reviewed information received from the S.P.C.A. and Don Roesch our Dog Warden and from this information determined the Pet Connection is operating in a reasonable manner. There are some minor issues such as excess cats that are being addressed by the Pet Connection to try and satisfy neighbor concerns. He stated that the Town will continue to monitor the situation and will review the situation when the permit is up for review in January. He also reported on the budget that the Town Board will be meeting next Tuesday morning at 9:00 am to review the tentative budget and make whatever changes are necessary and approve the preliminary budget that will be advertised and a public hearing will be held at our next Board Meeting. There are no tax increases and all three water districts have a significant reduction. He also wanted to inform residents that William Christen II, a town resident invited the Town Board to attend a ceremony to Honor Private Charles M. Gorndt, a Civil War Veteran on Saturday, November 17, 2007 at noon in the Marilla Cemetery located on Two Rod Road.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spantiz to approve the minutes from the Regular Board Meeting held on 9/13/07. Motion Carried.

New Business

Motion: Councilman Gertz moved, seconded by Councilman Spantiz to approve the following resolution:

WHEREAS, Jutta Soeder has submitted an application for a flag lot at property located at 12339 Williston Road SBL # 148.00-6-2.211; and

WHEREAS, the Planning Board has reviewed the application and recommended approval; and

WHEREAS, a public hearing has been duly held.

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

1. The Town Board does hereby approve the flag lot request by Jutta Soeder for flag lot for property located at 12339 Williston Road SBL # 148.00-6-2.211 in accordance with the revised plans as submitted by David Sutton.
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 October 11, 2007, the results of which were as follows:

Councilman Spanitz ó Aye
Councilman Gertz ó Aye
Motion Carried.

Councilman Specht ó Aye
Supervisor Foss ó Aye

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

WHEREAS, the Town Board has received a request from William Peter for a special use permit to operate an auto repair facility at property located on a vacant lot behind the southeast corner of Clinton Street and Two Rod Road; and

WHEREAS, the Planning Board has reviewed the application and recommended approval; and

WHEREAS, a public hearing has been duly held on the application.

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

1. The Town Board does hereby approve the request from William Peter for a special use permit to operate an auto repair facility on property located on a vacant lot behind the southeast corner of Clinton Street and Two Road subject to the following restriction.
 - a. Except for motor vehicles dropped off overnight for repair, all motor vehicles shall be parked behind a fence designed to screen such vehicles.
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 October 11, 2007, the results of which were as follows:

Councilman Spanitz ó Aye
Councilman Gertz ó Aye
Motion Carried.

Councilman Specht ó Aye
Supervisor Foss ó Aye

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to approve the following resolution:

At a meeting of the Marilla Town Board held on October 11, 2007, the Board authorized John Foss, Supervisor to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG.

1. Removal of Architectural barriers at Town Hall, with the Town providing a 25% match.
2. Rural Transit Service.

Roll Call Vote:

Councilman Spanitz ó Aye
Councilman Gertz ó Aye
Motion Carried.

Councilman Specht ó Aye
Supervisor Foss ó Aye

Motion: Councilman Specht moved, seconded by Councilman Gertz to set the date for public hearings on the 2008 Firemen's Contract and the 2008 Annual Budget at 7:30 p.m. for November 8th 2007. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to approve a resolution honoring Daniel Warner, for having completed the requirements for, and having been examined by an Eagle Scout Board of Review, was found worthy of the rank of Eagle Scout.

Roll Call Vote:

Councilman Spanitz ó Aye Councilman Specht ó Aye
Councilman Gertz ó Aye Supervisor Foss ó Aye
Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to declare the Miller Trailer, John Deere Flail Mower, Woods Mower and the old recycling trailer as surplus equipment. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported that the Erie County Health Department is collecting information from homes on Cayuga Creek Road to prove hardship to hopefully get added grant money from Rural Development to bring down the costs to those residents in the proposed Water District No. 5.

Building Inspector John Fronczek submitted a written report with 10 building applications received with fees totaling \$1,560.00, 10 building permits issued with a total value of \$325,000.00, 11 inspections were made and two complaints were received and 2 appearance tickets issued for the month of Septmeber 2007. A total of 150 official code enforcement activities were performed in the month of September.

Town Attorney Nathan Neill reported that he is working with Jennifer on trying to get some sort of agreement with Alden in the joint water district with Marilla.

The Planning Board's next meeting will be October 18th 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.

Councilman Gertz reported for the Marilla Fire Company asked residents to be considerate of their neighbors when burning leaves or other debris, especially on a windy day. He also asked residents to watch out for pedestrians walking, and walkers to wear reflective clothing.

Town Historian Hubert Kutter reported that in September the Historical Societies of Elma, Alden, and Marilla met and had a progressive dinner. Each town was responsible for a portion of the dinner and then they toured each of the Town's museums. He also reported that he received the form from the New York State Education Department and is currently working on that.

Open Board Presentations

Councilman Gertz stated that he had put in the town wide newsletter an article asking that residents with special needs or physically disabled to call the Town Clerk's office with their information, and currently we have received a response from about a dozen residents. He asked any residents with special needs to please contact the Town Clerk's Office and we would send them out a form. This information will help the Town, the Fire Company and Emergency Services Agencies in case of an emergency to be better prepared.

Supervisor Foss stated that he wanted to remind everyone about the Veteran's Day Parade on November 11th at noon, starting at the Firemen's grounds by the Fire Hall and ending at the Veteran's Memorial. Following the ceremony, Jeff Lewinski will have food for the adults and the Town will be providing hot dogs and pop with the support of the Marilla Kiwanis.

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

General Fund Claims, Vouchers 449-490	\$ 20,677.56
Highway Fund Claims, Vouchers 169-183	\$ 6,280.39
Special Districts	
Sanitation (SR), Vouchers 104-111	\$ 3,388.39
Special Fire Voucher	\$.00
Water District #2, Voucher 22-23	\$ 2,509.95

Special Meeting
October 16, 2007

Water District #3 Voucher	11	\$	1,353.40		
Water District #4 Voucher	10	\$	817.40		
Community Develop. PACE	18	\$	1,500.00		
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

A Special Meeting of the Marilla Town Board was held Tuesday October 16, 2007 at 9:00 a.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York 14102. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Supervisor Foss called the meeting to order at 11:25 a.m. and the tentative budget was reviewed.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve the tentative budget as the preliminary budget for the Town of Marilla for the fiscal year beginning January 1, 2008 and offered the following Resolution:

RESOLVED THAT THE TOWN BOARD OF THE TOWN OF MARILLA does hereby prepare and approve the preliminary budget for the Town of Marilla for the fiscal year beginning the first day of January, 2008 with the itemized statement of estimated revenues and expenditures and that those are made a part of the resolution and be it FURTHER RESOLVED that such preliminary budget should be on file in the Office of the Town Clerk where it shall be available for inspection by any interested persons at all reasonable hours, and be it FURTHER RESOLVED that the Town Clerk give notice of public hearing in the manner provided in Section 108 of the Town Law and such notice shall be published substantially in the following form:

NOTICE OF PUBLIC HEARING ON PRELIMINARY BUDGET FOR THE YEAR 2008 TOWN OF MARILLA:

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Marilla, Erie County, New York, for the fiscal year beginning January 1, 2008 has been completed and filed in the office of the Town Clerk of said Town at 1740 Two Rod Road, Marilla, New York at 7:30 p.m. local time on the 8th day of November, 2007 and that at such hearing the citizens of the Town of Marilla may be heard in favor for or against any items there in contained, and

FURTHER NOTICE IS HEREBY GIVEN, pursuant to Section 08 of Town Law that the following are the proposed yearly salaries of elected town officials, to wit:

Supervisor	í í í í í í	..\$28,752.00
Supt. Of Highways	í í í í	.\$49,400.00
Town Clerk	í í í í í í	\$40,950.00
Councilmen(4) each	í í í	...\$ 8,220.00

The meeting room is wheelchair accessible. Those needing special arrangements should call the Town of Marilla at 652-5350 by November 2nd, 2007.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF MARILLA
Dawn Pearce
Marilla Town Clerk

Roll Call Vote:

Councilman Spanitz ó Aye

Councilman Specht ó Aye

Councilman Gertz ó Aye

Councilman Handley ó Aye

Supervisor Foss - Aye

Motion Carried.

