

Public Hearing

A Public Hearing was held October 8, 2009 at 7:30 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 (18) persons were in attendance. Officials present were:

George Gertz, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
Warren Handley, Councilman
Daniel Handy, Councilman

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

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

Regular Meeting October 8, 2009

The regular meeting of the Marilla Town Board was held on Thursday, October 8, 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.

Councilman Handley and Supervisor Gertz had a presentation to the Marilla Library for funds totaling \$500 that were raised from the Marilla Pavilion Committee Pie Sale. Marilla Librarian Joyce Kaupa thanked the Town and stated how grateful the Library was for the donation.

Communications

1. Pet Connection asked if the Town would allow and erect a banner advertising a fund raiser.
2. Notification from Willey Enterprise of WNY that they have applied to renew their liquor license.

Committee Reports

Highway Superintendent Ron Unverdorben reported that for several years there has been an ordinance prohibiting garbage cans that are tipped by a hydraulic arm. The Town sanitation trucks are not equipped to handle the hydraulically dumped garbage cans. He stated that in the past few months more residents are purchasing these types of cans and the Sanitation Workers are not dumping them due to the fact that they are too heavy and big to fit between the truck and the trailer to dump. He said some residents are getting upset because they cannot return the can after they have been filled with garbage and the cost of the cans is from \$90 to \$125 dollars. He stated that starting the beginning of the year if residents wish to use the cans as storage that would be fine but if the garbage is not in bags the can will be left. If residents put loose garbage in this type of can it will still be there when they get home.

Councilman Spanitz reported that the Planning Board will be meeting on Thursday, October 15th at 7:00 pm, and the Library Board Meeting will be held on October 13th at 6:30 pm. She also stated she had some new affirmative action pamphlets.

Councilman Specht reported that the Marilla Car Show raised \$27,200 for Mercy Flight this year.

Councilman Handley reported that they had a great turnout for Ag Day of at least 400 plus and the weather was beautiful. The balloons and free milk, cheese sticks and yogurt went and they could have used more, he thanked Rick Janiga for his generosity in donating them. He said it was a lot of fun with a lot of positive comments.

Supervisor Gertz reported that the Cemetery has been keeping him busy, Councilman Handy came in to help look through boxes. The other thing he has been working on is Water District 5 which is moving along.

Open Board Presentations From the Public

No

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes of the Regular Board Meeting held on 9/10/2009 and the Special Meeting held on 9/29/09. Motion Carried.

New Business

Motion: Councilman Handley moved, seconded by Councilman Specht to approve the following resolution concerning the Justice Court Audit;

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records to their respective town and village auditing boards and that such records be examined or audited and that fact be entered into the minutes of the board's proceedings; and

WHEREAS, the Town Board has requested Councilwoman Spanitz and Councilman Handley to audit the court records of the Town of Marilla Justice Court; and

WHEREAS, Councilwoman Spanitz and Councilman Handley have completed their audit and submitted a written report to the Town Board indicating that the financial records were in good order but making a recommendation that to simplify future tracking of payments that receipt numbers be recorded with all reports.

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

1. The Town Board does hereby acknowledge that the required examination of the Town of Marilla Justice Court Records has been completed and that the financial records are in good order.
2. The Town Board makes the recommendation to the Town of Marilla Justice Court that all receipt numbers be recorded with all reports to simplify future tracking of payments which recommendation is to be forwarded to the Town of Marilla Justice Court.
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 October 8, 2009, the results of which were as follows:

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

Councilman Specht ó Aye
Councilman Handy ó Aye

Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Spanitz to approve the following resolution on Inter-Municipal Agreement with Upstate Compensation;

WHEREAS, the Town of Marilla has participated in the Upstate New York Municipal Worker Compensation Plan (the "Plan"); and

WHEREAS, the Plan's participants, consistent with advice provided to the Plan by the Plan's counsel, have determined to re-organize the Plan through an inter-municipal agreement by and between the Plan's participants; and

WHEREAS, the Town Board of the Town of Marilla has reviewed the proposed agreement and has determined that it is in the best interest of the Town of Marilla to continue to act cooperatively with the other Plan participants in the course of carrying out the Town of Marilla's obligations under the New York State Workers' Compensation Law, including in order to undertake effective risk management techniques, the promotion of safety and effective administration of claims.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Marilla as follows:

1. The Town Board approves the Inter-municipal Agreement for the Upstate New York Municipal Workers' Compensation Program ("Program"), as presented.
2. The Town Board designates the Town of Marilla's Supervisor as the Town of Marilla's Member of the Board of Directors of the Program and Councilman Warren Handley as Alternate Member.
3. The Town Board authorizes the Supervisor to execute the Agreement on behalf of the Town of Marilla and to do all other things necessary to effectuate the intent and operation of this resolution.
4. 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 on October 8, 2009, the results of which were as follows:

Roll Call 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 Handley to approve the following resolution concerning HUD;

At a meeting of the Marilla Town Board held on October 8, 2009, the Board authorized George Gertz, 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. Rural Transit Service.

Roll Call Vote:

Councilman Specht ó Aye	Councilman Handy ó Aye
Councilman Handley ó Aye	Councilman Spanitz ó Aye
Supervisor Gertz ó Aye	
Motion Carried.	

Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve the following resolution on the Cold Storage Building;

WHEREAS, the Town of Marilla has sent out a request for bids for re-roofing of the Cold Storage Building; and

WHEREAS, the Town of Marilla received bids from three bidders, from Strum with a bid in the amount of \$18,900, from Sahlens with a bid in the amount of \$10,290 and from T & R with a bid in the amount of \$15,900 which bids have been reviewed by representatives of the Town and all of which appear to all be responsive to the bid request; and

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

1. The Town Board determines that Sahlens is the lowest responsible bidder with a bid in the amount of \$10,290 for re-roofing of the Cold Storage Building.
2. The Town Board awards the contract for re-roofing the Cold Storage Building to Sahlens, subject to compliance with all the terms and conditions of the contract and bid documents, including, but not limited to, provision of the required liability insurance coverage.
3. The Town Supervisor is hereby authorized to execute a contract with Sahlens upon such terms and conditions as required under the bid documents and with such other matters as are required by the Attorney for the Town.
4. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a special meeting of the Town Board held on October 8, 2009, the results of which were as follows:

Roll Call Vote:

Councilman Specht ó Aye

Councilman Handy ó Aye

Councilman Handley ó Aye

Councilman Spanitz ó Aye

Supervisor Gertz ó Aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to approve the following resolution concerning the Salt Building;

WHEREAS, the Town of Marilla has sent out a request for bids for re-roofing of the Salt Barn; and

WHEREAS, the Town of Marilla received bids from three bidders, from Strum with a bid in the amount of \$20,900, from Sahlens with a bid in the amount of \$10,920 and from T & R with a bid in the amount of \$15,200 which bids have been reviewed by representatives of the Town and all of which appear to all be responsive to the bid request; and

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

1. The Town Board determines that Sahlens is the lowest responsible bidder with a bid in the amount of \$10,920 for re-roofing of the Salt Barn.
2. The Town Board awards the contract for re-roofing the Salt Barn to Sahlens, subject to compliance with all the terms and conditions of the contract and bid documents, including, but not limited to, provision of the required liability insurance coverage.

3. The Town Supervisor is hereby authorized to execute a contract with Sahlens upon such terms and conditions as required under the bid documents and with such other matters as are required by the Attorney for the Town.
4. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a special Town Board held on October 8, 2009, the results of which were as follows:

Roll Call Vote:

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

Motion Carried.

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

WHEREAS, the Town of Marilla has purchased a new Bobcat and has determined that its old Bobcat is surplus property; and

WHEREAS, the Town of Marilla has advertised for bids for the sale of the old Bobcat and has received bids from Sulli Motors in the amount of \$1226.00, from Dennis Domanowski in the amount of \$500.00, from Russ Ricketson in the amount of \$456.78 and from the Town of Wales in the amount of \$799.00.

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

1. The Town Board determines that Sulli Motors is the high bidder for the sale of the Bobcat.
2. The Town Board approves the sale of the Bobcat to Sulli Motors upon receipt of payment in the amount of the bid submitted.
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 October 8, 2009, the results of which were as follows:

Roll Call Vote:

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

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Handy to approve the Law Office of Heather A. Giambra of Schroder, Joseph & Associate LLP to represent the Town in labor negotiations with the Town Highway Employees.

Roll Call Vote:

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

Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Handley to authorize the Town Clerk to file the TE9 with the Department of Transportation to perform a traffic study on Cayuga Creek Road to reduce the speed limit to 45 from Marilla to the Alden Town line. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to set the preliminary budget meeting for 10/13/09 at 7:30 pm. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to set the public hearing date for 11/5/09 at 7:30 for the Town Budget and the Firemen's Contract. Motion Carried.

Report of Town Officials

Supervisor Gertz read the report for Town Engineer Marie Nowak that 70% of the mapping is complete for Water District 5 and 60% of the permit application to the US Army Corps of Engineers. They are currently working on design and getting price quotes for soil borings.

Building Inspector Scott Rider reported that 11 building permits were issued with fees totaling \$887 and a value of \$280,000. A total of 12 inspections were made and a total of 168 calls were logged.

Planning Board minutes were received and posted. Their next meeting will be October 15th at 7:00 p.m. Chairman Rick Janiga reported they are currently reviewing the rezone for senior housing and a draft for portable/temporary storage units.

The Conservation Advisory Board minutes were received and posted and their next meeting will be on November 3rd at 6:45 p.m.

Open Board Presentations

Resident Earl Gingrich Jr. asked how much of a savings is being seen in the highway department since 2007 ?

Supervisor Gertz said he would like to give him a figure but he has been tracking it but needs another year to see, fuel consumption is down, expenses are down in general we are down one individual. He said Ron has stepped up to the plate he does plowing, he mentioned Ron is a working superintendent by his choice not the Town Board's, they don't tell him what to do and respect everything he does. He said by Ron working he is saving the Town the wages and health insurance for another employee and disability. He said we are also short one truck and that saves insurance also. He said a week or two ago he was looking for Ron and found him out working on the garbage truck picking up garbage. He said we are very fortunate in having him as a Highway Superintendent. He said he doesn't have a number at this time, we have spent some money, we purchased 2 new trucks and upgraded some things, we will be buying a new pick-up truck as well because the F150 is shot.

Earl Gingrich Jr. said on a positive note its good to see a working Highway Superintendent, he saw Ron working with his men on Parker Road. He stated that was the way it was suppose to be from day one and he thinks the public should really appreciate what Ron does.

Supervisor Gertz said we are very fortunate to have Ron he goes above and beyond his job description and we are lucky to have him.

Earl Gingrich Jr. stated that it has been nice for him the last two years because he doesn't get anymore phone calls complaining about where the highway trucks were seen.

Resident Debbie Zimmerman stated that in light of the current economic condition that faces our Nation, the State of New York, Erie County, and the Town of Marilla. She urged the Town Board to follow the actions of Towns like Amherst and Orchard Park to deny a 3 percent cost of living raise. She said the Federal Government has denied the 3 percent cost of living raise for recipients of social security and disability social security. She said also in light of the Town's current position of having to negotiate a union contract she is sure the Town had to hire an attorney and it was not budgeted for and she wondered where would the money come from. She urged the Board to make a stand and deny any raises this year.

Resident Debbie Specht Gardon commented that the Town of Marilla is spending close to \$90,000 a year for health benefits for eight employees. She stated according to public record Federal employees contribute approximately 25% for single coverage and 35% for family coverage. She asked why are Marilla residents paying 100 percent for health care benefits for 8 employees. She said employees receiving health benefits in neighboring towns are all contributing towards their health benefits. She asked if Marilla is planning on having their employees do the same and if not why.

Supervisor Gertz thanked them for their comments and said he could not discuss it due to the highway situation right now.

Resident Fred Miley asked if they were going to reduce the speed limit on Cayuga Creek to 35 mph?

Supervisor Gertz said he believes it is 55 mph now and will reduce it to 45mph.

Life long resident Leona O'Brien stated that when she opens the newspaper and reads about the Marilla Fire Company and the Marilla Fire Company Band taking first place at the Fair and reading a poem that a 12 year old Iroquois School student wrote in the paper, and seeing a picture of the Marilla Highway Department delivering supplies for the Marilla Kiwanis to Gowanda, and seeing an article about a former Marilla Resident Jack Phillips who passed away this past month. She said Jack was brought up in Marilla and played for the Yankees and other teams before he retired to Coach at Clarkson University. She said his sister Shirley Striegel lived in Marilla until recently. She said Jack's picture is at the baseball Hall of Fame in Cooperstown. She also enjoyed seeing her Grandson Mark O'Brien's picture in the paper for the great job he is doing at Central Police Services. She said these are just some of the people that make this Town great, she has attended Board meetings for about 40 years most were very civil except when word went around about a farm being sold to pig farmers on French Road. She said being a member of any board you must make decisions not for your own good, and not for your friends but for what is best for the whole Town. She said towns must progress if they don't they will die, as long as they do it in an orderly planned manner. She said times change and communities change as do people. She said it's not easy being a Board Member, Councilman or Supervisor, she said Board Members make their decision on their opinion on what is best for the future of our Town. She was disappointed at the last Board Meeting when a member of the audience got up and chastised Board Members by name for how they had voted on a subject the previous month, she thought it was rude and disrespectful. She would like to believe that the people of the Town of Marilla have much more class than that, we have a wonderful Town with wonderful people young and old and let's keep it that way with respect.

Town Board Presentations

Councilman Handy said he that he agreed with what Debbie said, its time the Town starts being a little more responsible. He said we are heading into tougher times and every government is getting tighter and tighter and he thinks we should start tightening our belt. He said this 3% raise was started as a cost of living adjustment and has been done every year because the average inflation over the last 10 or 12 years has been 3%. She said last year there was no 3% inflation so there fore he thinks we should hold and he will work towards that at the budget meeting.

Councilman Handley said he is going to take the high road he said he disagrees with all those comments. He thinks the people that work for this Town work very hard and the people that are commenting and are recently showing up at meetings don't really see how much time in doing their jobs. He said the Highway department especially goes above and beyond what they're supposed to do. He said Ronny has saved the Town hundreds of thousands of dollars and to kick him in the face at this point when they are giving you all and you want to take from them, he disagrees with that. He said there were comments that the Highway men heard that led them to this union decision. He said because they were concerned that people were going to try and take things from them. Instead of the Town Board having the opportunity to work with them because of the rumble they heard they jumped ship. He said it's the same thing with the Clerk's Office and Supervisor Gertz, no one sees what they do. He said Supervisor Gertz is putting in all kinds of hours, and he is doing exactly what Leona said; trying to keep this Town what it is, trying to build on it. He said we have people going above and beyond and they are entitled to respect and to the increase that they deserve. He then said on a lighter note; this Town is very fortunate to have one of the largest number of Eagle Scouts. We have an Eagle Scout Chris Stelmaszyk from Troop 325 that presented an idea to build 2 park benches at the Town Park by the swing sets. He was very impressed with the Eagle Scouts power point presentation, and that the Eagle Scout noticed when people were at the Park with their children using the playground there was no place to sit. He said Chris stepped up to the plate to build the 2 benches and he is also going to put a flower garden in around the Pavilion sign. He said this young man is doing a great job.

Supervisor Gertz reported that he received 2 requests for information, someone has been calling residents for charitable donations; it's called the Fire Fighters Charitable Donations.

They are asking for donations for flood victims, fire safety programs and assistance to develop fire companies. He said this organization is out of Port Washington, New York, it has no affiliation with the Marilla Fire Company and no funds come back to the Marilla Fire Company. He said be very careful when you donate funds thinking you are helping the local communities, these funds go down state. He said the Marilla Fire Company hasn't done a fund drive in the last 7 or 8 years. He said they bought 2 brand new trucks without any additional taxpayer support. He reported the second one was from the Town's Attorney, he lives in Akron and received a letter from a company trying to sell insurance for water service line coverage for \$4.99 a month. He said this is in case of a water line break, he has had a water line in front of his yard for at least 15 years and he has never had a problem. This is the service for the pipe between the street to your house. He said be very careful in signing up for this kind of stuff and if anyone has any question contact the Town Hall. He said he has also received phone call an article in the paper about burning in New York State.

Town Attorney said they no longer permit the burning of leaves, you can burn brush up to 6 inches in diameter and 8 feet in length, the brush can have leaves on it.

Supervisor Gertz said leaves can be dangerous to burn, there have been several leaf fires that spread to structures in the past. He said I guess they are changing the laws and Residents should be careful.

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

General Fund Claims, Vouchers 434-495	\$ 34,865.75
Highway Fund Claims, Vouchers 137-144	\$ 5,902.00
Special Districts	
Sanitation (SR), Vouchers 91-97	\$ 8,886.44
Special Fire Voucher	\$.00
Water District #2, Vouchers 23-24	\$ 2,510.21
Water District #3 Voucher 12	\$ 817.40
Water District #4 Voucher 11	\$ 1,353.40
Community Develop. PACE Vouchers	\$.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to adjourn the meeting at 8:17 p.m. Motion Carried.

Respectfully submitted,

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

Special Meeting
October 13, 2009

A Special Meeting of the Marilla Town Board was held Tuesday October 13, 2009 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York 14102. 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 at 8:20 p.m. and the tentative budget was reviewed.

Motion: Councilman Handley moved, seconded by Councilman Specht to approve the tentative budget as the preliminary budget for the Town of Marilla for the fiscal year beginning January 1, 2010 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, 2010 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 2010 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, 2010 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 5th day of November, 2009 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	..\$30,516.00
Supt. Of Highways	í í í	.\$52,442.00
Town Clerk	í í í í í í	\$43,446.00
Councilmen(4) each	í í	...\$ 8,700.00

The meeting room is wheelchair accessible. Those needing special arrangements should call the Town of Marilla at 652-5350 by October 30th, 2009.

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

Roll Call Vote:

Motion: Councilman Spanitz moved, seconded by Councilman Handley at 8:50 pm.
Motion Carried.

Respectfully submitted,
_____ Town Clerk