

Regular Meeting of the Marilla Town Board was held September 13, 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
Warren Handley, Councilman

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

Communications

None

Committee Reports

Councilman Gertz reported for Highway Superintendent Dave Pierce that roadsides have been mowed and intersections swept.

Councilman Spanitz reported that the Planning Board will be holding its next meeting on October 18th at 7:00 p.m. She also reported that the Marilla Library will be holding a book sale Friday, Saturday, and Sunday and wanted to encourage people to attend.

Councilman Gertz reported that he had received three letters in regards to speed reductions; one to reduce the speed limit on Townline Road from 55 mph to 45mph, another was at Two Rod Road and Bullis Road, this is a dangerous intersection because people aren't paying attention, there was an auto accident there yesterday a dump truck hit a car. We have approached the State several times and they have indicated there is nothing that can be done. He feels it would be crazy to put a four way stop there especially with the hill. The other complaint was on Williston Road and Two Rod Road, a woman had a close call when trying to pull out of Williston Road onto Two Rod Road, people are not obeying the 45 mph speed limit.

Councilman Handley reported that they have done a lot of publicity for Ag Day, there is a banner on Bullis Road. The Paul Zittel Band cancelled at the last minute and we were lucky enough to get Craig Wilkens. The Sheep shearing cancelled but we will still have sheep as well as other farm animals, along with engines and tractors, lots of food, a pie walk, chowder and pulled pork sandwiches. He asked residents to attend, it should be lots of fun.

Councilman Specht reported that Time Warner Cable may lose some of their programming contractors and some stations may cease. A gentleman came to the Town Board's work session the other night asking why our cable comes out of the Rochester office and not the Buffalo office. After looking into the matter he found out that the two offices actually compete for business. The Town's original contract was with the Rochester Office and there is nothing we can do to change it.

Supervisor Foss reported that he worked on the 2008 Budget with Deputy Supervisor George Gertz, and Book-keeper, Kim Parker and he finished the 2008 Budget calculations. The actual written Budget still has to be printed and should be available within the next couple of weeks. Based on the current Budget Data and requests for next year he can report the following: General Fund- No General Fund Tax for 2008, all salaries increased by 3%, Major projects include repair of Elevator at Town Hall, Cleaning of the Lower Pond at the Park, New Radio Systems for Town Communications. The Highway Fund will have the same tax rate as 2007 at 50 cents/thousand, the lowest in Erie County and it reflects actual cost. The Sanitation Fund is staying at the same rate as last year \$130, this is the lowest in Erie County and reflects actual cost. Water District 2 will have a reduction from 85 cents to 60 cents per thousand on the capped advalorem, Water District 3 will go down from 3.22 to 2.80 per thousand on the capped advalorem, Water District 4 will go down from 3.00 to 2.75 on the capped advalorem. The Water Districts are down because we accelerated principal payments

when interest rates were low and now it is beginning to pay dividends. We also are continuing to work to bring water to areas of Town where wells have been failing. It is a long slow process but we will get water to those areas as soon as possible.

He wanted to thank the Town Board, all of the Town Officials, and all Employees as it takes everyone working together to provide the services we provide in Marilla and still keep the lowest Tax Rate in Erie County. We also continue to preserve Green Space by funding the PACE program and Limiting Growth. (No subdivisions in 12 years) We also will continue to Fund our Library, Concert Series, Car show, Carnival, and Historical Society. No Town has more Local events than Marilla and we are proud of this major improvement of Lifestyle in Marilla this past 12 years.

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 8/9/07. Motion Carried.

New Business

Motion: Councilman Gertz moved, seconded by Councilman Handley to set the date for a public hearing as to the possible use of HUD funds for 2008, within the restrictions of low income or handicapped requirements for October 11th, 2007 at 7:30 pm. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to set the date for a public hearing as to the Special Use Permit application by William Peter for the Eastwood Garage Auto Repair Facility for October 11th, 2007 at 7:30 p.m. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to set the date for a public hearing as to the Special Use Permit application by Jutta Soeder for a flag lot on property located at 12339 Williston Road, the section block and lot number of 148.00-6-2.211 for October 11th, 2007 at 7:30 pm. Motion Carried.

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

WHEREAS the potential loss of active farmland will forever change the community character and deplete the benefits of open space in the Town of Marilla;

WHEREAS the Town of Marilla Town Board supports farmland preservation to prevent the exhaustion of open space and to protect natural resources in Marilla;

WHEREAS the Town of Marilla has been operating under the Erie County Agricultural and Farmland Protection Plan and will continue to use this plan as a planning tool for open space preservation.

WHEREAS the Town of Marilla also requests and authorizes the Western New York Land Conservancy to assist in the planning and implementation of a local farmland protection program. This includes, but is not limited to prioritizing of parcels and areas for protection, coordination of appraisals, negotiation in the purchase of development rights, co-holding of conservation easements with the Town of Marilla and perpetual stewardship and monitoring of conservation easements.

RESOLVED:

That **John R. Foss**, as **Supervisor** of the **Town of Marilla** is hereby authorized and directed to sign, and if funded, execute a Farmland Protection Implementation Grant for the Stonewall Stables, Inc. Farm

located at S474 Three Rod Road in the Town of Marilla, requesting **\$94,039** in funding from the New York State Department of Agriculture & Markets, with a Town match equivalent to 25% of the total project cost, or **\$31,346** based on the following formula:

\$26,846 in cash;

\$2,000 through the Town's in-kind administrative services; and,

\$2,500 through the landowner's donation of the parcel survey.

Roll Call Vote:

Councilman Spanitz ó Aye

Councilman Specht ó Aye

Councilman Gertz ó Aye

Councilman Handley - Aye

Supervisor Foss ó Aye

Motion Carried.

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

WHEREAS, Town Law Sections 267 and 271 provide that effective January 1, 2007, all planning board and zoning board of appeals members in New York State as well as all alternative members of those boards complete a minimum of four hours of training each year; and

WHEREAS, the above sections of the state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required by state law; and

WHEREAS, the above sections of state law provide that the legislative body of the Town specify which activities qualify as training to satisfy the state requirements.

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

1. The following list of agencies, commissions, associations, universities and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development and local government functions and practices.
 - a) the New York State Department of State, Department of Agriculture and Markets, Office of the State Comptroller, Department of Health, Department of Transportation, Department of Environmental Conservation, Office of Parks and Recreation and Historic Preservation and Hudson River Greenway;
 - b) the New York State Associations of Towns, the New York Conference of Mayors, the New York State Association of Counties, the New York Planning Federation, the American Planning Association, the Upstate New York State Chapter of the American Planning Association and its sections;
 - c) University of Buffalo, Erie Community College, Buffalo State University, Genesee County Community College, Niagara County Community College, Houghton College, Alfred University; and
 - d) such other training programs as may be authorized by the Town Board by resolution from time to time.
2. That other training activities may be approved on a case-by-case basis by the Town Board upon the request of a member of the planning board or zoning board of appeals.
3. That any new member appointed to fill the last 6 months of a term shall not be required to have attended training to be reappointed to a first full term but must thereafter comply with the Town's training policy as provided elsewhere herein.
4. That training received by a planning board or zoning board of

appeals member in excess of the four hours required in any year may be carried over by such member into the succeeding years.

5. That the Town Clerk shall create and maintain a system of tracking the training received by individual members of their respective boards annually and such information shall be presented to the Town Board prior to considering a member for reappointment.
6. That if a member of the planning board or a member of the zoning board of appeals fails to complete such training, the Town Board shall notify such member of the failure to complete such training, that such training is a condition of continued membership on such board, provide such member with an additional time period to complete such training and if such member shall then fail to complete such training within such additional time period, such failure shall be grounds for removal of such member from such board for cause.
7. 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 September 13, 2007, the results of which were as follows:

Roll Call Vote:

Councilman Spanitz ó Aye

Councilman Specht ó Aye

Councilman Gertz ó Aye

Councilman Handley - Aye

Supervisor Foss ó Aye

Motion Carried.

Supervisor Foss set the date for the Budget Meeting for October 16th at 9:00 am.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to authorize Connie Minor to write the HUD Grant for replacement of the elevator at the Town Hall at a cost not to exceed \$1,000. Motion Carried.

Motion: Councilman Gertz, seconded by Councilman Handley to authorize John Ostertag to do various painting at the Town Hall at a cost not to exceed \$4,000. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported that on August 27th John Foss and an engineer from Nussbaumer and Clarke attended a meeting with the Town of Alden to discuss the shared municipal services grant that Alden received for their water district. We were hoping for some money for Water District 5 in the northeast corner of Town to make that water district feasible. We didn't get very far at that meeting but we did find out that because of the dire situation of residents who have problems with their wells along Cayuga Creek Road, we are now working with the County Health Department to try and get them to declare that the situation is an emergency. If we can do that then there maybe emergency funding through Rural Development that we could apply to Water District 5.

Building Inspector John Fronczek submitted a written report with 19 building applications received with fees totaling \$1,312.00, 19 building permits issued with a total value of \$269,630.00, 9 inspections were made and two complaints were received for the month of August 2007. A total of 177 official code enforcement activities were performed in the month of August.

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.

Town Historian Hubert Kutter reported that the Museum would be open during the Ag Day festivities. He also stated that he recently received an email for someone looking for a relative named Valentine Hook, Mr. Hook was supposedly the Mayor of Marilla from

the late 18th to the early 19th century. He was supposed to be buried in a local cemetery. After looking into to it, Marilla never had a Mayor only Supervisor which at the time was John Veeder and no Hooks were buried in our cemeteries. Every now and then he gets a request that is totally different than our history. He wonders if there is another Town in the United States named Marilla.

Open Board Presentations

Elaine Argauer wanted to tell residents that the Library book sale hours are 9 am to 3 pm on Friday, 9 am to 11 am and 11:15 to 1 pm on Saturday, and Sunday afternoon during Ag Day.

Councilman Handley stated that it was interesting and humbling to hear the word Ag Day in our rural community.

Councilman Gertz stated that in the newsletter he asked for residents with special needs to submit their names and addresses and needs in case of an emergency.

Supervisor Foss stated that he liked the Ag Day Banner and how wonderful it is to be a resident in our Town.

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

General Fund Claims, Vouchers 381-448	\$ 32,259.07
Highway Fund Claims, Vouchers 148-168	\$ 19,431.00
Special Districts	
Sanitation (SR), Vouchers 93-103	\$ 18,027.16
Special Fire Voucher	\$.00
Water District #2, Voucher 21	\$ 11.84
Water District #3 Voucher	\$.00
Water District #4 Voucher	\$.00
Community Develop. PACE 17	\$ 75.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to adjourn the meeting at 8:01 p.m. Motion Carried.

Respectfully submitted,

_____ Town Clerk _____ Supervisor

_____ Councilman _____ Councilman

_____ Councilman _____ Councilman