

A Public Hearing was held May 11, 2006 at 7:30 p.m. at the Marilla Community Center, 1810 Two Rod Road, Marilla, New York. The purpose of the meeting was to get public comment on the adoption of proposed "Local Law No. 1 of the Year 2006". The proposed Local Law will amend the Zoning Law of the Town of Marilla to create a new B-1 Restricted Business District and rezone a parcel of land to that new classification. The B-1 Restricted Zoning District will be a rectangularly shaped district located at the southwesterly corner of the intersection of Clinton Street and Two Rod Road and will extend 1500 feet westerly along Clinton Street from such intersection and approximately 1135 feet southerly along Two Rod Road from such intersection but except from the B-1 Restricted Business District a rectangular parcel of land located on the westerly side of Two Rod Road starting 475 feet south of the centerline of Clinton Street extending 345 southerly from that point with a depth of approximately 300 feet from the centerline of Two Rod Road, which excluded portion presently contains two existing residential building lots with houses. The Town Clerk published the notice of the public hearing in the Alden Advertiser, the Elma Review and East Aurora Advertiser as well as posting it on the Official Bulletin Board pursuant to the provisions of the Town Law. Officials present were:

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

Approximately (54) persons were in attendance. Supervisor Foss asked if there was any interested person who desired to be heard and explained that this is the third public hearing on this Local Law and everyone would be permitted to speak once.

Residents with statements and opinions:

Shirley Limpinsel – asked if copies are available of the criteria of the B-1 district? She asked if the Supervisor could read the entire resolution and local law for a better understanding. She wanted to go on record that she is fully opposed to the B-1 zoning on the Rohl property and it is going to set a precedence.

Diane Gorzynski – stated that she is opposed to the rezoning, and as a realtor she questions the possibility of future ramifications of a legal nature. If another resident with acreage chooses to apply for a rezoning this property would set a precedence if they were denied.

Joyce French – stated that she is in favor of the rezone and felt it would be nice to have a farm store or beauty shop or drug store. She stated it would help with the taxes, and we are the only Town without businesses.

Walter Schmidt – he stated that he is in favor of the rezone, he thinks that many of us go to the Elma Plaza and we enjoy the convenience of the Kwik-fill on the corner of Two Rod and Clinton. The Town needs some tax base and this is a good opportunity for it and this is where the growth should take place.

Stanley Swaine – stated that he is completely opposed to the rezone and submitted a letter to the Town Board.

Marcia Cannetti – stated that her and her husband are both opposed to the rezone. She feels that people moved to the country and are willing to pay higher taxes. She has attended the three public hearings and feels not everyone is in favor of this and hopes it will be done fairly.

Kenneth French – he stated that he is in favor of the rezone instead of houses.

Candy Moran – stated that she is opposed to the rezone, she feels this should only be done when a definite building plan is on the table.

Rick Snyder - stated that he is a resident and the owner of CBL Snyder, custom home builder, he owns the property located on the corner of Jamison and Two Rod Road which is 9.5 acres zoned commercial. He is doing everything he can to release it to horse people to keep horses on that corner. He is not trying to make apartment complexes on it or put business in there.

Fred Miley - stated that he is in favor of the rezone, he feels if changes hadn't occurred in the past most of these people wouldn't be living here now, it would still be all farmland.

Gloria Specht – stated that she is in favor of the zoning change, and feels this is the perfect spot for it. She feels it's nice to see people looking toward the future of the Town unlike the City of Buffalo.

Gene Limpinsel – stated that he feels there is not enough population to support new businesses.

Bud Pearce - stated that he is in favor of the rezone, he feels this is a great place for new business next to the existing business and to keep it in one area.

Charles O'Brian – stated that he is against the rezone, and preferred last months meeting when you could speak as many times as you desired.

Rick Janiga – stated that he is on the Planning Board and they looked at this and debated it for a long time, according to the towns Master Plan this is the area for it. He feels that we need to take this opportunity now to rezone that area, so that down the road businesses have an area for future development. He is in favor of the rezone.

Ron Eiseman - stated that he feels the Town has to take into account the fairness to all taxpayers and their housing values. He feels that right now the Town has no control over that corner and with the rezone the Town would have some control. He would like to see the Town stay rural but some change does have to happen.

Supervisor Foss asked if anyone else wished to be heard.

Hearing no further comment the hearing was closed at 7:58 p.m.

A Regular Meeting of the Marilla Town Board was held May 11, 2006 at 8:00 p.m. at the Marilla Community Center, 1810 Two Rod Road, Marilla, New York.

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 and the Pledge of Allegiance to the Flag was given.

Communications

None

Committee Reports

Councilman Gertz reported for Highway Superintendent Dave Pierce that they had planted grass at the Town Park and repaired the damage done by the two snow mobiles that went into the pond over the winter. He also wanted to thank Hubert and Sally Kutter for donating two trees for the Pavilion area.

Councilman Spanitz reported that the Planning Board will meet next Thursday, May 18th at 7:00 p.m. at the Marilla Town Hall. There will be a Library Board Meeting on June 20th.

Councilman Gertz reported that Code Publishers will be sending us the new code book for review. The Town Board will review it and there will be a public hearing on changes. He will also be hosting a NIMS Training class for Federal Disaster on May 18th, the entire Town Board, Highway Employees and Fire Company have to take this class.

Councilman Handley reported that the Pavilion Committee has been working hard at putting the concert series together. The first concert will be held on June 8th, the Iroquois Central School, seventh and eighth grade select chorus and orchestra. There will be free hot dogs, lemonade and cookies available. He also stated that Boy Scout Dan Warren was approved for his Eagle Scout project, he will be creating a garden behind the Town Hall with a rock in the middle of the garden with a plaque on it dedicating it to the Darbee Family. Dan will also be building the Town two benches to go with the project.

Councilman Specht reported that the car show and the Civil War Re-enactment are both proceeding nicely.

Supervisor Foss reported that the first four months of expenses and receipts remain steady and comparable to last year. At the moment he sees nothing unusual coming up, but it is way too early to predict for the 2006 year.

He reported that Earl Gingerich Jr. came to the Town Board on Tuesday night to request resubmitting the Kolbe property for PACE consideration. He offered to donate the Town's land share while the Town would pick up the cost of closing or about \$8,000. Councilman Specht and Councilman Gertz said that they would keep an open mind but needed documentation of everything Mr. Gingerich was suggesting. Mr. Gingerich wanted the Town Board to walk the property on Wednesday evening, but Board members were not available and we will reschedule this when he submits the requested paper work. Supervisor Foss refused to be part of the proposal and will abstain from voting due to personal prejudice. Mr. Gingerich filed a complaint against him for walking the property to look at what he wanted the Town to purchase. He also believes that Mr. Gingerich called the FBI even though he denies it. He feels both actions were not necessary and have been dismissed as far as he knows. He believes our law enforcement people have better things to do. He feels it was done because he would not support the previous request, for good reasons. If the remainder of the Town Board decides to support his request, He will do the necessary administrative actions to complete the project.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes from the Public Meeting and Regular Board Meeting held on 4/13/06. Motion Carried.

New Business

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

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 is codified as Chapter 149 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 15, 2006 and ending at midnight on June 17, 2006.

Section 2. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Specht – Aye

Councilman Gertz – Aye

Councilman Handley – Aye

Supervisor Foss – Aye

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to approve the resolution adopting determination of non-significance of Local Law:

WHEREAS, the Town Board of the Town of Marilla is considering adoption of a Local Law to create a new B-1 Restricted Business District rezone a parcel of land approximately 1500 feet by 1135 feet at the southwesterly corner of the intersection of Clinton Street and Two Rod Road with an approximately 345 by 300 feet carveout to this new zoning district which carveout consists of two existing residential properties; and

WHEREAS, the Town Board of the Town of Marilla is duly qualified to act as lead agency with respect to compliance with SEQRA which requires environmental review of certain actions undertaken by local governments; and

WHEREAS, the proposed action appears to be an Type I Action pursuant to the Rules and Regulations of the State Environmental Quality Review Act and the Town of Marilla by resolution adopted on April 13, 2006 determined that it was the most appropriate body to act as lead agency under SEQRA and duly notified all other involved agencies as required by law; and

WHEREAS, County Planning has also been notified as required under Section 239-m of the General Municipal Law as well as all entities required to be notified under Town Law Section 264; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Marilla, after considering the action proposed herein, in reviewing the Environmental Assessment Form, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment; and be it further

RESOLVED, that the Town Board of the Town of Marilla hereby finds that the proposed responses inserted in Part II of the said Environmental Assessment Form are satisfactory and approved; and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to complete and execute the Part III of the said Environmental Assessment Form and to check the box thereon indicating that the proposed action will not result in any significant adverse impacts; and be it further

RESOLVED, that the annexed Negative Declaration is hereby approved and the Town Clerk is hereby authorized and directed to file the same in accordance with the provisions of the General Regulations of the Department of Environmental Conservation.

Councilman Handley stated that he had just received the EAF statement tonight and he is on page six right now and would like to review it together so out of fairness he would like them to take time to review this before they vote on it.

Supervisor Foss stated lets proceed to vote, and if defeated we will have to go back and review it.

Roll Call vote:

Councilman Spanitz – Aye

Councilman Specht – Aye

Councilman Gertz – Aye

Councilman Handley – Nay

Supervisor Foss – Aye

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve Local Law No. 1 of the year 2006 entitled “ Creation of a B-1 Restricted Business District”

(see full context of local law No.1 for 2006 marked 2006-A in attachment book)

Councilman Handley questioned Supervisor Foss asking if the Town notified all residents within 500 feet, and if that was required?

Town Attorney Nathan Neill responded that we are not required to do so for a local law, we published it in the newspaper and notified all of the interested agencies that are required for a zoning law change.

Supervisor Foss responded that the 500 ft. notification is only required for variance applications and flag lot applications.

Councilman Handley stated that the problem that he doesn't understand is that we do this for someone who wants to put a shed next to a neighbors lawn and we have to put out that information for a public hearing yet on such a big issue like this we don't have to.

Town Attorney Nathan Neill said that this is what the law is.

Councilman Handley wanted to thank the residents that attended the Public Hearings and Town Board Meetings over the last three months for their input on the B-1 Local Law and Rezone. Yes he did put out a couple letters and he tried to get as much attention as he could to this Local Law and this rezone. The comments made by residents have been very helpful in making his decision on this Local Law. Once again the consensus was that the residents were opposed to the B-1 Local Law and Rezone of the Rohl Property. His main concern throughout this process was who, what, when, and how this property would be developed. He finds it hard to vote in favor to the rezone of 35 acres of Agricultural land when there is no plan in front of him showing him; lots, buildings, access, topography, drainage or a concept to help him make his decision. The three corners zoned business at Clinton and Two Rod Road have remained undeveloped for 32 years, there is a map in the Town Hall that will show everybody that. As a letter to the Supervisor from Mr. Rohl stated on September 2, 2005; potential buyers for portions or the complete parcel want to know up front if it fits their business and would the surrounding community welcome them. Mr. Rohl should show a plan for this property to present a clear picture on what he would like to do. He stated that he is not against development on that corner, but he would like to see what they are voting on before they approve something. He thinks a lot of residents in Town feel the same way, that had they seen a plan, if there was going to be a senior center there, if there were going to be individual businesses, had they seen that they probably could have worked a lot more together in agreement with what was going on there. It was stated by the Town Supervisor that the demand for business development will not take place right away, probably not for another 10 or 15 years on this corner, so why rezone it? The B-1 Local Law under the Boundary description states the new zoning classification could be used to rezone properties in other portions of the Town of Marilla. What portion of town and how many properties? Where and When will it stop? That was his concern. Also is the rezoning of other properties in town and how are they going to regulate that according to the new local law? The Town Board as Lead Agency has not given him any information on a coordinated review for investigating the impact of the proposed action or the thorough environmental assessment of the proposed action. The owners of the proposed golf courses in town spent thousands of dollars for studies when they wanted to develop their land for a golf course and needed a special use permit and a rezone. How is this rezone for Mr. Rohl fair to them that they had to spend all that money and this rezone is just going to take place. He finds it hard to understand why Mr. Rohl was not before any Board in our Town for such a request to rezone this property and where is the application for the rezoning? The Town asked Mr. Berner for one, and the letter from the Marilla Code Enforcement Officer to Mr. Berner states that. Another question is why Mr. Rohl waited over a year for the Town Board to make a decision, why was this held back by the Town Board for so long with such little response to Mr. Rohl? He doesn't think that was fair to Mr. Rohl. As the supervisor stated at the public hearing he was looking for good facts, good information and good reason to do what we do and he agrees with that. He feels the same way but where is it. He feels that it is his responsibility to the residents of this Town to oppose this rezone request and oppose the B-1 Local Law. In closing he would just like to state, the Agricultural District was formed to protect not only the active farmland in Town but also the viable farmlands that may not be active now for various reasons. It becomes very significant that the Town of Marilla is primarily an agricultural community with the largest part of its land base devoted to agriculture. Let us continue our slow controlled growth and have research in place if we consider a change, so that any change we make will benefit the residents of our town now and in the future.

Councilman Specht explained why he is personally voting for the Local Law, number one it fits the master plan. Someone in the back asked what is the master plan? He explained it is the blue print for the future growth of this Town. Reason number two of why are we doing this now and not wait? He stated when would be the right time? He believes now is the right time, before you scatter that area with single family dwellings. He has watched this Town in the 44 plus years that he has been here grow from 1900 people to 6000, if you're sitting out there thinking that this Town is not going to grow, you're mislead. The Town is growing at a controlled rate, thanks primarily to this Town Board. This Town is going to grow whether you like it or not and people demand services. He didn't mind going to the dumps every Saturday, but people wanted the sanitation department. He didn't mind his well water, but now residents have water. There is no end to what people demand as a Town grows. Twenty years from now someone sitting in the back of the room is going to say we need a drugstore, they are tired of driving to Alden. His point is that it is the time to provide an area for the time when someone wants to build that drugstore or whatever. It's better to have it and not need it

than to need it and not have it, and it's surrounded with houses. This is primarily why he is going to vote for it, he thinks it's a good thing to do now not later.

Councilman Spanitz stated that she has talked to a lot of people who are for it, they may not be here tonight but they are for it. Secondly she sits on the Planning Board as a representative of the Town Board, that Planning Board has worked diligently, they have studied everything and they recommend it, if they recommend it that is enough for her. Thirdly someone made a comment at the last meeting that there will be more employees and that will bring more cars into Town. She's sorry there are people in this Town that need jobs, there are maybe seniors that want to work, gasoline prices are atrocious, they maybe want to work and drive a short distance not a long one. The same with the students in school, they need jobs. We need to have controlled growth, we need to have small businesses, we need tax relief and we are not going to get tax relief from new homes. We are going to get tax relief from businesses. She stated first of all, the land down there 5 acres of it is zoned business already, any business can go there we don't have a control over that. She is going to vote for it, if we make that into a B-1 we can control what business goes there. That is very important, we are not going to have a strip mall, it's very important that we have some control of what goes in there.

Councilman Gertz stated that they have said a lot of what he was going to say. He said this is the third month in a row that we have sat here, last month someone asked for the Town Board Members opinion. He thinks it's important to realize why they are elected, they are elected to represent the people. He hasn't voiced his opinion until tonight. The reason he hasn't voiced his opinion is because there were public hearings and that's the public's time to speak, to state their case or rationale. There was some good rationale, there was some that was questionable and some that didn't make any sense but you're going to get that when you have more than one person in a room. His opinion doesn't count as far as he is concerned, he doesn't have an opinion on this intersection. He has an opinion on what he's heard from the Planning Board and what he's heard from the people that spoke here tonight and from people who have called him on the phone. He has to disagree with Warren on the consensus from the last three meetings was that it was negative. The first meeting clearly the people were for it, the second meeting they were against it, and this meeting they were for it. But it's not just the people sitting out here this evening that he is making his decision. He is making his decision based on several factors, the factors being what is good for the Town, where we're going, what we're doing. Another question that came up that is very important is that we should do a study. We did a study and it's called the comprehensive plan, he held up the book and stated if you have never read it, it is very interesting reading. It was done in 1982, revised in 1987, redone in 1988 and adopted again in 1998. This plan clearly states what we should be doing, it clearly states that we need business in Town. This is our direction, this is the same comprehensive plan that was thrown up to him when they talked about the golf course, telling him there is nothing in the comprehensive plan saying we should put a golf course in. They are absolutely right, but there is something in the comprehensive plan that says where we should put business and how we should put business and that's what you have to base your decision on. It clearly states that it should be in the center of Town here, but there is no land available here. The other spot it clearly states is up at the other end at Jamison and Two Rod, but this is all farmland. Why would you want to take prime farmland and destroy it with businesses. The other place it says is Clinton and Two Rod, at Clinton and Two Rod there is no farmland up there. One side is just about under water and the other side hasn't been farmed in years and to the gentleman that lives next door he is absolutely right. He thinks that it might devalue his land, it's not going to devalue your land, it's going to help him a little bit because right now you don't know what they're going to put in, you have no control. Some guy could come in and put a construction business in and have all his equipment parked out back and have no control. At least with this law we're defining what we can do. As for Warren's question that he wanted more information, nobody knows what they're going to do there yet. But when the time comes there is enough meat in this law to protect that property and to do it right. As for the increased traffic, he would be glad to see the increased traffic at Two Rod and Clinton, maybe they would then put a light up there. They complain to him about accidents, don't complain to him about accidents he's been going up there for over 20 years. He has picked more than one dead body off of that intersection. If you sit there for more than five minutes any day of the week, you can watch people run that stop sign. It's not an accident corner, it's people not obeying the law. It's real simple if they would just pay attention there wouldn't be as many accidents and he knows because he has been up there and has dragged the bodies out. He is going to vote for it because the people have demanded we vote for it, not just here tonight but other people have called me up

who have gotten Warren's letter, they've called me about the letter. People have come to the Town Hall when I've been there, he's got phone calls and there are more people for it than against it. He has gotten calls from people who are against it, he is not trying to say it's all roses, but more people are for it than against it. As for it setting a precedence, they were elected by the people to make decisions, and one of the decisions that is given to us is to rezone and if we rezone a property we are not setting a precedence we are doing our job. A point of information next year you can vote in three land rich councilmen or Supervisor and in a matter of 4 months they can sell their land, rezone it and put subdivisions all over it and there is nothing you can do about it, because they will have complete control. At least we are controlling what we are doing, we're attaching a zoning to a zoning. He thinks it's very important to realize what we are doing here tonight, we're not changing anything we are looking toward the future and what we're doing is rational and makes sense to him he thinks it's a good thing.

Supervisor Foss stated one thing that bothers him is why is this one group of people headed by Councilman Handley and Earl Gingerich Jr. against this rezone. They sent out 3 letters that have to cost in the \$3000 range, for what? He hasn't figured that out yet. Mr. Handley himself operates two businesses in Town, why is he against other businesses? He hasn't figured that out yet either. The letters are at best half truths and that concerns him that they would resort to such tactics. One of the letters stated 10 buildings of 15,000 square feet would go in there. One gentleman in the back said that this area wouldn't support business, he agrees it won't, that would never happen. This group compared the rezone area to Southgate Plaza, that's ridiculous. They say it sets a precedence, our Attorney has sat here twice and told us there is no precedence. Each board acts independently. If you get a Board up here that wants to change the nature of this Town and you vote those kind of people in, then you will get what you vote for. At least the current Board here, he thinks has done a good job of controlling growth. If you check the records this year right now we have exactly one new house permit on record and it's May already and we have one flag lot application in, but not approved so don't tell him that they aren't controlling growth. Someone said to him at one of these public hearings that he had promised in his campaign not to allow growth and he thinks he has done that. He never promised not to allow some businesses. With the price of gas as Barb brought up people want to travel less. We aren't going to see a Walmart or that type of operation down there, what we're going to see if it does happen is small businesses and we need a place for small businesses. The American dream of most everyone sitting here he thinks is owning their own business and we need a place for people to have their dream, we don't need to shut them out entirely. Right now in town he knows of only 4 sites and the Rohl property would be the only one that is for sale. There is no place that you can buy a piece of business property without a building on it. We have the least amount of business zoning out of any town in Erie County, that includes; Wales, Holland, Sardinia, Concord, we have the least. He gets concerned about some of these scare tactics, like last year with the flag lots that we would end up with 1200 flag lots, and we are just now hearing our first one. We have to be careful listening to that stuff, we can't as a board make our decisions based on scare tactics. This is Marilla, not Amherst, Cheektowaga or Buffalo, and we need to use common sense. He has talked to different people than Warren has obviously and the vast majority of people that he's talked to are in favor of it, a couple people he has talked to are against it; Dick Rose up on Clinton Street, there are some people against it, not everyone is for it and he understands their reasons. He thinks the best speech he heard in all the public hearings was done by Leona O'Brien. She was very informative; at the first hearing she said years ago this town was a town of many small businesses and we were known as a rural town and we still need small businesses to create jobs and a stable tax base. You can say what you want some said they don't mind paying higher taxes, if he surveyed the people in town 97 out of 100 would tell him not to raise the taxes. If they sit here and shut this town down entirely we will be paying higher taxes, that's what happened to the City of Buffalo and Lackawanna. But we can control it, if we control it at the right speed, we will keep our taxes low and have a nice rural Town. He doesn't want Marilla to change, for the past 10 years his administration from this board have controlled growth. We don't want to shut growth to zero as it will raise your taxes, we need to keep our tax rate low for our seniors and others not so fortunate. Some people don't come in contact with all of the seniors that he comes in contact with, when he comes over here to senior citizens meetings many seniors ask him about senior housing. If we change this area to B-1 the town will have some control over what goes into that area, the best example he can give is it was done perfectly legal and he voted for it, the mini storage. As far as he is concerned it doesn't belong there, but the B zoning allowed it and it went there. He would have preferred it on Clinton Street and a nice more rural business being in the

Hamlet of the Town. But we have to follow the law as a Town Board, now we can control that area and he thinks that's very important. The one item that probably hits his button more than any other button is the allowance of senior housing and he specifically asked the Board to put that in, he's not saying its going to happen. We're not talking 500 seniors we're talking about 15, 20, 25 small little housing, we're not talking a major complex, the soil won't handle it, the town won't handle it. But if it does happen our seniors deserve an opportunity to stay in Marilla if they so choose. Right now they don't have that choice, they either have to keep their house or move out of town. He thinks it would be wonderful if we had a place for them. A couple of times they had one started, and it never happened. It started once around the Kwik-fill and then it died, he thinks the Planning Board even approved it or at least were looking at it. St. Nicodemus was looking into it, they were looking at 5 different properties and they all fell apart. At least this is an opportunity, is it going to happen, he doesn't know, but he thinks it's something that we need to do. He expects this to be like what they have done in the rest of the town, gradual growth of small businesses. He doesn't think we will see the things that we don't want to see and we control it anyway. It's up to whoever is on this board and he suspects the people making those decisions of businesses coming in will be the Planning Board and the future Town Board which will probably not include him, but we want to give the Board an opportunity to give people a chance for their dream to have a business and do it in a manner that we in town would be proud of it.

Supervisor Foss asked if anyone else wished to speak on the Town Board.

Roll call Vote:

Councilman Spanitz – Aye

Councilman Specht – Aye

Councilman Gertz- Aye

Councilman Handley – Nay

Supervisor Foss – Aye

Motion Carried.

Councilman Specht interrupted the meeting and stated that he noticed Mary Earsing was video taping the meeting and stated he has no problem with her doing this but thought legally she is required to stand up and get permission before doing so.

Supervisor Foss replied that yes she is required to get permission, but he would excuse her and asked if any other Board Member objected.

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

WHEREAS, the Marilla Fire Company, Inc. has requested that the Town of Marilla conduct a public hearing and that the Supervisor approve a \$50,000 loan to the Marilla Fire Company, Inc. from Manufacturers and Traders Trust Company for the purpose of reconstructing the Marilla Fire Hall including, but not limited to, roof replacement, insulation and gutters, which public hearing and approval are required pursuant to United States Treasury Regulations.

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

1. That the Town Board conduct a public hearing on the above request at the Marilla Town Hall on June 8, 2006 at 7:30 p.m.
2. That the Town Clerk cause a public hearing notice to be published and posted in accordance with the public hearing notice attached hereto and made a part hereof.
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 May 11, 2006, the results of which were as follows:

Roll call Vote:

Councilman Spanitz – Aye

Councilman Specht – Aye

Councilman Gertz- Aye

Councilman Handley – Aye

Supervisor Foss – Aye

Motion Carried

Report of Town Officials

Building Inspector John Fronczek submitted a written report with 8 building applications received with fees totaling \$286, 8 building permits issued with a total value of \$102,760.00 (0- residential, 2- additions, 3-accessory, 3 misc.), 19 inspections were made and 1 complaint was received for the month of April 2006. A total of 172 official code enforcement activities were performed in the month of April.

Town Attorney Nathan Neill reported that he had sent a draft agreement to Bennington's Attorney about three weeks ago concerning their water district, we are waiting for them to respond.

Town Assessor Kandace Wittmeyer reported that the tentative roll is due May 24th and grievance day will be held on June 6th.

The Planning Board's next meeting will be May 18th 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 Fire Company that they are back into full swing for installing house number signs. The signs really help a lot during an emergency, we would like to see everyone get them. He also stated that when the ground is dry and it's windy, people tend to burn fires. They had a fire up on Three Rod, he had two or three acres going while he was eating lunch. If you're going to burn, burn in a barrel and put the fire out before you go in.

Town Historian Hubert Kutter stated he has had several communications for genealogical data dealing with burials and cemeteries here. One woman from Salt Lake City asked for information about the Foster Family. Thanks to email you can get the information right away. She replied that she received more information than she expected and it helped her with her family history. He also reported that they have had several donations to the Historical Society; George Beats donated a tri-cycle and Dorothy Reichert donated a Firemen's uniform, worn by Jack Reichert in the late 1940's. There will be a Library Board meeting on May 16th at 6:30 pm.

Open Board Presentations

Councilman Specht stated that he read in the paper that this Board is being investigated by the FBI, no one has called him. He would like to suggest to the Board that in lieu of that fact, we temporarily hold up our PACE Grant applications. If we are doing something wrong, he wants to know about it, and until that time he thinks we should just hold up on the PACE Program.

Supervisor Foss asked Councilman Specht if he would back off that a little bit because currently the Board agreed to hire Connie Miner, she's worked on grants for Elma, Clarence and Amherst. She is currently working on a grant that must be submitted in June, it's the one that was lost in the mail in January and we are resubmitting it for the Foss Boys.

Councilman Specht stated that he doesn't have a problem with the grants, but he doesn't want to turn any money over until this is resolved.

Supervisor Foss wanted to mention two examples of residents improving the neighborhood. John Coder on Four Rod Road has improved the neighborhood by 500%. Right here in the hamlet we should give credit to Ron Unverdorben and his father and brother for the work they have done on the Blacksmith's Shop and Garage, it has really improved the area and we need to say thank you from the Town and Town Board. He also read a letter about the accomplishments of two Iroquois Central School students who are life long residents of the Town of Marilla. Brian Putney of Creekrige Drive and Reid Ricketson of Williston Road have made remarkable accomplishments in the Auto Tech program at WD Ormsby Boces Center. In the Western New York Auto Tech competition they placed 2nd among 13 teams from the area. Both of these students are on the Iroquois honor roll and have been interning at local auto dealers for two years and

both have been hired as full time auto technicians after graduation in June. This letter was sent by one of their Grandmothers and thinks they both deserve congratulations.

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

General Fund Claims, Vouchers 167-200	\$ 12,427.06
Highway Fund Claims, Vouchers 76-97	\$ 4,185.61
Special Districts	
Sanitation (SR), Vouchers 47-55	\$ 6,329.55
Special Fire Voucher 3	\$ 18,847.45
Water District #2, Vouchers 10-13	\$ 3,151.43
Water District #3 Vouchers 5-7	\$ 7,962.96
Water District #4 Voucher 5	\$ 817.40
Community Develop. PACE	\$.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to adjourn the meeting at 8:35 p.m. Motion Carried.

Respectfully submitted,

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