

A Public Hearing was held October 12, 2006 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 (16) persons were in attendance. Officials present were:

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

Resident and Marilla Veteran, Herb Foss commented that there are a lot of older Veterans and they would like to look at the names on the walkway but have trouble walking it, a railing would allow them to walk around it.

Resident and Senior Recreation Director for the Marilla Seniors, Helen Bourgeois commented that the railing would be important for the Seniors to walk around the pavilion area and the van service is important to them as well.

Resident, Deborah Specht Gardon commented that she supports both projects.

Resident and Marilla Veteran, Stanley Swain commented that he suffers from bad knees and it is very difficult to get up the walkway to the Memorial and a railing would make it much easier.

Resident and Marilla Veteran, Dave Krzyzan commented on how people have commented on how nice the Park is but a railing would make it better.

Hearing no further comments from those in attendance, the hearing was closed at 7:40p.m.

Respectfully Submitted,

_____ Town Clerk

Regular Meeting
October 12, 2006

A regular meeting of the Marilla Town Board was held October 12, 2006 at 7:40 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
Absent: George Gertz, Councilman
Warren Handley, Councilman

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

A presentation to the Marilla Library for funds totaling \$1,082 that were raised from the Marilla Pavilion Committee Pie Auction. Marilla Librarian Joyce Kaupa thanked the Town and stated how gratifying for our community that people appreciate their Library so much.

Communications

1. Tri-Town United Soccer thanked the Town for the use of the soccer fields.
2. The 30 day enrollement notice for inclusion into an Erie County Agriculture District.

Committee Reports

Highway Superintendent Dave Pierce reported that the price of road salt is up about \$2 per ton. The fuel surcharge is being done a little different this year, it will be adjusted every two weeks instead of being set for the year.

Councilman Spanitz reported that the next Planning Board Meeting will be held on October 19, 2006 at 7:00 p.m.

Supervisor Foss reported for Councilman Gertz due to an emergency, he has been working on the new Code Book for the Town and it is now on the Town's web page. There will be public hearings held on the changes, mainly it was done to make it more user friendly.

Councilman Handley wanted to thank all of those people involved in the Fall Festival, Ag Day, Concert, and Pie Auction. This concert was the best attended concert of the summer program and fun was had by all. He thanked the Town Board for allowing them to stretch this one a little further than normal, by allowing the farm animals, and the tractor and engine show. He thanked all those who donated pies, pumpkins, apples and mums, thank you to the youth groups and participants and a special thanks to Alfred Bontrager and the Ladies Firemens Auxiliary, and to John Foss who helped make our pie auction another great success. For those people who weren't there we had the smell of the clam chowder from the Ladies Auxiliary in the air, the hot dogs, the Paul Zittel Band playing, sheep shearing, John Schubert brought his miniature donkey, if you weren't there you missed a great concert, next year we will probably expand on it. Everyone had a very good time.

Councilman Specht had no report but wished to amend the Agenda; the claims were reviewed by Councilman Handley and Councilman Specht not Gertz.

Supervisor Foss gave the following report concerning the 2007 tentative budget:

The total budget is up 5.25 % with most of the increase due to energy costs especially gasoline and diesel fuel costs that are needed to plow our roads and run our sanitation trucks. From data the Highway Superintendent provided over \$40,000 of the increase in the budget is due to these two items. This does not include the increased heating and electrical costs for all our buildings. This accounts for half of the budget increase and shows the remainder of the budget only went up about 2.5%. The good news is due to good financial planning we have sufficient reserves to cover these costs without raising taxes. I am recommending to raise the sanitation fee \$10 to \$130 to cover the additional fuel costs. We will still have the lowest sanitation fee in Western New York. However upon Deputy Supervisor George Gertz's recommendation (George assisted in preparation of the 2007 budget) we will be lowering the Highway tax 15 cents per thousand to offset the increase in sanitation fees. We do have surplus sales tax revenue that we will be adding to the Highway budget to make this happen. We cannot put sales tax in the Sanitation budget so we must do it this way to get the desired result which is **no increase in taxes.**

Highlights of 2007 Budget

- 1) a new shelter for the Town Park due to a cash donation (approx \$10,000) for this purpose
- 2) new shrubs around the town Hall
- 3) Fire Tax increase of 4.25 %
- 4) Water Districts remain the same except Water IV which will go down about 22 cents per thousand
- 5) All salary increases are calculated at 3%
- 6) I have separated the celebration items into 5 separate lines which are Fireworks, Concerts, Parades, Reenactments, and Car Show for a total of \$16,000

The Town Board will review the Tentative Budget next Tuesday night Oct. 17th to make any changes they wish to make. This meeting will begin at 7:30 pm in the basement of the Town Hall and is open to the public. A Special meeting will follow to adopt the Preliminary Budget.

Open Board Presentations From the Public

Resident Sarah Mochrie is concerned about where the security cameras will be installed and what they will be recording. She is concerned because her home backs up to the Town Hall and she doesn't want her privacy invaded.

Supervisor Foss responded that cameras will only be recording the area right at the Town Buildings.

Old Business

Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve Minutes from the Regular Meeting held on 9/14/2006 and the Public Hearing and Special Meeting held on 9/26/06. Motion Carried.

New Business

Motion: Councilman Specht moved, seconded by Councilman Handley to authorize the Town of Marilla to participate in the Rural Transit Van Service for 2007 and 2008. Motion Carried.

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

At a meeting of the Marilla Town Board held on October 12, 2006, 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. ADA Railing for Gazebo at Memorial Park, requesting \$19,000 and providing a 5% cash match in the amount of \$1,000 from the General Fund account.
2. Rural Transit Service.

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to set the date and time for Public Hearings on the Firemen's Contract and the 2007 Annual Budget at 7:30 p.m. for November 9th 2006. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the purchase of security cameras to be installed at the Town Hall and the Community Center at a cost of \$9,570 with a two year maintenance agreement for \$798 from Allen Electric & Mech., Inc., located at 7611 Southwestern Blvd., Suite 1, Eden, NY 14057. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to approve the appointment of Connie Miner as Grant Writer for the CDBG Grant in an amount not to exceed \$1000. Motion Carried.

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

WHEREAS, the Town Board of the Town of Marilla has reviewed a proposal to become part of the Monroe County Municipal Workers Compensation Plan (the "Plan") and has determined that joining said Plan would result in considerable savings on Workers Compensation Costs for the Town of Marilla but that in order to do so, the Town of Marilla is required to elect to self-insure under Section 50 Subdivision 4-a of the Worker's Compensation Law.

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

1. The Town of Marilla does hereby elect to self-insure under Section 50, Subdivision 4-a of the Worker's Compensation Law of the State of New York.
2. This election shall be effective from January 1, 2007.

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 12, 2006, the results of which were as follows:

Councilman Spanitz – Aye	Councilman Specht – Aye
Councilman Handley – Aye	Supervisor Foss – Aye

Motion Carried.

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

WHEREAS, the Town Board of the Town of Marilla has determined that it is in the best interest of the Town of Marilla to join the Monroe County Municipal Workers Compensation Plan (MCMWCP) and has adopted a resolution to self insure under Section 50, Subdivision 4-a of the Worker's Compensation Law of the State of New York effective as of January 1, 2007; and

WHEREAS, in order to join said MCMWCP and self insure, it is necessary that the Town of Marilla notify The State Insurance Fund of its election to cancel Worker's Compensation Insurance through The State Insurance Fund, effective as of January 1, 2007.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board does hereby authorize and direct the Supervisor to notify The State Insurance Fund of its election to cancel Worker's Compensation Insurance through The State Insurance Fund effective on January 1, 2007.
2. The Town Board does further authorize the Supervisor to execute the required agreement with the MCMWCP to allow the Town of Marilla to join the MCMWCP effective as of January 1, 2007.
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 of the Town of Marilla on October 12, 2006, the results of which were as follows:

Councilman Spanitz – Aye
Councilman Handley – Aye
Motion Carried.

Councilman Specht – Aye
Supervisor Foss – Aye

Motion: Councilman Specht moved, seconded by Councilman Handley to set a Public Hearing date for a proposed flag lot on property owned by Marilla Development LLC, located on Clinton Street for November 9, 2006 at 7:30 p.m. Motion Carried.

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

WHEREAS, Marilla is a strong farming community with a long history of farming tradition, and

WHEREAS, the Marilla Agricultural District covers much of the Town and is one component in keeping agriculture viable in the Town, and

WHEREAS, agriculture plays a large economic and aesthetic role in the character of the Town of Marilla,

NOW THEREFORE; BE IT

RESOLVED, the Town of Marilla supports the continuation of the Marilla Agricultural District E.C. #5 for another 8 years.

Roll Call Vote:

Councilman Spanitz – Aye
Councilman Handley – Aye
Motion Carried.

Councilman Specht – Aye
Supervisor Foss – Aye

Motion: Councilman Specht moved, seconded by Councilman Handley to authorize the purchase of a color photo copier (Panasonic DP-C322) from WNY Imaging Systems for a cost of \$7,495 after trade in and State Bid discount, plus one year of free maintenance included. Motion Carried.

Report of Town Officials

Building Inspector John Fronczek submitted a written report with 11 building applications received totaling fees of \$2,472.00 building permits issued with a value of \$864,800.00, 11 inspections were made, and 2 complaints were acted on. One Variance Application for \$125 was taken. A total of 144 acts of official business were made for the month of September.

Town Attorney Nathan Neill had no report.

The Planning Board will be meeting next Thursday 10/19/2006.

Conservation Advisory Board minutes have been received and posted.

Marilla Fire Company Benevolent will be having a gun raffle this Saturday at 1:00 p.m..

Town Historian Hubert Kutter reported that a couple of ladies from Tonawanda asked about Shadboldt's that lived in Williston and Fred Burns, from Williston Road. He found information on Mr. Burns from the history of the Williston Road Church, he was painting the church when he caught pneumonia and died back in the 1870's and his funeral was the first funeral held at the church. The ladies were very thankful for the information.

Supervisor Foss asked how the Library's book sale did?

Elaine Argauer stated that they turned over \$2,496.60 to the Library.

Open Board Presentations

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

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

General Fund Claims, Vouchers 420-461	\$	22,243.33
Highway Fund Claims, Vouchers 177-196	\$	8,386.40
Special Districts		
Sanitation (SR), Vouchers 99-104	\$	1,929.89
Special Fire, Voucher	\$.00
Water District #2, Vouchers 22-23	\$	2,504.24
Water District #3, Voucher 11	\$	1,353.40
Water District #4, Voucher 10	\$	817.40
Community Development PACE 7	\$	10,070.00
Community Develp. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Supervisor Foss to adjourn the meeting at 8:15 p.m. Motion Carried.

Respectfully Submitted,

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