

The regular meeting of the Marilla Town Board was held on Thursday, August 14, 2008 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
Absent: Warren Handley, Councilman

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

Communications

None

Committee Reports

Deputy Highway Superintendent Ron Unverdorben reported that the roadsides have been mowed and due to heavy vegetation from the weather the guardrails have been weed whacked. The DEC violation at the Highway Garage for the migrating wetlands was inspected and found to be compliant. The clean-up is under way for the DEC violation at the Recycling Center for operating a solid waste facility without a permit. He stated they will be building a bridge at the Town Park. He wanted to thank Seasonal Landscape for the mower (2004 Great Dane) donation through Councilman Warren Handley. There will be a new bin at the recycling center for plastics.

Councilman Spanitz reported that the next Planning Board will be meeting on Thursday, August 21st 7:00 pm. They will be holding a Public Hearing on the proposed subdivision on Bullis Road east of Greenwood Terrace.

Councilman Specht reported that the Car Show Committee would like to thank the Town Board and residents for their support, understanding and any inconveniences they may have encountered.

Supervisor Gertz reported that he had attended a high level meeting with Congressman Higgins and Rural Development to try and get some funding going for Water District 5. He hopes to have good news soon for the residents in that area.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes of the Regular Board Meeting held on 7/10/2008. Motion Carried.

New Business

Motion: Councilman Specht, seconded by Councilman Spanitz to set the Public Hearing date for a proposed flag lot on property located on Townline Road owned by Jennifer Zimmerman for September 11, 2008 at 7:30 p.m. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to set the Public Hearing date for a Special Use Permit Application for a Bed and Breakfast Facility on Stolle Road and owned by Robert and Patricia Pucket for September 11, 2008 at 7:30 p.m. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the low bidder Blizniak Enterprises, located at 2681 Two Rod Road, East Aurora, NY 14052 at a cost of \$12,388.00. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to authorize Erik LeRoy to construct birdhouses for the Marilla Town Park as part of a requirement for an Eagle Scout project. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to authorize the Town Clerk to advertise for bids on a heating and cooling system for the Marilla Community Center. Motion Carried.

Supervisor Gertz reported that the Marilla Republican Club has donated \$1,275 to the Town for the purchase of a lighted Christmas Banner to go across Bullis Road and a lighted Star to go on top of the Gazebo. The Town Board thanked the club for the donation.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the following resolution in support of aquaculture business operators in New York State:

WHEREAS, commencing in approximately 2006 an outbreak of the VHS virus occurred which impacted fish in the Great Lakes and all the states adjoining the Great Lakes and as a result of such outbreak the Federal Government imposed a requirement for testing of all hatcheries in the states adjoining the Great Lakes; and

WHEREAS, the New York State Department of Environmental Conservation in 2007 agreed to and began undertaking testing for the VHS virus on behalf of the private aquaculture business operators in New York State at no cost to them for the VHS virus and also undertook to test for up to seven additional diseases not required to be tested for by the federal government as a part of this testing procedure; and

WHEREAS, the Town Board of the Town of Marilla has been advised that the New York State Department of Environmental Conservation has now suspended their testing program and is now requiring that all the independent aquaculture business operators have the testing done for VHS virus and for the four to seven additional tests imposed solely by the New York State DEC, depending on the type of fish, at their own costs; and

WHEREAS, the costs of testing for VHS and all the other testing requirements can easily exceed \$4,000 for each aquaculture business operation; and

WHEREAS, this increased cost of doing business may force many of the independent aquaculture business operations out of business as the costs of testing is greatly disproportionate to the amount of revenue generated by such operations and in fact the testing costs may exceed the net income of many independent business operations and will severely impact the viability of other larger operations.

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

1. That the Town Board does hereby request that the New York State Department of Environmental Conservation resume testing on behalf of the independent aquabusiness operations at no cost to such operators or in the alternative subsidize the costs of the VHS testing and pay for the costs of the additional testing not required by the federal government and mandated solely by the State of New York.
2. The Town Clerk of the Town of Marilla forward copies of this resolution to the Town Clerks in Erie County as well as to the New York State Senator William Stachowski, New York State Senator Dale

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Volker and New York State Assemblyman Michael Cole.

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 August 14, 2008, the results of which were as follows:

Councilman Spanitz – Aye

Councilman Specht – Aye

Supervisor Gertz - Aye

Report of Town Officials

Town Engineer Marie Nowak reported they have reviewed the request for drainage for a sand filter on 3550 Winchester Drive. She also reported that they are ready to put the HVAC for the Community Center out to bid.

Building Inspector John Fronczek submitted a written report with 13 building applications received (1 Residential, 1 Business, 4 Accessory Bldg., 7 Misc.) with fees totaling \$1,917, 13 building permits issued with a total value of \$499,435, 12 inspections were made and 3 complaints, two Special Use Permit Application. A total of 218 official acts of business were conducted for the month of July 2008.

The Planning Board minutes have been received and posted and the next meeting will be held on August July 21st at 7:00 p.m.

The Conservation Advisory minutes have been received and posted.

Open Board Presentations

Resident Marsha Canetti asked the Town Board if the Taxpayers had been reimbursed from the former Highway Superintendent's incident or has an auditor been hired?

Supervisor Gertz responded that we are represented by Attorneys, we did not hire an attorney to prosecute him, the Federal Government is prosecuting him. The Town had Ron and Dawn do an internal audit from the last three years. We then sent that information to the District Attorney's Office and the State Police. Ron has been working very closely with them. The Town has to wait for the Federal Government to finish their case, after they finish their case then the District Attorney and the State Police will continue on with their investigation and any charges they would file and then the Town would submit anything else to the Insurance Company.

Resident Shirley Limpinsel inquired that she had read in the paper that one of the trucks that Dave Pierce damaged was in the Town of Elma and asked if that's why he had to appear in the Elma Town Court?

Supervisor Gertz responded that it happened in the Town of Marilla but he couldn't appear in our Court because our Town Justices know him so they deferred it to another court.

Mrs. Limpinsel then stated that it was reported that the Elma Town Judge stated that when he looked at the case Mr. Pierce had paid restitution to the Town of Marilla and was attending church, and Mr. Pierce only received a \$50 fine. She asked if anything could be done.

Resident Lorraine Martzolf asked if Dawn and Ron are the only ones that have done an investigation.

Supervisor Gertz stated that Ron and Dawn have done the audit, it would be difficult for an outsider to distinguish what was purchased and what was not.

Mrs. Martzolf stated that she understands but feels it would be a conflict of interest for Dawn and Ron.

Councilman Specht asked in the absence of a Board Member how residents liked a three man Board.

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

General Fund Claims, Vouchers 325-386	\$ 39,840.65
Highway Fund Claims, Vouchers 114-128	\$ 10,853.89
Special Districts	
Sanitation (SR), Vouchers 81-90	\$ 13,279.26
Special Fire Vouchers	\$.00
Water District #2, Vouchers 19-20	\$ 2,513.03
Water District #3 Voucher 10	\$ 1,353.40
Water District #4 Voucher 8	\$ 817.40
Community Develop. PACE Vouchers	\$.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to adjourn the meeting at 7:55 p.m. Motion Carried.

Respectfully submitted,

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