

The regular meeting of the Marilla Town Board was held on Thursday, February 14, 2008 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

Absent: George Gertz, Supervisor  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
Warren Handley, Councilman

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

### **Communications**

None

### **Committee Reports**

Councilman Specht reported that the Fire Fighters awards are posted and there are 37 fire fighters that qualified. The Conservation Advisory Board is composing a letter to the DEC concerning the new law the DEC is trying to pass banning open burning in all communities.

Supervisor Gertz reported that the town received an order of dismissal from the Schlossin law suit. He also stated that the Planning Board will hold a public hearing on the Berner property rezone. He stated that residents have asked to be more informed and he said they can look on the Town web site, come to the meetings, or read the East Aurora Advertiser, Alden Advertiser and the Elma Review.

### **Open Board Presentations From the Public**

None

### **Old Business**

Motion: Councilman Handley moved, seconded by Councilman Specht to approve the minutes of the Regular Board Meeting held on 1/10/2008. Motion Carried.

### **New Business**

Motion: Councilman Specht moved, seconded by Councilman Handley to appoint Roger Gustavel as Chairman to the Conservation Advisory Board for 2008. Motion carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to appoint Nathan Barnard as Chairman to the Planning Board for 2008. Motion Carried.

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

WHEREAS, the Town Board has been advised that in order to balance the budget for 2007, the Town needs to transfer funds from General Surplus to Community Development.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board does hereby authorize a transfer of the sum of \$8,251.09 from General Surplus to Community Development.
2. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Specht – Aye

Councilman Handley – Aye

Supervisor Gertz - Aye

Motion Carried.

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

WHEREAS, the function and responsibility for the assessment of real property within the Town of Marilla and other towns historically has been carried out by individuals elected by the residents of the town in which he/she serves; and

WHEREAS, the assessment of real property is a critical function of local government upon which decisions of budgeting and taxation must be based; and

WHEREAS, there exists now in the New York State Legislature, a proposed amendment to the Real Property Tax Law and Village Law to authorize the State Board of Real Property Tax Services to, among other things, replace elected assessors with appointed assessors by January 1, 2012 and divest all villages of the responsibility for assessing real property; and

WHEREAS, the Town Board of the Town of Marilla believes that this critical function should be carried out by individuals selected by the residents directly affected by assessment determinations, and that to usurp this function from the Town of Mailla is an erosion of its residents autonomy and ability to govern itself particularly as the existing Real Property Tax Law already allows the Town of Marilla, by local law to abolish the offices of elected assessors but the Town of Marilla has chosen not to do so.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Marilla does hereby oppose the amendment to the Real Property Tax Law and Village Law to authorize the State Board of Real Property Tax Services to replace elected assessors with appointed assessors by January 12, 2012 and divest all villages of the responsibility for assessing real property.
2. That a copy of this resolution be sent to Governor Eliot Spitzer, Senator Dale Volker, Assemblyman Michael Cole, Erie County Executive Chris Collins and all members of the Erie County Legislature and to the Town Clerk of all Towns in Erie County.

Roll Call Vote:

Councilman Specht – Aye

Councilman Handley – Aye

Supervisor Gertz - Aye

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to set the date for a Public Hearing to review the renewal process for Special Use Permits on March 13<sup>th</sup>, 2008 at 7:30 p.m. at the Marilla Town Hall, located at 1740 Two Rod Road, Marilla, NY 14102. Motion Carried.

### **Report of Town Officials**

Building Inspector John Fronczek submitted a written report with 4 building applications received with fees totaling \$214, 4 building permits issued with a total value of \$22,400, 15 inspections were made and 1 complaint was received for the month of January 2008.

Planning Board minutes have been received and posted.

The Conservation Advisory minutes have been received and posted.

Town Historian Hubert Kutter commented that a number of people have contacted him concerning genealogy. He spoke with a woman from Vermont that he sent copies of a letter from the Civil War era for Benjamin Franklin Blackman. He also was contacted for information about a man that lived in Marilla in the 1930s, he was a minister and served at the Methodist Church on Williston Road. Mr. Kutter then wished his wife, Sally Happy Valentines Day.

**Open Board Presentations**

Supervisor Gertz stated that the Town Board will have a decision concerning the appointment of the Town Board Member next month when Councilman Spanitz returns.

Motion: Councilman Handley moved, seconded by Councilman Specht to move into executive session to discuss a personnel matter. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to go out of the executive session and return to the Regular Board Meeting. Motion Carried.

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

General Fund Claims, Vouchers 18-65	\$ 28,204.39
Highway Fund Claims, Vouchers 16-30	\$ 29,236.11
Special Districts	
Sanitation (SR), Vouchers 11-30	\$ 8,850.24
Special Fire	\$ .00
Water District #2, Vouchers 1-3	\$ 5,085.00
Water District #3 Vouchers 1-2	\$ 2,706.80
Water District #4 Vouchers 1-2	\$ 1,634.80
Community Develop. PACE Vouchers	\$ .00
Community Develop. HUD	\$ .00

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to adjourn the meeting at 8:06 p.m. Motion Carried.

Respectfully submitted,

\_\_\_\_\_ Town Clerk \_\_\_\_\_ Supervisor  
\_\_\_\_\_ Councilman \_\_\_\_\_ Councilman  
\_\_\_\_\_ Councilman \_\_\_\_\_ Councilman