

Public Hearing was held June 12, 2008 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the meeting was to get public opinion on the adoption of proposed "Local Law No. 1 of the Year 2008". The proposed Local Law will amend the Zoning Law of the Town of Marilla to rezone a parcel of land on Two Rod Road which has been used for the operation of a blacksmith shop for over a hundred years but presently zoned R-R to B to make the zoning conform to the historic use of the property and which zoning is consistent with the Comprehensive Plan of the Town of Marilla which encourages business be located within the hamlet of Marilla. 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:

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

Approximately (7) persons were in attendance. Supervisor Gertz asked if there was any interested person who desired to be heard.

Hearing no comment the Public hearing was closed at 7:32 pm.

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Public Hearing  
June 12, 2008

Public Hearing was held June 12, 2008 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the meeting was to get public opinion on the adoption of proposed "Local Law No. 2 of the Year 2008". The proposed Local Law will amend the Zoning Law of the Town of Marilla to rezone a parcel of land on Coleman Road which has always been used for agriculture but was rezoned to R-R without proper notice to the owners at the time to return the zoning to A to conform to the historic use of the property and which zoning is consistent with the Comprehensive Plan of the Town of Marilla which encourages agricultural. 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:

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

Approximately (7) persons were in attendance. Supervisor Gertz asked if there was any interested person who desired to be heard.

Hearing no comment the Public hearing was closed at 7:35 pm.

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Public Hearing  
June 12, 2008

Public Hearing was held June 12, 2008 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the meeting was to get public opinion on the adoption of proposed "Local Law No. 3 of the Year 2008". The proposed Local Law will amend the Zoning Law of the Town of Marilla to rezone a portion of two parcels of land located on Clinton Street at the intersection of Clinton Street and Two Rod Road presently zoned A to B to expand the existing B-Business District which zoning amendment is consistent with the Comprehensive Plan of the Town of Marilla which encourages business to be located in the Northwest portion of the Town of Marilla including the intersection of Clinton Street and Two Rod Road. 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:

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

Approximately (7) persons were in attendance. Supervisor Gertz asked if there was any interested person who desired to be heard.

Hearing no comment the Public hearing was closed at 7:40 pm.

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Regular Meeting  
June 12, 2008

The regular meeting of the Marilla Town Board was held on Thursday, June 12, 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  
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 Town Park is open and shelters can be reserved at the Town Clerk's Office, he asked for residents to please report any vandalism to 911. He stated that the new pick-up truck was delivered and in service, and roadsides have been mowed. He thanked Miller Farm for the plants that they donated to the Town Hall entrance. He reported that the specs and minimum bids would be made available for some surplus equipment.

Councilman Spanitz reported that the next Planning Board will be meeting on Thursday, June 19<sup>th</sup> 7:00 pm.

Councilman Handley reported that the first Pavilion Concert with Iroquois School 7<sup>th</sup> & 8<sup>th</sup> Grade select Chorus had a great turnout and the kids did a great job. It will be a busy July, the Town is having a Civil War Reenactment at the Town Park on July 12<sup>th</sup> and 13<sup>th</sup>, there will be entertainment on the 12<sup>th</sup> at noon and in the evening, there will be more information about it at the Town Hall in the future. On July 13<sup>th</sup> the Akron Community Band will be playing Disney tunes, there will a photo contest in which the theme will be Marilla Families. He stated they have had requests for people to have pictures of their families and even for animals and their families. The information is in the Town Hall and the family pictures themselves will be going into a book at the Historical Society. They will also be serving root beer floats and popcorn to benefit the Historical Society. They will have bounce houses and other surprises for the kids. He is looking forward to everyone coming out and taking part, the due date for the pictures is July 3<sup>rd</sup>.

Councilman Specht reported that he attended the Car Show Meeting and informed them that the Town Board would be passing resolutions at tonight meeting on prohibiting peddlers other than vendors with permits and on closing Two Rod Road

Supervisor Gertz reported that he had two quick things; Erie County is having a hazardous waste drop off day on June 21<sup>st</sup>, at Erie Community College South Campus, from 9 am to 2 pm., he suggested going early because they are usually very busy. He also reported that unfortunately New York State has resurrected the line in the budget to eliminate elected Assessors. There is now a bill in the Senate and the Assembly pushing to get rid of the Assessors again. He asked residents to contact Michael Cole or Dale Volker.

**Open Board Presentations From the Public**

None

**Old Business**

Motion: Councilman Handley moved, seconded by Councilman Spantiz to approve the minutes of the Regular Board Meeting held on 5/8/2008. Motion Carried.

**New Business**

Supervisor Gertz stated that the Deputy Highway Superintendent declared surplus the following items:

1. 1993 Chevrolet C/K 3500 truck with 2-3 yd Rugby dump body, minimum bid.
2. 1976 Homelite Super 1050 Chainsaw.
3. 1980 John Deere Post Hole Digger with 8" Auger.
4. (2) 7 ½ foot Meyer Reversible Snowplows, no frame work.

Items can be viewed at the Marilla Highway Garage located on Webster Lane in the Town of Marilla.

Motion: Councilman Specht moved, seconded by Councilman Handley 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 was formerly codified as Chapter 149 of the Code of the Town of Marilla and is now codified as Chapter 346 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 12, 2008 and ending at midnight on June 14, 2008 and for the period beginning at 12:01 a.m. on July 27, 2008 and ending on midnight on July 27, 2008.

Section 2. 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 June 12, 2008, the results of which were as follows:

Councilman Spanitz – Aye	Councilman Specht – Aye
Councilman Handley – Aye	Supervisor Gertz - Aye

Motion Carried.

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

WHEREAS, the Town of Marilla for many years has supported the Marilla Car Show which has been a great success and raised a substantial sum of money to support Mercy Flight; and

WHEREAS, the Town Board has been advised by the State of New York that they should file a request for a Highway Work Permit in order to use the State Highways for the Marilla Car Show and provide an Undertaking to the State of New York on behalf of the Town of Marilla.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Supervisor is hereby authorized and directed to complete and file a Highway Work Permit Application.
2. The Town Supervisor is further directed to execute the required undertaking to indemnify the State from any damages and to provide a copy of the insurance certificate of the Town of Marilla showing their insurance coverage's.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting held on June 12, 2008, the results of which were as follows:

Councilman Spanitz – Aye                      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 Town Board of the Town of Marilla is considering adoption of a Local Law to rezone a parcel of land located in the historic hamlet of Marilla from R-R to B to conform the zoning classification to the historic use of the property which has been a blacksmith shop for over a hundred years and which use is grandfathered under the current zoning law; 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 Unlisted Action pursuant to the Rules and Regulations of the State Environmental Quality Review Act and the Town of Marilla by resolution adopted on May 8, 2008 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.

DULY ADOPTED, this 12<sup>th</sup> day of June, 2008, by the following vote:  
Councilman Spanitz – Aye                      Councilman Specht – Aye  
Councilman Handley – Aye                      Supervisor Gertz - Aye  
Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to approve Local Law No. 1 of the Year 2008 as follows:

A Local Law known as Local Law No. 1 of the Year 2008 entitled “Rezoning of Real Property on Two Rod Road and Zoning Map Amendment”

Be it enacted by the Town Board of the Town of Marilla as follows:

#### SECTION 1. TITLE

This Law shall be known as Local Law No. 1 of the Year 2008 entitled “Rezoning of Real Property on Two Rod Road and Zoning Map Amendment”.

#### SECTION 2. PURPOSE

The purpose of this local law is to amend the Zoning Law of the Town of Marilla to rezone a parcel of land on Two Rod Road which has been used for the operation of a blacksmith shop for over a hundred years but presently zoned R-R to B to make the zoning conform to the historic use of the property and which zoning is consistent with the Comprehensive Plan of the Town of Marilla which encourages business be located within the hamlet of Marilla.

#### SECTION 3. AMENDMENT OF ZONING LAW

The Zoning Classification of the following described area presently zone R-R under the Zoning Law of the Town of Marilla is hereby amended and the property therein rezoned B.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Marilla, County of Erie and State of New York known and distinguished as being a part of Lot Number Fifteen (15) of the Buffalo Creek Reservation of the late purchase formerly in the Town of Alden and bounded and described as follows:

Beginning at a point in the east line of Lot Number 15, 726.00 feet south from the northeast corner of said lot, running thence west parallel to the north line of said lot approximately 214.50 feet to a point, running thence north and parallel to the east line of Lot Number 15, approximately 203.28 feet to a point, which point is in the south line of property owned by the Town of Marilla, running thence east along the south line of lands owned by the Town of Marilla and parallel to the north line of said lot approximately 214.50 feet to a point in the east line of Lot Number 15, running thence south along the east line of Lot Number 15, approximately 203.28 feet to the point or place of beginning, containing one acre more or less.

#### SECTION 4. AMENDMENT TO THE ZONING MAP

The Zoning Map of the Town of Marilla adopted by the Town of Marilla pursuant to Local Law No. 1 of the Year 1999 and incorporated under Section 700-2 of the Code of the Town of Marilla is hereby amended to incorporate the zoning classifications of the parcels described in Section 3.

#### SECTION 5. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof of this local law shall for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate,

distinct and independent provision, and such holding shall not effect the validity of the remaining portions thereof.

SECTION 6. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State.

DULY ADOPTED, this 12<sup>th</sup> day of June, 2008, by the following vote:

Councilman Spanitz – Aye	Councilman Specht – Aye
Councilman Handley – Aye	Supervisor Gertz - Aye

Motion Carried.

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

WHEREAS, the Town Board of the Town of Marilla is considering adoption of a Local Law to rezone a parcel of land located on Coleman Road which property has always been used for agricultural purposes from R-R to A to conform the zoning classification to the historic use of the property and which use is grandfathered under the current zoning law; 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 Unlisted Action pursuant to the Rules and Regulations of the State Environmental Quality Review Act and the Town of Marilla by resolution adopted on May 8, 2008 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.

DULY ADOPTED, this 12<sup>th</sup> day of June, 2008, by the following vote:

Councilman Spanitz – Aye	Councilman Specht – Aye
Councilman Handley – Aye	Supervisor Gertz - Aye

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to approve Local Law No. 2 as follows:

A Local Law known as Local Law No. 2 of the Year 2008 entitled “Rezoning of Real Property on Coleman Road and Zoning Map Amendment”

Be it enacted by the Town Board of the Town of Marilla as follows:

#### SECTION 1. TITLE

This Law shall be known as Local Law No. 2 of the Year 2008 entitled “Rezoning of Real Property on Coleman Road and Zoning Map Amendment”.

#### SECTION 2. PURPOSE

The purpose of this local law is to amend the Zoning Law of the Town of Marilla to rezone a parcel of land on Coleman Road which has always been used for agriculture but was rezoned to R-R without proper notice to the owners at the time to return the zoning to A to conform to the historic use of the property and which zoning is consistent with the Comprehensive Plan of the Town of Marilla which encourages agriculture.

#### SECTION 3. AMENDMENT OF ZONING LAW

The Zoning Classification of the following described area presently zone R-R under the Zoning Law of the Town of Marilla is hereby amended and the property therein rezoned A.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Marilla, County of Erie and State of New York, being part of Lot Number eight (8), Township ten (10), Range five (5) of the Buffalo Creek Reservation, bounded and described as follows:

COMMENCING at a point in the north line of said Lot 8, which is also the centerline of Coleman Road, distant 640.20 feet east of the northwest corner of said Lot 8 (said north line of Lot 8 being also the centerline of Coleman Road); thence easterly along the centerline of Coleman Road, a distance of 250 feet to the northeast corner of lands conveyed to Marilla Lumber, Inc. in Liber 5102 of Deeds at Page 276 and being the principal point or place of beginning; thence southerly along the east line of said Marilla Lumber, Inc. lands, a distance of 345 feet to the southeast corner thereof; thence westerly along the south line of said lands a distance of 250 feet to the southwest corner thereof and to the east line of lands formerly owned by Frank Stills and is the west line of lands conveyed to Peter Kotas and his wife by deed recorded in Liber 1493 of Deeds at Page 26; thence southerly along the east line of lands of Stills and the west line of lands of Kotas and parallel to the west line of Lot 8, a distance of 1343.94 feet to the north line of lands formerly deeded by Walter Howard to Gaius P. Miller; thence northeasterly forming an interior angle of 54 degrees 12'54" with the last described line and along the northerly line of lands of Gaius P. Miller, aforesaid and the northerly line of lands formerly occupied by Niles C. Taber, a distance of 860.67 feet to the southwest corner of lands conveyed to Harry W. Rapp and his wife by deed recorded in Liber 6165 of Deeds at Page 86; thence northerly along the west line of said Rapp's land a distance of 1221 feet record, 1201.85 feet measured, to the north line of said Lot 8 and being a point in the centerline of Coleman Road; thence westerly along the centerline of Coleman Road and the north line of Lot 8, a distance of 448.18 feet to the point or place of beginning, containing 21.185 acres more or less.

EXCEPTING AND RESERVING from the premises herein conveyed all that tract or parcel of land to Marilla Lumber, Inc. by Deed dated April 12, 1952 and recorded in the Erie County Clerk's Office on April 16, 1952 in Liber 5102 of Deeds at Page 276 and also excepting therefrom those lands

conveyed by Deed recorded in the Erie County Clerk's Office on May 15, 1957 in Liber 6165 of Deeds at Page 86.

#### SECTION 4. AMENDMENT TO THE ZONING MAP

The Zoning Map of the Town of Marilla adopted by the Town of Marilla pursuant to Local Law No. 1 of the Year 1999 and incorporated under Section 700-2 of the Code of the Town of Marilla is hereby amended to incorporate the zoning classifications of the parcels described in Section 3.

#### SECTION 5. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof of this local law shall for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions thereof.

#### SECTION 6. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State.

DULY ADOPTED, this 12<sup>th</sup> day of June, 2008, by the following vote:

Councilman Spanitz – Aye

Councilman Specht – Aye

Councilman Handley – Aye

Supervisor Gertz - Aye

Motion Carried.

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

WHEREAS, the Town Board of the Town of Marilla is considering adoption of a Local Law to rezone portions of two parcels of land located at the intersection of Clinton Street and Two Rod Road from A to B to expand the B zoning district of the Town of Marilla; 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 a 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 May 8, 2008 determined that it was the most appropriate body to act as lead agency under SEQRA and to conduct a coordinated review 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.

DULY ADOPTED, this 12<sup>th</sup> day of June, 2008, by the following vote:  
Councilman Spanitz – Aye                      Councilman Specht – Aye  
Councilman Handley – Aye                      Supervisor Gertz - Aye  
Motion Carried

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

A Local Law known as Local Law No. 3 of the Year 2008 entitled “Rezoning of Real Property on Clinton Street and Zoning Map Amendment”

Be it enacted by the Town Board of the Town of Marilla as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 3 of the Year 2008 entitled “Rezoning of Real Property on Clinton Street and Zoning Map Amendment”.

SECTION 2. PURPOSE

The purpose of this local law is to amend the Zoning Law of the Town of Marilla to rezone a portion of two parcels of land located on Clinton Street at the intersection of Clinton Street and Two Rod Road presently zoned A to B to expand the existing B- Business District which zoning amendment is consistent the Comprehensive Plan of the Town of Marilla which encourages business be located in the Northwest portion of the Town of Marilla including the intersection of Clinton Street and Two Rod Road.

SECTION 3. AMENDMENT OF ZONING LAW

The Zoning Classification of the following described area presently zone A under the Zoning Law of the Town of Marilla is hereby amended and the property therein rezoned B.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Marilla, County of Erie and State of New York, being part of Lot No. 4, Township 10, Range 5 of the Buffalo Creek Reservation, more particularly described as follows:

BEGINNING at a point in the center of Clinton Street and south line of said Lot No. 4, a distance of 500.00 feet westerly, as measured along the center of said Clinton Street and south line of Lot No. 4, from the southeast corner of said Lot No. 4, a distance of 590.00 feet; thence northerly at an interior angle of 89°40'00”, a distance of 881.57 feet to a point; thence easterly at an interior angle of 89°53'00” a distance of 1091.76 feet to a point in the center of Two Rod Road and east line of Lot No. 4; thence southerly at an interior angle of 90°00'00” along the center of said Two Rod Road and east line of Lot No. 4, a distance of 373.01 feet; thence westerly at an interior angle of 90°27'00”, a distance of 500.00 feet to a point; thence southerly at an exterior angle of 90°27'00”, a distance of 500.00 feet to the point of beginning, forming an interior angle of 90°27'00” with the first mentioned course.

SECTION 4. AMENDMENT TO THE ZONING MAP

The Zoning Map of the Town of Marilla adopted by the Town of Marilla pursuant to Local Law No. 1 of the Year 1999 and incorporated under Section 700-2 of the Code of the Town of Marilla is hereby amended to incorporate the zoning classifications of the parcels described in Section 3.

SECTION 5. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof of this local law shall for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions thereof.

SECTION 6. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State.

DULY ADOPTED, this 12<sup>th</sup> day of June, 2008, by the following vote:

Councilman Spanitz – Aye

Councilman Specht – Aye

Councilman Handley – Aye

Supervisor Gertz - Aye

Motion Carried

**Report of Town Officials**

Town Engineer Marie Nowak reported that they had resubmitted the application to Rural Development for Water District 5, they won't have an answer for a couple of months but it is in the works.

Building Inspector John Fronczek submitted a written report with 8 building applications received (2 additions, 6 accessory buildings) with fees totaling \$423, 7 building permits issued with a total value of \$46,336, 7 inspections were made and 3 complaints and 1 appearance ticket were received for the month of May 2008. A total of 148 official acts of business were conducted.

Town Attorney Nathan Neill stated that the County and the DEC had no concerns on the Local Laws, he also stated that called about the bond coming due and it would just be replaced with another bond.

Planning Board member reported that they will be looking at plans for the new subdivision on Bullis Road near Greenwood Terrace and minutes have been received and posted.

The Conservation Advisory minutes have been received and posted.

Supervisor Gertz stated that the Marilla Fire Company had a little problem with the rides at the Carnival. Both rides are there and he didn't want to comment any further. The Carnival is open and running, the parade is on Saturday at 6 p.m. and the fireworks will be held on Friday at 10 p.m.

**Open Board Presentations**

Resident Shirley Limpinsel wanted to comment on the articles that have been in the paper, she received calls from Senior Citizens that are concerned because it stated that Councilman Handley wanted to make sure there is a real need or desire for Senior Housing, she stated that there is and asked if anyone on the Town Board received calls about this?

Supervisor Gertz responded that he received a call from Helen Bourgeois in regards to that comment. He went to the Senior Meeting this afternoon and explained what is going on. The Town Board is moving ahead with it, they are not against it, they just want to make sure they are doing it the right way. He spoke with Leon Berner and Greg Willey a couple of weeks ago and they asked the Town to put something into the code book. He called the Town Engineers and collected the information he needed and is going to the Planning Board next week. The Town will probably end up adopting a local law after all the procedures are followed. He also stated that when he talked to Greg Willey he is coming up with some sort

of sketch or plan to look at. It is in the works, it won't happen over night but they are moving ahead.

Shirley Limpinsel asked them not to make it a really big building.

Councilman Handley wanted to clarify that statement, he is for Senior Housing period, and he hopes that gets in the paper. The concern that he had was the right kind of Senior Housing, he is in agreement with Mrs. Limpinsel to make sure they don't have the big box but we want to have affordable Senior Housing also. We currently have an area that is already zoned B-1 for Senior Housing but he is welcome to any other suggestions for plans.

Councilman Spanitz wanted to remind them to make it affordable. Citizens in this town need affordable Senior Housing not just Senior Housing.

Supervisor Gertz wanted to thank Councilman Handley for Memorial Day Celebration, he did a great job. The Highway Department put some new flags and buntings up that look great. He has had a lot of comments at how nice the grounds look. He also wanted to thank Ron at the great job he has been doing as Highway Superintendent, he has taken over full responsibility and the day to day operations. He used to go over to the Highway Garage two or three times a day now I go maybe once a day. The guys seem to be working really well, he goes over there occasionally and they have a bunch of projects they are working on together. He can see the great job they did on the trucks, they haven't missed a beat since the incident and he has to compliment Ron for that and thank him. He is taken over and doing one great job.

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

General Fund Claims, Vouchers 207-270	\$ 49,259.33
Highway Fund Claims, Vouchers 74-99	\$ 43,988.56
Special Districts	
Sanitation (SR), Vouchers 54-69	\$ 2,832.40
Special Fire Vouchers 12	\$ 2,832.40
Water District #2, Vouchers 12-15	\$ 2,668.90
Water District #3 Vouchers 7-8	\$ 3,199.84
Water District #4 Voucher 6	\$ 817.40
Community Develp. PACE Vouchers	\$ .00
Community Develp. HUD	\$ .00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to adjourn the meeting at 8:10 p.m. Motion Carried.

Respectfully submitted,

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