

A Public Hearing was held November 6, 2008 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Proof of publication in the Alden Advertiser, the Elma Review and East Aurora Advertiser as well as posting it on the Official Bulletin Board of the Town was presented by the Town Clerk. Officials present were:

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

Approximately (24) persons were in attendance. Supervisor Gertz stated that the Public Hearing was called to order. The purpose of the hearing was to consider the new contract for the year 2009 with the Marilla Fire Company. The following general terms of said new contract shall be for fire protection to the Town of Marilla Fire Protection District:

- (a) The Marilla Volunteer Fire Company shall answer and attend all fire calls in said District.
- (b) For such services, the Marilla Volunteer Fire Company shall be paid a sum of \$243,300.00.
- (c) The Marilla Volunteer Fire Company shall maintain and operate its fire station at West Avenue, Marilla, New York.
- (d) The Marilla Volunteer Fire Company shall insure all of its equipment against all liability and shall protect the Town of Marilla from liability for any accident in which any fire company vehicle may be involved.
- (e) This contract shall continue until December 31, 2009.
- (f) Such other incidental terms as may be necessary or proper.

Supervisor Gertz asked if there were any interested persons who desired to be heard. Hearing no comments from those in attendance, the hearing was closed at 7:33 p.m.

Respectfully Submitted,

_____ Town Clerk

Public Hearing
November 6, 2008

A Public Hearing was held November 6, 2008 at 7:34 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Proof of publication in the Alden Advertiser, the Elma Review and the East Aurora Advertiser as well as posting it on the Official Bulletin Board of the Town was presented by the Town Clerk. Officials present were:

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

Approximately (24) persons were in attendance. Supervisor Gertz stated that the Public Hearing was called to order. The purpose of the hearing was to review the Preliminary Budget for the year 2009 and to give citizens an opportunity to express their views concerning the budget or any part therein. Supervisor Gertz asked if there were any interested persons who desired to be heard.

Hearing no comments from those in attendance, the hearing was closed at 7:35 p.m.

Respectfully Submitted,

_____ Town Clerk

A Public Hearing was held November 6, 2008 at 7:36 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. 7 of the Year 2008 entitled "Cold War Veterans Law of the Town of Marilla". The proposed Local Law will provide for exemptions from real property assessment for Cold War Veterans on qualified residential real property within the Town 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 (24) 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 7:39 pm.

Respectfully Submitted,

_____ Town Clerk

Regular Meeting
November 6, 2008

A regular meeting of the Marilla Town Board was held November 6, 2008 at 7:40 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

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

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

Communications

1. Willey Enterprises of WNY notified the Town of their renewal application of their liquor license.

Committee Reports

Deputy Highway Superintendent Ronald Unverdorben reported that he had inspected the new plow chassis and made the plans for the new plow, the possible delivery date will be mid December. He reported that they hauled 58.33 tons of glass to recycle and they are waiting for the check of \$1,813.58 where as the cost of getting rid of the same load would have cost the Town \$2,041.55, he recommended residents all recycle. He stated that beginning January 1st the recycling center will be open every Saturday from 9 am to 12 pm and would welcome residents input on the change. He stated that all snow plow equipment is ready and is waiting on the snow. He also reported that they had built a ramp at the Community Center for the handicapped.

Councilman Spanitz reported that she met with the Library Board last Tuesday, they elected new officers. She commented on what an excellent job they do and how well our Library is utilized. She reported that the Planning Board will meet on November 20th at 7:00 p.m. She also stated that there is a class being held this evening in the basement of the Town Hall for members to fulfill the 4 hours of training required by the State.

Councilman Handley reported that the Veterans Day Parade will be held on Sunday, November 9th at 11:45 a.m. at the Fire Hall, hot dogs will be cooked by the Kiwanis. The Tree Lighting Ceremony will be on Saturday, December 6th, the format will be the same as past years. We will have hayrides, Santa, and the Holiday Lighting Contest on Two Rod Road, Shannon Drive, West Avenue, and East Avenue.

Supervisor Gertz reported that Water District 5 is moving a head. We have 60% of the residents that signed the petition and we are ready to take the next step with the Public Hearing and then Audit and Control. The cost to each resident will be approximately \$800 a year but they are in great need of water. He also reported that the work had begun on the new heating system at the Community Center.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve Minutes from the Public Hearing and Regular Meeting held on 10/9/08 and the Special Meeting held on 10/14/08 and 10/21/08 and the Executive Session held on 11/4/2008. Motion Carried.

New Business

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

WHEREAS, the Town of Marilla supports the agricultural industry, the protection of farmland and efforts to prevent erosion and other problems in rural parts of Erie County; and

WHEREAS, the Cooperative Extension and the Erie County Soil & Water Conservation District provide important services to the communities in Erie County, which services are key to maintaining the economic and environmental health of the rural communities; and

WHEREAS, the Town Board has been advised that the proposed budget submitted by the Erie County Executive Chris Collins provides no funding for either organization for 2009; and

WHEREAS, the agriculture industry and the residents of the Town of Marilla would be severely impacted as a result in the loss of funding of both the Cooperative Extension and the Erie County Soil & Water Conservation District; and

WHEREAS, the loss of Erie County funding to these organizations would result in the loss of other funding to these same organizations from both the State of New York and the Federal Government greatly magnifying the loss.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That for the reasons outlined above the Town Board of the Town of Marilla requests that County Executive Chris Collins and the Erie County Legislature restore funding to the Cooperative Extension and Erie County Soil & Water Conservation District to their 2008 funding level

2. That certified copies of this resolution be forwarded to the Erie County Executive, all members of the Erie County Legislature, the Town Clerks of the Town of Amherst, Alden, Aurora, Boston, Brant, Cheektowaga, Clarence, Colden, Collins, Concord, Eden, Elma, Evans, Hamburg, Holland, Lancaster, Newstead, North Collins, Orchard Park, Sardinia, Wales and West Seneca, the Erie County Commissioner of Environment and Planning, the New York State Department of Environmental Conservation, the President of the Erie County Farm Bureau.
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 November 6, 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 Spanitz to set the Special Meeting for Water District No. 5 for November 18th, 2008 at 7:30 p.m. at the Marilla Town Hall. Motion Carried.

Supervisor Gertz stated that the Town Hall would be closed November 27th and 28th for Thanksgiving.

Motion: Councilman Specht, seconded by Councilman Spantiz to approve the following resolution to approve the SEQRA for Local Law No. 7;

WHEREAS, the Town Board of the Town of Marilla is considering adoption of a Local Law to provide for exemptions from real property assessment for qualified Cold War Veterans as defined in Section 858-b of the Real Property Tax Law of the State of New York and has determined that such action is Type II action under SEQRA and therefore no other action is required

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Marilla, after considering the action proposed herein, in reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the proposed regulation with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment and that no further action is required by the Town of Marilla

DULY ADOPTED, this 6th day of November, 2008, by the following Roll Call 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 approving Local Law No. 7 of the Year 2008 entitled “Cold War Veterans Law of the Town of Marilla” ” as follows:

A Local Law known as Local Law No. 7 of the Year 2008 entitled “Cold War Veterans Law of the Town of Marilla” amending Chapter 399 of the Code of the Town of Marilla adopted on December 14, 2006 by Local Law Number 2 of the Year 2006 to add an exemption for Cold War Veterans

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. 7 of the Year 2008 entitled "Cold War Veterans Law of the Town of Marilla" amending Chapter 399 of the Code of the Town of Marilla adopted on December 14, 2006 by Local Law Number 2 of the Year 2006 to add an exemption for Cold War Veterans.

SECTION 2. PURPOSE

The purpose of this local law is to amend Chapter 399 of the Code of the Town of Marilla to provide a new real property tax exemption to qualified Cold War Veterans in the Town of Marilla.

SECTION 3. Statutory Authority.

This local law is adopted pursuant to the authority of Section 458-b. 2. (a) (ii) of the New York State Real Property Tax Law for veterans not receiving compensation as a result of a service related disability and as authorized by Section 458-b. 2 (b) of the New York State Real Property Tax Law for veterans receiving compensation as a result of a service related disability. All definitions, procedures, terms and conditions of such statute shall apply to this local law.

SECTION 4. Section 399 of the Code of the Town of Marilla is amended to add a new Article V Exemption Granted for Cold War Veterans

- A. For Cold War Veterans not having a service connected disability each qualified veteran being an owner of qualifying residential real property shall receive an exemption on such qualifying residential real property equal to fifteen percent of the assessed value of such property; provided, however, such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate of the Town of Marilla, whichever is less.
- B. For Cold War Veterans receiving a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability being an owner of qualifying residential real estate in addition to the benefits received under A. above shall receive an exemption on such qualifying residential real property equal to the product of the assessed value of the such qualified residential real property multiplied by fifty percent of the Cold War Veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the Town of Marilla, whichever is less.
- C. The exemption provided by Paragraph A of this local law shall be granted for a period of ten (10) years. The commencement of such ten year period shall be governed by Real Property Tax Law Section 458-b.

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 6th day of November, 2008, by the following Roll Call Vote:

Councilman Spanitz – Aye Councilman Specht – Aye
Councilman Handley – Aye Supervisor Gertz – Aye
Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to authorize the Supervisor to sign the Firemen’s Contract for the Year 2009 in the amount of \$243,300.00, by Roll Call Vote:
Councilman Spanitz – Aye Councilman Specht – Aye
Councilman Handley – Aye Supervisor Gertz – Aye
Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spantiz to adopt the preliminary budget as the final budget for 2009, by Roll Call Vote;
Councilman Spanitz – Aye Councilman Specht – Aye
Councilman Handley – Aye Supervisor Gertz – Aye
Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to amend the Agenda. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to add the Employee Handbook to the Agenda. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to approve the Employee Handbook.
Roll Call Vote:
Councilman Spanitz – Aye Councilman Specht – Aye
Councilman Handley – Aye Supervisor Gertz – Aye
Motion Carried.

Report of Town Officials

Building Inspector John Fronczek submitted a written report with 11 building applications received totaling fees of \$472.00 and the building permits issued. 21 inspections were made, and 3 complaints, 1 appearance ticket was issued. A total of 196 acts of official business were made for the month of October.

Town Assessor Kandace Wittmeyer wanted to remind residents that all exemptions are due by March 1st of 2009.

The Planning Board minutes have been received and posted, the next meeting will be held on November 20th at 7:00 pm.

Conservation Advisory Board minutes have been received and posted.

Hubert Kutter asked if the Community Center would be closed for the presentation that is scheduled on November 18th. He also stated that the Museum will be open on November 9th, Veterans Day

Open Board Presentations

Councilman Specht asked Deputy Highway Superintendent Ron Unverdorben about the Grills for cooking the hot dogs on Veterans Day.

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

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

General Fund Claims, Vouchers 501-541	\$	19,852.96
Highway Fund Claims, Vouchers 150-199	\$	11,705.85
Special Districts		
Sanitation (SR), Vouchers 107-115	\$	6,562.93
Special Fire, Voucher	\$.00
Water District #2, Vouchers	\$.00
Water District #3, Voucher	\$.00
Water District #4, Voucher	\$.00
Community Development PACE	\$.00
Community Develp. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to adjourn the meeting at 8:00 p.m. Motion Carried.

Respectfully Submitted,

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

Special Meeting
November 18, 2008

A Special Meeting of the Marilla Town Board was held Tuesday, November 18, 2008 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York 14102. Officials present were:

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

Supervisor Gertz called the meeting to order at 7:30 p.m. The purpose of this meeting was to set the public hearing date for Water District No. 5.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to set the public hearing date for December 11, 2008 at 7:30 pm to consider the establishment of Water District No. 5. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to adjourn the meeting at 7:35. Motion Carried.

Respectfully submitted,

_____, Town Clerk