

The regular meeting of the Marilla Town Board was held on Thursday, February 19, 2009 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

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

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

### **Communications**

- a. The Marilla Grill notified the Town that they renewed their Liquor License.
- b. The Kiwanis Club President Dan Handy notified the Town that they are returning to the original small town activity consisting of bulb sales, one memorial tree, tree presentation, caroling, hot chocolate and cookies for the Christmas Tree Lighting Event to be held on December 5<sup>th</sup> 2009.

### **Committee Reports**

Highway Superintendent Ron Unverdorben reported that he compiled some information about the cost of snow plowing to the Town; they have plowed 2815 miles, they have used over 200 tons of salt and 700 gallons of diesel fuel from January 20<sup>th</sup> to February 10<sup>th</sup>. It costs the Town approximately \$1200 each time the trucks go out and it cost the Town about \$27,000 for that time period.

Councilman Specht reported that the Marilla Car Show Committee had a meeting last Wednesday and is proceeding well. He stated that the CAB has a parcel that they are considering for the PACE Program but they don't know how much PACE money is going to be available and until they find that out the CAB is reluctant to recommend it.

Supervisor Gertz stated that Councilman Spanitz is at a family emergency so the Town Board will delay some appointments and pending actions this month. He is still waiting for the State to file their report of the audit we requested, it was delayed due to weather in December and January. He hopes to get it shortly and as soon as they receive it they will proceed with a Town audit. He reported that the Town ended up in good financial shape last year, the general fund surplus is \$837,847, the Highway surplus is \$284,544. He stated the only major project for this year is to install air conditioning in the Town Hall. He said they are remodeling the bathrooms downstairs and will continue to update the Community Center to prepare it as a disaster shelter. The plan for this year is cautionary spending, we know that sales tax revenue will be down this year, we enjoyed a good revenue last year but with the healthy reserve we should be able to keep an even keel with the sharp economic down turn the town should be good for a few years. The Highway Department is running leaner this year thanks to Ron Unverdorben the Highway Superintendent, they have eliminated one full time position and one part-time clerks position. He wanted to say that there are two petitions before the Town Board for rezoning, they have to run the course. He knows there are some people here tonight to talk about the rezones, the Town Board is not going to be making any major decisions this evening, he asked them to just let it go through the proper pace. He apologized for canceling the meeting last week but the Town Hall was with out power for several hours. He reported that he is canceling the work session for February 24<sup>th</sup> and it will be rescheduled for March 3<sup>rd</sup> at 7:30 pm.

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

Earl Gingerich Jr. stated that he had two things to discuss. First he said pertaining to the budget concerning the adopted salaries. He had spoken to George and Ron late last year, he said that back in 2004 and then in 2005 there was a \$3,000 salary increase each year to the Highway Superintendent. It totaled \$6,000 for the two years to oversee the two Town buildings. He has no problem having the Highway Superintendent oversee the buildings but he feels it should be a separate line in the budget the same as the Park and Sanitation Superintendent. Then the duties of the job would be more specific and the 3% should be

calculated on the \$6000 for the last 3 years which he thinks would be \$6,556.36, this would be a separate line for Building Superintendent and moved from Highway and then appointed to Ron. He stated that since this used to be a Town Board function, usually a Councilman along with the Supervisor were appointed to be in charge of buildings, he feels that the money should follow the responsibility. He feels that part of the Town Board's salary should be shifted to the position to off set the cost. The other point he wanted to make was that the economy is in an economic downturn and he feels it is would be appropriate for elected or appointed employees to take a pay freeze at this time.

### **Old Business**

Motion: Councilman Specht moved, seconded by Councilman Handley to approve the minutes of the regular Board Meeting held on 1/8/2009. Motion Carried.

### **New Business**

Motion: Councilman Handley moved, seconded by Councilman Handy to re-appoint Peter Baschmann to the Assessment Review Board for a five year term to expire 9/30/13. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to appoint Attorneys for the Town as follows; Neill & Strong for daily business, DiFilippo for litigation, and Berkowitz for assessment litigation for 2009. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handy to appoint Thomas Whiting as Town Constable for the Town for 2009. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to appoint Pat Blarr as Clerk to the Conservation Advisory Board. Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Handley to appoint Cynthia Jondle as Court Clerk for 2009 and pay according to the adopted clerk's pay scale. Motion Carried.

Supervisor Gertz appointed Warren Handley as Deputy Supervisor for 2009.

Motion: Councilman Handley moved, seconded by Councilman Handy to appoint Donald Roesch to the position of Dog Control Officer for the year 2009. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to appoint Greg Pruski as Assistant Dog Control Officer for 2009. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to appoint Paul White to the position of EMW Representative for the year 2009. Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Specht to appoint Nussbaumer & Clarke, Inc. as Engineers and Planners for the Year 2009 not to exceed the budgeted amount of \$7,861.00. Motion Carried.

Supervisor Gertz re-appointed Hubert Kutter as Town Historian and Jeff Lewinski as Deputy Town Historian.

Motion: Councilman Specht moved, seconded by Councilman Handy to re-appoint Richard Jamiga as a Member to the Planning Board for a 7-year term to expire December 31, 2015. Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Specht to appoint Melissa Stark as Planning Board Clerk for the year 2009 and pay according to the adopted clerk's pay scale. Motion Carried.

- Motion: Councilman Handy moved, seconded by Councilman Handley to appoint Nussbaumer & Clarke, Inc. as Consultants to the Planning Board for the year 2009 at a rate of pay of \$4,425.00. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Handy to appoint Helen Bourgeois as Senior Citizen Rec. Attendant/ Trip- Coordinator for 2009 and receive salary according to the budgeted amount. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Specht to appoint Ronald Unverdorben as Superintendent of the Park and Sanitation Department for the year 2009. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Handy to appoint Kim Parker as Secretary to the Highway Superintendent. Motion Carried.
- Motion: Councilman Handy moved, seconded by Councilman Handley to appoint Jennifer Strong as Town Prosecutor for 2009. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Specht to appoint Bonnie Mather as Tri-Town Recreation Director for the year 2009. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Handy to re-appoint Stanley Travis a Member to the Zoning Board of Appeals to a five year Term to expire December 31, 2013. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Specht to appoint Paulette Schloss as Clerk to the Zoning Board of Appeals for 2009 and pay according to the adopted clerk's pay scale. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Handy to designate Alden State Bank, JP Morgan Chase, CLAS, Fire Service Agency Inc., as depositories and Capital Markets Advisors, LLC as fiscal advisor and Hawkins & Delafield as Bond Council for the Town of Marilla Funds for the Supervisor and Alden and M&T Banks for the Town Justices and to designate JP Morgan Chase Bank for the Town Clerk's Office for the year 2009. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Handley to establish a petty cash fund in the amount of \$400.00 for the Town Clerk's combined Office. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Specht to approve the Highway and Sanitation and General Fund Employees Work Policy for the year 2009 available to full time employees as negotiated by the Town Board as follows:

Town Of Marilla  
Highway, Sanitation And General Fund  
Full-Time Employee's Work Agreement - 2009

The Town Board has agreed to pay the following salaries to the Town of Marilla Employees:

Laborers for the Marilla Highway and Sanitation Departments shall receive -	\$11.97 per hour
Motor Equipment Operators shall receive – Starting Rate	\$15.73 per hour
After 1 year	\$16.76 per hour
After 2 years	\$18.48 per hour
Mechanics shall receive - Starting Rate	\$16.53 per hour.
After 1 year	\$18.80 per hour.
After 2 years	\$21.03 per hour
Maintenance Employees for the Sanitation, Highway and General Fund shall receive – Starting Rate	\$13.86 per hour
After 1 year	\$14.78 per hour

After 2 years

\$15.73 per hour

Employees moving up from Sanitation to Highway start at second year rate.

In addition, full-time hourly employees of the Highway, Sanitation and General Fund Departments will receive the following benefits for 2009:

1. Eleven (11) paid holidays to include:

January 1	New Years Day
January 19	Martin Luther King Day
February 16	President's Day
April 10	Good Friday
May 25	Memorial Day
July 4	Independence Day
September 7	Labor Day
October 12	Columbus Day
November 11	Veteran's Day
November 26	Thanksgiving Day
December 25	Christmas Day

2. Vacation - Five (5) days, (one (1) day being eight (8) hours) for the first year of town employment, after six (6) months. One (1) additional day for each year thereafter until a maximum of twenty (20) days is reached. A maximum of ten (10) days may be carried over to the next year without prior approval. Vacation scheduling will be approved by the Highway Superintendent or the Sanitation Superintendent. Two (2) employees from the same department may not take the same week or other critical weeks as designated by the Highway or Sanitation Superintendents. No vacations shall be allowed between November 1 and April 15 except in an emergency. (Also, during this period all full time Employees are required to be available for snowplowing unless prior approval is given by the Highway Superintendent.) Employees will be paid for unused vacation time remaining at the end of November in a December paycheck of 2008; provided that said employee has at least ten (10) days of unused vacation time as of the first paycheck of December of 2009.
3. Vacation Time – 7 days notice must be given with dates specified prior to two (2) or more consecutive days off.
4. Personal Leave - Five (5) days per year after one (1) year of employment.
5. Sick days - Five (5) days per year. Thirty (30) sick days may be accumulated and will be paid upon retirement at a rate of one-half (1/2) of the employee's pay at retirement based upon one (1) work day (where one (1) work day equals eight (8) hours).

Employees employed by the Town of Marilla prior to January 1, 2001 and who have accumulated sick days under previous Work Agreements with the Town of Marilla are entitled to those previously accumulated sick days, as designated in the Work Agreement(s) in effect during the period of accumulation, but are not entitled to continue the accumulation commenced under previous Work Agreements. Previously accumulated sick days are not to be counted in the accumulation of sick days under the instant Work Agreement.

In the event that future Work Agreements discontinue the policy of accumulating sick days, employees are entitled to receive, as outlined by this Work Agreement, all sick days under this Work Agreement.
6. Highway Superintendent and Sanitation Superintendent may require a doctor's certificate for three (3) consecutive sick days.
7. NYS Disability Insurance after a period of seven (7) consecutive days. The Town will pay employee his or her normal wage for the workweek missed during the waiting period if, and only if employee files disability claim beginning the first day of his or her disability.
8. The Town of Marilla will provide Long Term Disability Through UNUM
9. Personal Safety Equipment - \$ 500.00 annually.

10. Pay shall be issued on a bi-weekly basis. Checks to be issued no later than Thursday following the last pay period day.
11. Blue Cross Blue Shield of Western New York Group ID# 00404209
12. Time paid is considered time worked. Upon returning to work, benefits will be pro-rated for the balance of the year.
13. D.O.T physical -Each Employee is entitled to one D.O.T. physical per year on Town Time, not to exceed 2 hours. Employees must use their personal vehicles and will be reimbursed the cost of the Doctors co pay with presentations of a receipt.

An Employee will be eligible for the above benefits provided that they have worked 80% of the current calendar year. All Marilla paid time off, except DBL time off, will be considered time worked. When an employee returns to work and completes working 80% of that current calendar year, their benefits received for the remaining portion of that calendar year shall be pro-rated.

Motion: Councilman Specht moved, seconded by Councilman Handley to adopt the pay scale for employees with one, two and three year service to the town with one grade for each job classification. Pay scale as follows:

	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year
Clerk of Boards	\$ 11.24	\$ 12.49	\$ 13.64
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year
Clerk Regular	\$ 11.88	\$ 13.12	\$ 14.28

Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Specht to adopt the following Resolution: RESOLVED, that the Town Board of the Town of Marilla does hereby fix the salaries of the officers and employees for the year 2009 and that they be paid as follows:

Supervisor	\$ 29,616.00
Councilman (4)	8,448.00
Chairman, Board of Assessors	11,184.00
Member, Board of Assessors	9,864.00
Town Clerk	42,180.00
Highway Superintendent	50,892.00
Sanitation Superintendent	6,990.00
Park Superintendent	1,884.00
Town Justice	12,432.00
Building Inspector	15,312.00
Deputy Building Inspector	6,636.00
Senior Citizen Recreation Attendant	1,512.00
Town Historian	1,464.00

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Handy to pay Assessment Review Members per day and to receive the same rate of pay per day for required schooling, pay scale as follows: \$80.00 for the Chairman and \$ 66.00 for members. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Handy to pay Dog Control Officer at the rate of Maintenance employees as per the Town's work agreement of 2009 at \$15.73 per hour for hours worked as needed and to include taking a Census of dogs doing one-third of the Town each year. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Handy to pay the Attorney for the Town \$115 per hour for 2009. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Handy to appoint Holly Dobbins and Mary Helmer at a rate of \$160 per visit for both the Town Hall and Community Center. Motion Carried.

- Motion: Councilman Handley moved, seconded by Councilman Handy to pay the Constable for the Town \$22.72 per summons and pay for court time at adopted clerk's rate of pay. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Handy to pay laborers for the Town Park and Assessor's Office at a rate of \$11.96 per hour. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Handy to pay Town Prosecutor Jennifer Strong at a rate of \$115 per hour. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Handy to set the rate of pay for the Zoning Board of Appeals, Planning Board and the Conservation Advisory Board as follows: Chairman \$41.00 per meeting and \$ 29.00 per meeting per member. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Handley to authorize the Highway Superintendent to purchase equipment, tools, etc. without prior approval of the Town Board in the amount of the budgetary provision and not to exceed the appropriated amount in the 2009 budget according to Town Law. Motion Carried.
- Motion: Councilman Handy moved, seconded by Councilman Specht to authorize the Supervisor to prepay utilities, postage, tipping fees, thruway tolls, charge cards, insurance, medical, ADP and other bills that do not exceed \$1000. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Handy to establish a mileage allowance of \$.45 per mile for the Supervisor, Councilmen, Town Justices, Town Clerk, Assessors, Code Enforcement Officers, Dog Control Officers, Bookkeeper, Justice Clerk in the performance of their duties ( including dog damage cases) for the year 2009 and to keep a log of mileage as used in order to be paid. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Specht to adopt the following Resolution: RESOLVED that the Alden Advertiser and Elma Review (to be published in both the East Aurora Advertiser and Elma Review for the same price as solely the Elma Review) be named as the official newspapers for the Town for the year 2009. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Handy to authorize the Supervisor to pay various organizational dues for the year 2009. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Handy to retain the services of Kotas and Kotas, Accountants at an annual cost of \$9,146 for general accounting and \$1133 for the preparation of the Annual Update Document, in addition a fund specific audit statements for Water Districts #2 & #4 for \$2,000. Motion Carried.

Supervisor Gertz appointed the following work committees:

**Councilman Spanitz:** Affirmative Action Officer, Library, Youth, Planning Board Liaison. Employee Liaison.

**Councilman Specht:** Technology, Historical Society, audit of claims, liaison to the CAB, Fire Service Award.

**Councilman Handley:** Memorial Day & Veterans Day, Pavilion Concert Committee, Deputy Supervisor.

**Councilman Handy:** Alternate NEST, audit of claims, HUD, Park, Senior Ride.

**Supervisor Gertz:** Insurance, Disaster/ Traffic & Safety, PACE.

Motion: Councilman Handley moved, seconded by Councilman Specht to appoint Dave Wzykowski as the Town's Youth Court Representative. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to authorize Town Assessors to attend an annual seminar. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Handy to permit Tri-Town United Soccer Club use of the Town's Eastwood Road Soccer fields for their 2009 season. Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Specht to approve Special Use Permit Renewals for 2009.

Motion: Councilman Handy moved, seconded by Councilman Handley to authorize the Town Supervisor to sign a contract with MJ Mechanical for maintenance of the heating system at the Community Center at a cost of \$470. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to authorize the Supervisor to sign a contract with Nussbaumer & Clarke Inc. for engineering an air conditioning system at the Town Hall at a cost not to exceed \$10,450. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handy to send the application for rezoning property on Two Rod and Clinton Street to the Planning Board for their recommendation. Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Specht to send the application for rezoning property on Bullis Road to the Planning Board for their recommendation. Motion Carried.

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

WHEREAS, the Town Clerk has received proposals from a number of vendors to provide credit card and debit card services in connection with tax collections and other payments to be received by the Town Clerk; and

WHEREAS, after reviewing the proposals, the Town Clerk has selected JP Morgan Chase's proposal for services; and

WHEREAS, allowing taxpayers to utilize credit cards to make tax payments may assist taxpayers in avoiding late payment fees and allowing them to utilize debit cards will offer additional convenience to taxpayers; and

WHEREAS, the cost of the service is paid for by the taxpayers utilizing the service who pay a convenience fee and not the Town.

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

1. The Town Board does hereby authorize the Town Clerk to provide for the use of credit and debit cards to receive payments for taxes and other payments to be made to the Town Clerk.
2. The Town Clerk and or Town Supervisor is authorized to enter into the agreement with JP Morgan Chase.
3. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Specht – Aye

Councilman Handley – Aye

Councilman Handy – Aye

Supervisor Gertz – Aye

Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Handley approve Grievance Day as set by the Town Assessors for Thursday, May 28<sup>th</sup> 2009 from 2:00 pm to 4:00 pm and from 7:00 pm to 9:00 pm. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to approve the following resolution setting the date for the Public Hearing on Local Law No. 1 for the year 2009:

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Marilla, in the County of Erie shall be held at the Town Hall, 1740 Two Rod Road, Marilla, New York at 7:30 p.m. on the 12th day of March, 2009, for the purpose of hearing all persons interested in the proposed Local Law No. 1 of the Year 2009; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser and the Elma Review, designated by the Town as its official newspapers for this publication, such publication to be not less than ten days before the date of the public hearing; (b) post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and (c) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than five days before the date of the Public Hearing and notify County Planning as required under §239-m of the General Municipal Law; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed “Local Law No. 1 of the Year 2009, entitled “Town of Marilla Converted Condominium Taxation Assessment Exclusion Law”, available at her office for inspection and distribution to any interested person during business hours.

Roll Call Vote:

Councilman Specht – Aye

Councilman Handley – Aye

Councilman Handy – Aye

Supervisor Gertz - Aye

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handy to approve the following resolution setting the date for the Public Hearing on Local Law No. 2 for the year 2009:

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Marilla, in the County of Erie shall be held at the Town Hall, 1740 Two Rod Road, Marilla, New York at 7:30 p.m. on the 9th day of April, 2009, for the purpose of hearing all persons interested in the proposed Local Law No. 2 of the Year 2009; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Alden Advertiser and the Elma Review, designated by the Town as its official newspapers for this publication, such publication to be not less than ten days before the date of the public hearing; (b) post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and (c) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing and notify County Planning as required under §239-m of the General Municipal Law; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed “Local Law No. 2 of the Year 2009, entitled “Amendment to the Zoning Law of the Town of Marilla”, available at her office for inspection and distribution to any interested person during business hours.

Roll Call Vote:

Councilman Specht – Aye

Councilman Handley – Aye

Councilman Handy – Aye

Supervisor Gertz - Aye

Motion Carried.

### **Report of Town Officials**

Town Engineer Marie Nowak thanked the Town Board for being reappointed.

Building Inspector John Fronczek submitted a written report with 3 building application received with fees totaling \$430, with a total value of \$93,000, 16 inspections, and there were 129 official acts of business for the month of January 2009.

Town Attorney Nathan Neill reported that he is working on the final paperwork for audit and Control on Water District 5 and he hopes to get it out in a week or so.

Town Assessor Earl Dabb stated that exemptions must be in by March 1<sup>st</sup> and they are very busy.

Planning Board minutes have been received and posted.

The Conservation Advisory minutes have been received and posted.

### **Open Board Presentations**

Resident Shirley Limpinsel stated that she has been following in the newspaper concerning the zoning and rezoning and about all the plans that are being brought to the Town and she has a real problem with it, she said that our town is in good shape now and it's not going to be. She stated that the Town can't even get volunteer firemen to join, how is the Town going to handle all of this.

Supervisor Gertz responded that he didn't want to cut her short but that would be the perfect discussion for a public hearing.

She asked when would the public hearing be held?

Supervisor Gertz stated it has to go through the process. He said the Town Board is not making any decisions tonight, they are not approving or disapproving. He stated it would be fruitless to talk about it in this forum. He said he appreciates her comments but asked her to hold them until the public hearing. The Planning Board will be meeting on this and she could discuss her concerns there as well. The Planning Board has to make a recommendation to the Town Board and the Town Board will also have a public hearing. The next Planning Board Meeting will be March 19<sup>th</sup> at 7:30 pm.

Councilman Handley thanked Supervisor Gertz for his appointments. He stated that he had a comment on the tree lighting ceremony. He said over the past years he has had the privilege to act as chairman for the Kiwanis Annual Tree Lighting. When he took the position over 9 years ago this event had on Christmas tree and a handful of people participating. Today the Tree Lighting has grown to twelve Christmas trees and 350 plus participants. Through the years the Town of Marilla and Kiwanis gained support from the Town's Youth Groups, Business Leaders, surrounding Towns and Marilla Residents. He said so many people have given valuable time, efforts and financial support to build the Tree Lighting event.

He continued after receiving a recent letter from the new Kiwanis President, Dan Handy and the Kiwanis organization of Marilla, he was very disappointed. He found it unthinkable that a community organization such as the Kiwanis would let down the community and 250 plus primary students. He said it is sad that Kiwanis will stop the decorating of the trees and community center activities. This year the website at

Iroquois Primary has a picture of students decorating a Christmas tree. That tree was in from of the Marilla Town Hall. He said it's like a Norman Rockwell Moment. He cannot and will not take part in that downsizing.

He said effective immediately the Town of Marilla will plan and run the Annual Town Tree Lighting Celebration. He said as Chairman to the Marilla Pavilion Committee along with the Pavilion Committee will continue to build this Annual Tree Lighting Event. The Committee will prevent any hardships to those who expect and gave so much to build this event. He welcomed the Kiwanis Club of Marilla to participate with their bulb purchase and tree donation and he thanked them for their past efforts.

He stated that Supervisor Gertz and himself understood the need and desire for this community event. They greatly appreciate the contributions and support from the Business Leaders, Students, Youth Groups and Town Residents. He thanked all those who supported the Annual Tree Lighting and looks forward to their continued support at the Town of Marilla's Annual Tree Lighting Celebration on December 12, 2009.

Supervisor Gertz stated that the rezoning proposals before the town have to go through the process. The people own the property and have a right to put forth their ideas and concerns and the changes that they want to make. He said as citizens we have the right to either accept or reject those ideas, but we have to let them do it. He said to let the process go, nothing is guaranteed just because this is going before the Planning Board. He said we have to look at all facets of the project, so give everyone a chance, it doesn't mean we can't be critical but let's be fair to everyone. He wanted to again thank the overwhelming support he has been getting. The doctor has released him back to full time for Town work, he has been at the Town Hall working trying to catch up. He said he is also back to the Fire Hall and they have teased him that the calls have increased because he is bad luck or something. He stated he enjoys being back and he is doing very well, he will still be going to therapy for quite some time as well as wearing special gloves. He said he was downtown today because he was recognized by the Erie County Legislature thanking him for his service to the Town and Community and he is very appreciative of that. He received a letter about a fire call that he was not at, the resident was from Timothy Lane and required emergency medical service. Rescue personnel arrived quickly at his home and it was during a severe snowstorm and the Rural Metro ambulance service was unable to help. The responders plowed his driveway and the Marilla snow plow led the way to the 400 expressway. He thanked the Fire Company and the Marilla Town Employees and said residents should be thankful for their efforts. He stated it just shows the people that work and volunteer in this Town go above and beyond and he is proud to be a part the Fire Company and even prouder of the employees going the extra mile. They do earn their pay and it shows when they go that little extra to get someone to the hospital especially in a severe snowstorm as there was that day.

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

General Fund Claims, Vouchers 16-77	\$ 58,058.78
Highway Fund Claims, Vouchers 6-36	\$ 206,155.72
Special Districts	
Sanitation (SR), Vouchers 6-26	\$ 204,942.48
Special Fire Voucher 1	\$ 3,303.91
Water District #2, Vouchers 1-5	\$ 5,666.99
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 Handy to adjourn the meeting at 8:07 p.m. Motion Carried.

Respectfully submitted,

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

\_\_\_\_\_ Councilman \_\_\_\_\_ Councilman

\_\_\_\_\_ Councilman \_\_\_\_\_ Councilman