

The regular meeting of the Marilla Town Board was held on Thursday, January 8, 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, Deputy Supervisor / Councilman  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
Daniel Handy, Councilman

Deputy Supervisor Handley called the meeting to order and the Pledge of Allegiance to the Flag was given. On Behalf of Supervisor Gertz, himself and the Town Board they welcomed and wished everyone a happy New Year. Councilman Handley stated that Supervisor Gertz asked him if he would run the meeting tonight and he is doing so with great honor.

He stated as everyone may know Supervisor Gertz was recently injured in a recent fire call on Eldridge rd .The Board Members are greatly appreciative for not only what George does in running this town as Supervisor but also for the Duties he performs as a dedicated Fireman. George along with the other firemen and women are constantly putting their lives on the line for the residents of this community and we should never for one minute underestimate their heroic efforts. He asked at this time to please join him to thank and welcome back Supervisor Gertz for all his great efforts.

He continued, as we all know this was a year like no other. As a town board they have had many challenges, but moving ahead there are many positive things to come.

The Town remains in good financial shape, we have paid off the remaining Debt on the community center and Fire Hall. We have upgraded the heating system in the community center. The Highway and Fire Company have a new radio system that will allow them to communicate directly with each other a very useful tool in the case of any emergency. The Highway Department will take delivery of a new snowplow Truck this year and the Sanitation Department will take delivery of a new Garbage Truck this year also. We had a very successful concert series in the Pavilion, civil war Reenactment in the park , the areas largest and best car show here in town and the famous Firemen's Carnival at the firemen's grounds along with many other great events here in town.

He stated that we restructured our Highway and Sanitation Dept under the supervision of Ron Unverdorben who is doing an outstanding job along with his workers. As a town board they will continue to find ways to run the town in the most efficient ways possible and would like to thank the residents for their input, support and community involvement. Thank You for Making The Town of Marilla what it is today, Our home Town. He then wanted to welcome Dan Handy To the Town Board.

### **Communications**

- a. Association of Towns regarding the Training School & Annual Meeting to be held this year in New York City on February 15-18, 2009.

### **Committee Reports**

Highway Superintendent Ron Unverdorben reported that Christmas Tree pick-up will be on every Monday in January, residents should have their trees out by 7:00 am on Monday mornings. He also stated that the new trucks will be delivered on January 12<sup>th</sup>. He reported that the Recycling Center will be open every Saturday from 9:00 a.m. to 12:00 p.m. and every Tuesday from 1:00 p.m. to 3:00 p.m.

Deputy Supervisor / Councilman Handley reported that he has been sitting in for George and in communication with him, he said George has a good idea of what is going on. He reported that the Town did complete the application for Water District Number 5 on time, that was Georges's project and he wanted to make sure we followed through. He stated he had great help from Dawn, Kandy Wittmeyer, Nate Neill and Marie Nowak from Nussbaumer & Clarke and he thanked everyone for that. He stated that the State's risk assessment audit will be coming to a close shortly, it is still going on, we will wait for the results and the response from them. He believes the auditor has one more day next week. He reported that the Town is going to be putting out a new bid for a vertical platform lift instead of an elevator. The Town had previously put the elevator out to bid

and received one bid and it was for a lift platform which is different than an elevator, so to be politically correct we have to put it back out to bid and ask for a lift platform. The Town received the snow plowing check from the County in the amount of \$76,041.28 and the Sales tax check from the State for \$157,204.66.

Councilman Spanitz stated that the Planning Board meets next week at 7:00 p.m. on January 15<sup>th</sup> and they still have lots of things to decide and discuss. She stated that downtown is telling the Library that there will be budget cutbacks. The Library wanted to promote Kathy to a senior clerk because their senior clerk retired, but they are not able to do it right now. She will keep the residents posted on what happens and hopes something can be worked out because the library is very important in our town.

Supervisor Gertz wanted to thank everyone for the outpouring, the cards, the letters, the phone calls, fruit baskets, he said he was going to open up a fruit stand out front. He said it is overwhelming, not only from the local community but support from the outer ring. The Town of Elma, the City of Buffalo, Buffalo Fire, the County, Chris Collins has called him, its just been overwhelming. He is getting letters and cards from literally all over the country from friends that knew him and have moved out of town. The outpouring has been unbelievable. He stated that he asked to delay the organizational meeting for a month because they haven't had time to interview people. After his accidents the first week that he was home it was totally impossible. He is going to get back up to speed as soon as possible. He is here tonight in spirit only but he just doesn't have the strength to run the meeting. He stated Warren is doing a good job, he is keeping him posted, Supervisor Gertz said he is making phone calls and he did accomplish a few things the last couple of days and he hopes to be back in the office on a part time basis by the end of next week and by next month be back up to full speed if the doctor lets him. The doctor told him to still take it easy but it's hard to sit home, he would rather come in here and bug Dawn. He wanted to thank everybody, there is stuff going on, the Town has received a few applications for some things, he asked to bear with them as they go through the process. He stated nothing is being approved or rubber stamped. They have a subdivision application that they are looking at, they have another project going up at Two Rod Road and Clinton Street. These are all preliminary so just bear with the Town Board and let them go through the process, these people own their land and have the right to submit their plan with their ideas and the Town Board has the right to accept or reject. He said he is sure they will hear rumors that these big projects or going to go down but nothing is etched in stone and these are all preliminary. He again thanked everyone and said the Town is in capable hands with Warren and Dawn and his secretary Kim and the rest of the Town Board, they have been very supportive and he will be back within a few weeks.

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

None

### **Old Business**

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes of the Public Hearing and the Regular Board Meeting held on 12/11/2008 and the Settlement Meeting minutes held on 12/30/2008. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handy to approve the 2009 regular and extended shooting hours for Allied Sportsmen of WNY Inc. Motion Carried.

### **New Business**

Motion: Councilman Specht moved, seconded by Councilman Handy to approve the audited annual reports received from the Town Clerk, Tax Collector, and the Justice Court. Motion carried.

Motion: Councilman Handy moved, seconded by Councilman Specht to approve the following resolution to extend Town appointments from 2008 to February 12<sup>th</sup> 2009;

WHEREAS, due to injuries suffered by the Town Supervisor, the

Town Board has been unable to complete the necessary review and interviews for positions that are required prior to the Annual Organizational Meeting of the Town of Marilla; and

WHEREAS, the Town of Marilla needs to operate in the interim and the employees of the Town of Marilla including members of all the Boards of the Town need to have their employment and/or appointments confirmed officially for the time period following the end of 2008 up to an including the date of the Organizational Meeting

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board does hereby confirm each and every employee of the Town including all members of official Town Boards in the position that they held as of the end of 2008 for the period ending on December 31, 2008 up through and including the date of the Organizational Meeting of the Town of Marilla now scheduled for February 12, 2009.
2. That to the extent that any employees received raises that were approved as a part of the Town Budget process, during the interim until the Organization Meeting, such employees shall be paid at the new budgeted rate.
3. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Specht – Aye

Councilman Handley – Aye

Councilman Spanitz - Aye

Councilman Handy - Aye

Supervisor Gertz - Aye

Motion Carried.

Motion: Councilman Spanitz 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:

WHEREAS, the Town Board has reviewed the impact of conversion of real property into condominiums and believes that such conversion unfairly shifts the real property tax burden to other property owners and has reviewed local laws enacted by other municipalities seeking to address this problem and the Town Board believes that it would be in the best interest of the tax payers of the Town of Marilla to exclude converted condominium units from assessment under Real Property Law Section 339-y; and

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 February, 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 Spanitz – Aye

Councilman Handy – Aye

Supervisor Gertz - Aye

Motion Carried.

Motion: Supervisor Gertz moved, seconded by Councilman Handley to authorize the Town Clerk to hire part-time Clerk, Dawn Stover at approved first year clerk rate and not to exceed the Town Clerk’s budgeted amount. Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Specht to authorize appointed and elected Town Officials to attend seminars at a cost not to exceed \$500 per year. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handy to authorize the Town Supervisor to sign a 1 year contract with Allen Electric & Mech., Inc. for maintenance of the Town Hall and Community Center Security Cameras at a cost of \$425. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to accept calendar of dates and times of Town Board Meetings and work sessions. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Supervisor Gertz to approve the following resolution on rules of conduct:

WHEREAS, the Town Board of the Town of Marilla has determined that it is in the best interest of the Town of Marilla to formally adopt rules governing the conduct of meetings which provide rules not only for the placing of matters on the agenda, time deadlines, and rules relating to the conduct by the Town Board of matters before the board but also address the need to insure that public meetings are conducted in a civil and courteous manner with respect for the feelings of others; and

WHEREAS, the Town Board has prepared a proposed set of rules governing the conduct of business, a copy of which is annexed hereto and made a part hereof.

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

1. The Town Board does hereby adopt the Rules Governing the Conduct of Business attached hereto as the official rules for the Town of Marilla.
2. The Town Board directs that a copy of the rules be publicly displayed in the Town Hall Meeting Room and the Community Center Meeting Room.
3. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Specht – Aye

Councilman Handley – Aye

Councilman Handy – Aye

Supervisor Gertz - Aye

Motion Carried.

### **Report of Town Officials**

Town Engineer Marie Nowak reported that she had received a call from Bennington Supervisor, Ellen Grant asking about the timing for Water District Number 5. She explained to Ms. Grant that we are still in the planning phase of the Water District. Ms. Grant said they are anxious to make their second inter-connection because this will help their system with respect to fire flow. She told Ms. Grant that she would keep her informed so they would be ready on their end when we are ready.

Building Inspector John Fronczek submitted a written report with 1 building application received with fees totaling \$25, with a total value of \$500, there were 116 official acts of business for the month of December 2008.

Town Attorney Nathan Neill reported that the application for Water District 5 was submitted to Audit and Control for approval. It took a lot of work, a lot of people helped him; Marie, Kandy, Dawn, and Warren helped get a lot of it together. The State received it and said we should have an answer in about 6 weeks.

Planning Board minutes have been received and posted.

The Conservation Advisory minutes have been received and posted.

Marilla Fire Company representative Phil Mohn asked residents to keep their hydrants cleaned out and make sure their house numbers are visible, and he thanked residents for their support.

Town Historian Hubert Kutter reported that he was looking on ebay for Town of Marilla history items and he picked up an early 1881 New Years Eve party invitation to the Spring Hotel. He said this item is not valuable but is extremely rare. He explained that the Spring Hotel is now the Marilla Grill, but the date of 1881 was especially nice because it was such an early period. He stated any item that goes back before 1890 is very important to him and the Historical Society. They like to be able to find these things when they are available and ebay is on way to do that. He said he should have been doing this years ago.

### **Open Board Presentations**

Councilman Spanitz wanted to wish everyone a Happy New Year and a good 2009 for everyone. She wanted to thank everyone for their support during her health problem.

Councilman Specht dittoed Councilman Spanitz and hoped for a better 2009 than 2008.

Councilman Handy stated that first from the election he thanked everybody for voting for him and getting him in this position. He said so all voters of Marilla thank you very much. He also thanked Fred and Barb for their support during the election, he greatly appreciated it. He now said he had a statement as president of the Marilla Kiwanis;

At the December Board Meeting Councilman Handley discussed the tree lighting program December 8<sup>th</sup> 2008. He believed Councilman Handley misspoke when he called it the Town Tree Lighting Ceremony. It has been since its inception and always will be the Kiwanis Club of Marilla Christmas Tree Lighting Program. The program was put on with the cooperation of many Town departments and the Kiwanis Club of Marilla is very grateful for their cooperation. He said Councilman Handley also stated that without the last minute help of a Town Official and her husband the hot chocolate would not have been served. He wanted everyone to know that both of these people are current members of the Marilla Kiwanis Club. Councilman Handley also stated that at the last minute a second hay wagon was secured thanks to a former Town Official, this person is also a current member of the Kiwanis Club. They were just a part of a Kiwanis team of 19 members and spouses that showed up that day. He said in addition 4 other Kiwanians that could not work that day provided fund raising and tree decoration prior to the event. He personally wanted to thank all the Kiwanians for their work at this event. He stated that he believes Councilman Handley's comments should not have been made in public but instead directed to him as president or at a Kiwanis Meeting. He said to address this situation he has appointed a committee of Kiwanis Members that would like to meet with Councilman Handley in private to discuss all the matters concerning the Kiwanis Club of Marilla Tree Lighting of 2008 and 2009.

Councilman Handley thanked Councilman Handy for his statement and stated that he had the information from the Marilla Auto Show; number one this is the six year of the Marilla Auto Show and it will be held on Sunday, July 26<sup>th</sup> 2009, for more information you can visit the web-site at marillaautoshow.com. The Car Show Committee asked for Councilman Handley to dedicate this to Supervisor Gertz;

Some people disregard their natural human tendency for self preservation. In the face of danger, they place the needs of others ahead of their own wellbeing. These people are called heroes and heroines. We are privileged to have such a person living in and leading our town. That person is our Marilla Town Supervisor and volunteer fireman George Gertz. As a first responder, George entered a burning home in our town in search of possible victims. Without hesitation, casting risk and consequence aside, he put away his concern for his own safety to come to the aid of someone else. The intense heat and fire backlash he experienced was truly overwhelming. The painful results of his selfless action will live on with him for a long time. It is with great pleasure and gratitude that we dedicate the 2009 Marilla Auto Show to the courage demonstrated by our hero George Gertz. We all proudly wish George Godspeed. From Vinny Beisiegel, John Coccia, and Jim Rusinski.

Councilman Handley wanted to make one comment on Councilman Handy's statement, it seems that it may be sounding a little political, and it seems that Kiwanis may be getting a little political but the people that did step up to the plate were asked at the last minute. He said he agrees with some of his statements and he doesn't feel this is the place for them to be getting involved with Kiwanians or talking about Kiwanians events and he agrees with Dan on that. Next time they will discuss it amongst themselves.

Supervisor Gertz stated that he is overwhelmed with the Car Show People, they mean a lot to him, he is glad to be part of it. He thanked them and stated it was an honor. He said again he wanted to thank everyone for everything they have done for him, he never wants to go through that again and he is still going through it. He stated on a positive note, he hadn't looked at all the numbers but the numbers that he had reviewed on the budget, we did a lot and there is still some stuff to be done in town and we are still maintaining a real healthy reserve. He reported we have \$732,754.88 in our reserve, which is excellent. He stated we have some things left to do in the Town Hall, and he has some things next door to be done to bring the Community Center up to speed. The Community Center is 15 years old, the same as the Fire Hall so maintenance is now kicking in. He said we have to keep these buildings in good shape, otherwise we pay for it in the long run. He stated with our surplus budget the money that we save working with the Highway Department, Ron's got a lot of things under control and keeping the Highway Department running very well, and there is some movement in that area to upgrade the Highway Garage. Ron has made some improvements and there are a few more to be made. He stated at the beginning of the year he came up with a list of things he wanted to do, he presented it to the Board and they said it was very ambitious. He wanted to report they got almost everything on the list done, he has another list coming and he hopes to get a lot done this year. He stated it's an honor to be a Town Supervisor and it's even greater honor being a Volunteer Fireman, he is here to serve the public and that's what he does and will continue to do.

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

General Fund Claims, Vouchers 1-15	\$ 9,680.37
Highway Fund Claims, Vouchers 1-5	\$ 8,173.58
Special Districts	
Sanitation (SR), Vouchers 1-5	\$ 4,568.01
Special Fire Voucher 1	\$ 3,303.91
Water District #2, Vouchers	\$ .00
Water District #3 Vouchers	\$ .00
Water District #4 Vouchers	\$ .00
Community Develop. PACE Vouchers	\$ .00
Community Develop. HUD	\$ .00

Motion Carried.

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

Respectfully submitted,

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