

Public Hearing was held May 14, 2009 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 Local Law No. 3 of the year 2009 entitled "Senior Housing Amendment to the Zoning Law of the Town of Marilla". The purpose of this local law is to amend the Zoning Law to expand the availability of senior housing to residents of the Town of Marilla by establishing specific guidelines for senior housing developments within the Town, currently permitted as a permitted principal use in the B-1 Restricted Business Zoning District. 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  
Daniel Handy, Councilman

Approximately (66) persons were in attendance. Supervisor Gertz asked if there was any interested person who desired to be heard.

Earl Gingerich Jr. stated that he agreed with limiting the number of units and he feels a larger complex would not fit the Town's character. He feels the Town Board is acting responsibly. He questioned the grammar in some of the local law text, he felt it was confusing.

Supervisor Gertz stated that there is no proposal for a Senior Housing Complex right now before the Town Board, the one on Clinton Street was withdrawn.

Resident John Shatzel asked if this would stay senior housing and not low income?

Resident Sara Mochrie asked if it was only for people 62 and over?

Resident Lorraine Martzolf asked if the parking area for each unit is only 1 1/2 spaces?

Supervisor Gertz responded that is consistent with other Towns.

Mrs. Martzolf stated that she felt this would not be enough parking space for residents.

Resident Kevin Monheim asked if it would limit how many units could go in each complex, because we could have several complexes in Town?

Supervisor Gertz responded yes that is why we limited it to 50.

Resident Shirley Limpinsel asked if it would be affordable low income housing subsidized by the government so residents would be able to afford it?

Resident and Business Owner Leon Berner asked if someone owned 30 acres would they be able to put senior housing on 10 acres now and in 5 to 10 years expand? He also asked if patio homes would be considered under the 10 year rule?

Business Owner Greg Willey asked if it was 50 units on 10 acres and if they were single dwellings? He asked if it was no more than 25 dwellings per unit.

Resident John Shatzel asked why is the Town doing this? He asked if there were seniors in Marilla asking for housing?

Senior Coordinator Helen Bourgeois stated that there is a real need and the seniors are looking forward to this.

Resident Marsha Canetti stated that it costs \$2300 a month a Greenfields, what kind of dwelling will it be to be affordable?

Resident Norine Link asked if it was 660 square feet in size for a one bedroom, she felt this was very small.

Sara Mochrie asked if there was a limit on amount of out buildings?

A Resident asked if there was any height restriction?

Resident Robert Blood asked if there was a restriction on how many dwellings per building?

Supervisor Gertz responded 25 per building and 50 per 10 acres.

Resident Charlie O'Brian asked how this would affect his taxes?

Resident Shirley Limpinsel said she didn't think it would apply to senior housing.

Town Assessor Kandace Wittmeyer said it is based on market rents.

Resident Gene Limpinsel said that he thinks one building with 25 units is a lot of units and is a fire hazard.

Resident Richard Rose stated that the buildings could be no more than 30 feet in height and asked if the Fire Company has equipment for such buildings?

Supervisor Gertz stated that currently they do not, but it will be necessary in the future, they are very expensive from \$600,000 to one million dollars.

Resident and Business Owner Leon Berner wanted to point out that Marilla has mutual aid with Alden, Jamison and Townline Fire Companies and they all have ladder trucks.

Sara Mochrie asked if the 2 story building would be required to address accessibility for wheel chairs and would the Fire Company be able to handle that?

Resident Charlie O'Brian asked if a traffic study would be done?

Resident Fred Nordsiek asked if his taxes would go up?

Resident Robert Blood asked if there was data on all the 30 foot structures in Town?

Resident Mary Earsing asked if the Town was going to have to plow the roads and collect the garbage?

Resident Shirley Limpinsel asked if we need special equipment for homes that are 30 feet tall, why not go to eight units hooked on to each other?

Hearing no comment the Public hearing was closed at 8:04 pm

Respectfully Submitted,

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

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Public Hearing  
May 14, 2009

Public Hearing was held May 14, 2009 at 8:05 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 Local Law No. 4 of the year 2009 entitled "Establishment of the Town of Marilla Senior Housing Zoning District". The purpose of this local law is to amend the Zoning Law to expand the availability of senior housing to residents of the Town of Marilla by establishing a separate S-H Senior Housing Zoning District within the Town to provide for additional senior housing which is currently permitted as a permitted principal use in only in the B-1 Restricted Business Zoning District. 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  
Daniel Handy, Councilman

Approximately (64) persons were in attendance. Supervisor Gertz asked if there was any interested person who desired to be heard.

Resident Lorraine Martzolf said she thinks its good to have low income residence but not to have all the buildings.

Resident Kevin Monheim asked if we needed to have piece rezoning?

Resident Mary Earsing asked if someone had 300 acres and wanted it zoned S-H would they rezone the whole 300?

Hearing no comment the Public hearing was closed at 8:15 pm

Respectfully submitted,

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

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Public Hearing  
May 14, 2009

Public Hearing was held May 14, 2009 at 8:16 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 Local Law No. 5 of the year 2009 entitled “ Rezoning of Real Property on Bullis Road and Zoning Map Amendment”. The purpose of this local law is to amend the Zoning Law of the Town of Marilla to rezone a parcel of land on Bullis Road from A Agricultural to R-R Rural Residential. The property is located in the northwesterly portion of the Town of Marilla and is immediately adjacent to property currently zoned R-R and is located in the portion of the Town of Marilla preferred for residential growth the Comprehensive Plan of 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  
Daniel Handy, Councilman

Approximately (64) persons were in attendance. Supervisor Gertz asked if there was any interested person who desired to be heard.

Resident Shirley Limpinsel spoke against the rezoning of Agricultural land.

Resident Mike Walters spoke against the rezoning of Agricultural land.

Resident Beth Ackerman spoke against the rezoning.

Resident Norine Link asked if it was the property closest to Townline Road?

Resident Kevin Monheim spoke against the rezoning.

Earl Gingerich Jr. asked if the Town had contacted Ag & Markets concerning water line restrictions. He suggested the Town get the approval in writing because it was his understanding being zoned agricultural it would have water line restrictions.

Town Attorney Nathan Neill responded it was the Town's policy and it can be changed at the Town's discretion, the restriction is with the County's Agricultural District and this parcel is not in the County's Agricultural District it was left out on purpose by someone.

Mr. Gingerich then stated there are 3 land uses, commercial, residential, and agricultural and only agricultural offers open space. He stated that commercial development tends to be a net gain in taxes, residential development tends to cost more due to services, he has studies to prove it. He and his family own a lot of property in town and they do not want to be pushed out of farming and into development. He said that is why the rural towns have lower taxes rather than the towns like Amherst, and Lancaster which are developed and have higher taxes. He stated that he had worked on taking this parcel out of the Agricultural District back when the owner purchased the property and doesn't think it is fair that he develops it for a big profit and then leaves the Town with the burden and problems that go along with it. He doesn't think we should rezone it for someone who doesn't even live in this Town. He stated he would like to see right to farm signs at the Town's borders to make a statement that farming is a big part of this community.

Supervisor Gertz responded that those signs have already been ordered, Highway Superintendent Ron Unverdorben had the County make them and they are bigger and better than the ones in other communities.

Resident John Shatzel stated he is against the rezone he wants to keep Marilla small.

Resident Marsha Canetti stated that she is against the rezone, she prefers the country, the taxes will go up and the quality of life will change.

Resident Tom Ackerman is against it and worries new neighbors will not tolerate agriculture.

Resident Gene Limpinsel spoke against it and said in 1960 Sheridan Drive was 2 lanes, look at it now.

Resident Jack Lawrence spoke in favor of the subdivision, he said you can't stop people from moving in, why not allow it and have the housing in one small area.

Resident Gary Foersch is opposed and agrees with everyone else's comments.

Resident Shirley Limpinsel stated that a few months ago our Town Attorney stated that the Town was in good financial shape due to its slow controlled growth. She feels it is her opinion that the Town Board would be making a mistake in passing either the Rohl Property Subdivision or the Bullis Road Subdivision. She said that Fire Companies are having trouble getting volunteers, and the market is bad. She is not in favor of turning agriculture into RR it will raise our taxes.

Resident Linda Deyell spoke against the rezone and felt this is not a good area for a subdivision.

Town Attorney Nathan Neill responded and stated that Greenwood Terrace is a subdivision, he said they don't want a subdivision but they live in one.

Resident Shirley Limpinsel said this is the resident's town and they love it. She does not go along with it.

John Shatzel asked about drainage and septic issues with added subdivisions he felt we would need sewers.

Resident Leon Berner spoke in favor of the rezone, he wants his son to be able to find a place to live in Marilla when he is finished with school, he felt residents are being greedy, they moved here but no one else should.

Resident Tom Ackerman said he would rather move to an older home with acreage, when the senior's move out of there home into senior housing the young people can buy those homes.

Resident Sarah Mochrie stated that she lives in an older home now but in the future would like the opportunity to live in a new home. She feels we need to consider that part of the population as well.

Resident Mike Walters stated he lives in an existing house.

Resident Earl Gingerich Jr. stated that we are basically supporting 2 infrastructures; the inner city and the inner suburbs. He feels most people that live in subdivisions want street lights, and side walks. He feels as more people move to the outer suburbs that will come, but right now we don't have the population to sustain the costs incorporated with this type of development. He also felt the Town Attorney should address legal issues, not personal issues.

Resident Joe Lankes stated that he is 22 years old and has no plans to leave the area. He feels no matter what, subdivisions or green space half will stay.

Town Attorney Nathan Neill asked the developer if they could show the question that was raised about hydrant soils.

The Developer held up the map to show the areas of the soils. He stated that any proposed house would be more than 200 ft away from the hydrant soil.

Resident Carol Murphy commented that she has no street lights and likes it that way.

Hearing no comment the Public hearing was closed at 8:54 pm

Respectfully submitted,

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

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Public Hearing  
May 14, 2009

Public Hearing was held May 14, 2009 at 8:55 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the meeting was to get public opinion for the preliminary plat approval for a subdivision in the B-1 Zoning District at the intersection of Two Rod Road and Clinton Street. The proposal is an eight lot subdivision. 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  
Daniel Handy, Councilman

Approximately (51) persons were in attendance. Supervisor Gertz asked if there was any interested person who desired to be heard.

Resident Lorraine Martzolf stated she had read they will use 3000 gallons of water a day and she questioned what would happen to that much water? She also questioned how deep the proposed pond would be and would it be able to contain all of the water?

Resident and business owner Leon Berner stated that he pumps 10,000 gallons of water at his greenhouse and he does not have any water laying around.

Supervisor Gertz responded it would have to be approved by our Engineers to handle any drainage issues.

Resident Marcia Canetti questioned how the B-1 district passed when so many residents spoke against it and questioned the legality due to a former official obtaining a lot in that area and thought the Town Board should reconsider it.

Resident Norine Link asked who is planning to use these lots?

Resident Shirley Limpinsel stated the developer stands to gain a lot of money as well as the people that are involved with him. She feels this whole B-1 was questionable from the beginning and she is against it.

Resident Mary Earsing stated the original horseshoe shape business development was more attractive, this looks like a strip mall which the Town Board previously said it would not be.

Resident Earl Gingerich Jr. stated that unfortunately with the current zoning laws this is permitted. He wished he had been on the Board at the time this was passed, he would have tried to stop it.

John Schenne project manager for the Rohl property stated that the public was not lied to, this is not a strip mall, they are going to be individual businesses on large lots.

Resident Mary Earsing asked if this would bring jobs that could support families and include benefits or would this just be part time employment? She also asked who will be footing the bill to these empty buildings with the bad economy?

Resident Shirley Limpinsel stated that there are already so many empty buildings.

Resident John Shatzel stated that there is a development on Pavement and Walden that has been vacant for about 10 years. He asked if the Town was going to allow them to build a building and let it sit vacant.

Resident Kevin Monheim stated that there are developers that do that as a tax right off.

Resident Mary Earsing asked if Mr. Rohl lived here and would have to look at the development?

Resident Joe Lankes stated that he works at the kwik fill and it is doing well, along with the flower shop and Eastwood Services. He feels this will bring jobs to the youths to keep them in Marilla.

Hearing no comment the Public hearing was closed at 9:22 pm

Respectfully submitted,

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

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Regular Meeting  
May 14, 2009

The regular meeting of the Marilla Town Board was held on Thursday, May 14, 2009 at 9:23 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  
Daniel Handy, Councilman

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

### **Communications**

Request from Aurora Men's Slow Softball League asking to use the Town Park Ball Diamond on Friday evenings for June and July. .

An email from Mark Casell asked the Town Board to consider rejecting the proposed radio tower on Eastwood Road.

A Public Notice of the Town of Marilla's intent to file an application with USDA Rural Development for Water District

### **Committee Reports**

Highway Superintendent Ron Unverdorben reported that at the Town's Spring Rubbish Pickup they picked up 5.5 tons of steel, 126.5 tons of rubbish, the normal weekly rubbish is 36-40 tons. Residents don't realize that many items can go out with their weekly trash like; tv's, microwaves, garden hose, wading pools, plastic lawn furniture. He also reported that there were 2000 lbs. of tin cans at the recycling center. He stated the Town Park opens on May 23<sup>rd</sup>, and there are 300 plus of fish in the pond. He reported that they had patched the pot holes on town roads and to date the Town has gone 1806 days without a reportable injury. He said that the right to farm signs were custom made by the County for Marilla and they are just waiting for a break in their work load to begin installing them. He thinks everyone will be pleased.

Councilman Spanitz reported that the Planning Board will be meeting on Thursday, May 21st at 7:00 pm.

Councilman Specht reported that the CAB worked on the right to farm sign for a year, they wanted to get it right and he hopes everyone is pleased with them.

Councilman Handy reported that he attended a NEST Meeting and they wanted to thank Ron Unverdorben because he was one of the few small towns that they received a report from. He also reported that Erie County will be holding a hazardous drop off day on Saturday June 20 from 9 am to 2 pm at the ECC South Campus in Orchard Park, they will expect; pesticides, oil based paints, batteries, propane tanks, oil ect. They will be having an electronic drop off day on September 26<sup>th</sup> at ECC South Campus and on June 6<sup>th</sup> there will be one on Vulcan Street at the GM Power train Plant, no tires will be accepted.

Councilman Handley reported that the Memorial Day Parade will be on May 25<sup>th</sup> the line up will be at Tomarsue and Two Rod Roads at 10:30 am they will follow their normal route to the cemeteries and then end at the Veterans Memorial. He reported that Iroquois 7<sup>th</sup> & 8<sup>th</sup> Grade Select Chorus and Orchestra concert will be on June 4<sup>th</sup> at the Pavilion at 5:30 pm. He said that Dawn is putting together a calendar with all the activities in town for residents to plan accordingly.

Supervisor Gertz reported that the County also has another drop off day at Honeywell on Peabody Street in Buffalo, on Saturday, September 12<sup>th</sup> from 9am to 2pm., he suggested that you have to go early. He stated that on the bulletin board there is information on USDA loans and grants for low income households, any projects such as electrical, septic, stairs, roofs, ramps, bathrooms, bathtubs, painting, this is posted and there is a number to call for anyone interested. He reported that he was at a meeting downtown today and met with Chris Collins concerning a County Planning Board, Chris Collins vetoed the proposal of a County Planning Board. This Planning Board would recommend to the Town what we need and don't need. He stated he is totally against it and went down to support Chris Collins, it is just another grab for power. He said they are going to pass a resolution tonight and he would encourage residents to call their County Legislature Kathy Konst and voice your opinion. He feels we don't need another layer of government and for them to tell us what we need is not right or good for local government. He reported that the elevator was pulled out this morning, the new one will be in as soon as possible there is some work the Highway Department has graciously accepted to do. They will be putting in new walls and a pad. He stated that they had opened bids on the air conditioning system for the Town Hall and he was waiting to hear from Nussbaumer & Clarke for the proper information on what was the lowest bid and that it meets all of the specifications.

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

Resident Sara Mochrie asked if the bent no parking sign on her street could be moved to the second driveway on her lot and if the Town's tree limbs that hang over her fence on her property could be cut?

Resident Richard Rose asked Ron what he thought was the loss of revenue to the Town of people during big rubbish pickup going through and taking metal before the Town can get it?

Highway Superintendent Ron Unverdorben stated that the Town picked up about an eighth of what we normally have in the past.

Supervisor Gertz responded that would very difficult to enforce that type of law.

Resident Marsha Canetti stated they are probably doing it because they need the money, she said she know someone who lost their job and did it to make his mortgage payment.

**Old Business**

Motion: Councilman Spanitz moved, seconded by Councilman Handley to approve the minutes of the Public Hearing and Regular Board Meeting held on 4/9/2009 and the Special Meeting held on 4/28/2009. Motion Carried.

**New Business**

Motion: Councilman Specht moved, seconded by Councilman Handy to adopt the following resolution of determination of non-significance of Local Law No. 3 of 2009:

WHEREAS, the Town Board of the Town of Marilla is considering adoption of a Local Law to create specific guidelines for Senior Housing in the B-1 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 April 9, 2009 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 14<sup>th</sup> day of May, 2009, by the following vote:  
Councilman Spanitz – Aye                      Councilman Specht – Aye  
Councilman Handley – Aye                    Councilman Handy – Aye  
Supervisor Gertz - Aye  
Motion Carried.

Councilman Handley asked the Town Engineer if 1 ½ car driveway was enough space.

Town Engineer Marie Nowak responded that is the minimum space required and it usually evens out.

Councilman Specht asked the Town Engineer if she was comfortable with the 1 ½ size.

Town Engineer Marie Nowak stated that she was.

Motion: Councilman Spantiz moved, seconded by Councilman Handley to approve Local Law No. 3 of 2009 entitled "Senior Housing Amendment to the Zoning Law of the Town of Marilla"

A Local Law known as Local Law No. 3 of the Year 2009 entitled "Senior Housing Amendment to the Zoning Law of the Town of Marilla"

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 2009 entitled "Senior Housing Amendment to the Zoning Law of the Town of Marilla".

#### SECTION 2. PURPOSE

The purpose of this local law is to amend the Zoning Law to expand the availability of senior housing to residents of the Town of Marilla by establishing specific guidelines for senior housing developments within the Town, currently permitted as a permitted principal use in the B-1 Restricted Business Zoning District.

#### SECTION 3. AMENDMENT OF ZONING LAW

(A) Section 700-37.B-1 Restricted Business District originally adopted by Local Law No. 1 of 2006 and amended by Local Law No. 1 of 2007 is further amended to add a new Subsection H. shall specifically regulate Senior Housing within the Town of Marilla which shall read as follows:

##### H. Senior Housing.

Purpose- These provisions are intended to provide for proper housing for the Town's senior citizens. The Town Board recognizes an existing and growing need for the provision of housing, especially designed for senior citizens. Therefore, maximum permitted densities may be increased to accomplish these goals.

##### Definitions-

Senior Housing: The housing of persons 62 years of age and older or in a domestic relationship where one or two persons is 62 years of age or more or handicapped persons below 62 years of age in a residential complex, said persons to be able to live in the mainstream of society, without special medical and/or special supervisory care. Developments may contain detached or attached dwelling units and may either be owned or rented, or a combination of both.

Affordable Housing Unit: Dwelling unit with a cost which makes it available to a low-income household.

Low-Income Household: A household, according to the U.S. Department of Housing and Urban Development (HUD), whose gross annual income is less than 50% of the median gross household income for households of the same size within the housing region in which the housing is located.

##### Siting, Area and Density Requirements for Senior Housing:

- 1) Senior Housing buildings shall contain no more than 25 dwelling units.

- (2) Minimum habitable floor area for a Senior housing unit, efficiency shall be 500 square feet.
- (3) Minimum habitable floor area for Senior housing unit, one bedroom shall be 660 square feet.
- (4) Minimum habitable floor area for a Senior housing unit, two-bedroom shall be 880 square feet.
- (5) No senior housing development shall contain a total of more than 50 dwelling units. The intention of this limitation is to avoid placing an undue burden on services provided by the Town. No parcel of property shall be split for the purposes of increasing the number of dwelling units over the number permitted in this section.
- (6) The maximum gross density for senior housing units shall not exceed five units per acre.

Additional Requirements- In addition to the requirements set forth in this Section, the following requirements shall apply to all senior housing developments:

- (1) The developer of senior citizen housing will submit a notarized affidavit indication that any future reuse of the senior citizen housing for anything other than senior citizen housing will not be permitted without approval by the Town Board.
- (2) To the extent practicable, the development shall incorporate the adaptable design elements of universal design to reduce problems meeting requirements for accessibility pursuant to the Americans With Disabilities Act (ADA) and Fair Housing Act (FHA). "Universal design" is a flexible, inclusive process aimed at enabling all occupants access regardless of size, age, or abilities, including but not limited to accessibility code compliance. The diverse needs of the development's population should be accommodated in a cost-effective yet dignified and pleasant manner assuring a convenient, safe, and secure environment for all persons residing in such development, whether active or physically challenged, youthful or elderly.
  - (a) Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling, and handrails and ample places for rest shall be provided. Gradients of walks shall not exceed 5% and single riser grade changes in walks shall not be permitted, unless it is impractical to do so because of terrain or unusual circumstances of the site. All outdoor areas available to residents shall permit such residents to move about without danger and with minimum effort.
  - (b) Residential units, to the extent practicable, shall incorporate adaptable design concepts and shall comply with all requirements of the current New York State Uniform Fire Prevention and Building Code, and all applicable requirements of the Town of Marilla.
- (3) Senior housing developments shall conform to the lot size, gross density, allowable units, and setback and height requirements of this section.
- (4) A maximum of two (2) bedrooms per dwelling unit are allowable, with the following square footage requirements:
  - (a) Dwelling unit, efficiency: minimum 500 square feet.

- (b) Dwelling unit, one bedroom: minimum 660 square feet.
- (c) Dwelling unit, two-bedroom: minimum 880 square feet.
- (5) Accessory uses supplemental to providing services and activities for tenants of the housing complex are permitted as part of an overall development
- (6) Affordable Housing Minimum requirements: A minimum of 15% of all units permitted pursuant to density guidelines in Sub-section D of this Section shall be developed and maintained as affordable housing units. In no case shall less than one affordable unit be provided. All fractions shall be rounded up to the nearest whole number.
- (7) Continuous Affordable Housing Unit: All units developed as Affordable Housing shall be encumbered with an affordability restrictive covenant for the life of the unit. If an affordable housing unit is restricted pursuant to a grant or subsidy received from the federal government, State of New York, or any other municipal agency to provide affordable housing consistent with the intent of this sub-section, the Town may accept such restrictions in lieu of the restrictions set forth in this sub-section.
- (8) In the event an affordable unit or units within a development are destroyed beyond repair, any construction to replace the damaged units must include any previously dedicated affordable housing units.
- (9) Off-street parking shall be provided as follows: At least 1.5 spaces per dwelling unit.
- (10) Senior Housing developments under this Chapter shall be subject to the provisions of the Town of Marilla Converted Condominium Taxation Assessment Exclusion Law.

#### SECTION 4. 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 5. WHEN EFFECTIVE

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

DULY ADOPTED, this 14th day of May, 2009, by the following vote:

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

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to adopt the following resolution of determination of non-significance of Local Law No. 4 of 2009:

WHEREAS, the Town Board of the Town of Marilla is considering adoption of a Local Law to create a S-H Senior Housing Zoning District in the Town of Marilla with no specific area yet specified for such rezoning; 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 April 9, 2009 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 14<sup>th</sup> day of May, 2009, by the following vote:

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Specht- Aye

Councilman Handley – Aye

Councilman Handy – Aye

Supervisor Gertz – Aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to approve Local Law No. 4 of 2009 entitled “Establishment of the Town of Marilla Senior Housing Zoning District” as follows;

A Local Law known as Local Law No. 4 of the Year 2009 entitled “Establishment of the Town of Marilla Senior Housing Zoning District”

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. 4 of the Year 2009 entitled “Establishment of the Town of Marilla Senior Housing Zoning District”.

SECTION 2. PURPOSE

The purpose of this local law is to amend the Zoning Law to expand the availability of senior housing to residents of the Town of Marilla by establishing a separate S-H Senior Housing Zoning District within the Town to provide for additional senior housing which is currently permitted as a

permitted principal use in only in the B-1 Restricted Business Zoning District.

### SECTION 3. AMENDMENT OF ZONING LAW

§700-29. Establishments of Districts is hereby amended to add a new S-H Senior Housing District which new zoning district shall be codified as §700-38/B of the Code of the Town of Marilla which shall read as follows:

§ 700-38/B. S-H Senior Housing District.

**Purpose-** These provisions are intended to provide for proper housing for the Town's senior citizens. The Town Board recognizes an existing and growing need for the provision of housing, especially designed for senior citizens and the need to provide a separate zoning district so as to not have other uses interfere with the needs of seniors. In order to provide for senior housing the Town has determined that it is in the best interest of the Town to establish maximum densities but to allow maximum permitted densities to be increased to provide for affordable housing for seniors. Although no areas are specifically indentified for development as a S-H District on the Zoning Map, sites may be rezoned to S-H, provided that the standards and regulations of §700-38/B are maintained.

Definitions-

Senior Housing: The housing of persons 62 years of age and older or in a domestic relationship where one or two persons is 62 years of age or more or handicapped persons below 62 years of age in a residential complex, said persons to be able to live in the mainstream of society, without special medical and/or special supervisory care. Developments may contain detached or attached dwelling units and may either be owned or rented, or a combination of both.

Affordable Housing Unit: Dwelling unit with a cost which makes it available to a low-income household.

Low-Income Household: A household, according to the U.S. Department of Housing and Urban Development (HUD), whose gross annual income is less than 50% of the median gross household income for households of the same size within the housing region in which the housing is located.

Siting, Area and Density Requirements for Senior Housing:

- (1) Senior Housing buildings shall contain no more than 25 dwelling units.
- (2) Minimum habitable floor area for a Senior housing unit, efficiency shall be 500 square feet.
- (3) Minimum habitable floor area for a Senior housing unit, one bedroom shall be 660 square feet.
- (4) Minimum habitable floor area for a Senior housing unit, two-bedroom shall be 880 square feet.
- (5) No senior housing development shall contain a total of more than 50 dwelling units. The intention of this limitation is to avoid placing an undue burden on services provided by the Town. No parcel of property shall be split for the purposes of increasing the number of dwelling units over the number permitted in this section.
- (6) The maximum gross density for senior housing units shall not exceed five dwelling units per acre.
- (7) The maximum number of stories permitted for senior housing shall be two stories.

Additional Requirements- In addition to the requirements set forth in this Section, the following requirements shall apply to all senior housing developments:

- (1) The developer of senior citizen housing will submit a notarized affidavit indication that any future reuse of the senior citizen housing for anything other than senior citizen housing will not be permitted without approval by the Town Board.
- (2) To the extent practicable, the development shall incorporate the adaptable design elements of universal design to reduce problems meeting requirements for accessibility pursuant to the Americans With Disabilities Act (ADA) and Fair Housing Act (FHA). "Universal design" is a flexible, inclusive process aimed at enabling all occupants access regardless of size, age, or abilities, including but not limited to accessibility code compliance. The diverse needs of the development's population should be accommodated in a cost-effective yet dignified and pleasant manner assuring a convenient, safe, and secure environment for all persons residing in such development, whether active or physically challenged, youthful or elderly.
  - (a) Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling, and handrails and ample places for rest shall be provided. Gradients of walks shall not exceed 5% and single riser grade changes in walks shall not be permitted, unless it is impractical to do so because of terrain or unusual circumstances of the site. All outdoor areas available to residents shall permit such residents to move about without danger and with minimum effort.
  - (b) Residential units, to the extent practicable, shall incorporate adaptable design concepts and shall comply with all requirements of the current New York State Uniform Fire Prevention and Building Code, and all applicable requirements of the Town of Marilla.
- (3) Senior housing developments shall conform to the lot size, gross density, allowable units, setback and height requirements of this section.
- (4) A maximum of two (2) bedrooms per dwelling unit are allowable, with the following square footage requirements:
  - (a) Dwelling unit, efficiency: minimum 500 square feet.
  - (b) Dwelling unit, one-bedroom: minimum 660 square feet.
  - (c) Dwelling unit, two-bedroom: minimum 880 square feet.
- (5) Accessory uses supplemental to providing services and activities for tenants of the housing complex are permitted as part of an overall development
- (6) Affordable Housing Minimum requirements: A minimum of 15% of all units permitted pursuant to density guidelines in Sub-section D of this Section shall be developed and maintained as affordable housing units. In no case shall less than one affordable unit be provided. All fractions shall be rounded up to the nearest whole number.
- (7) Continuous Affordable Housing Unit: All units developed as Affordable Housing shall be encumbered with an affordability restrictive covenant for the life of the unit. If an affordable housing unit is restricted pursuant to a grant or subsidy received from the federal government, State of New York, or any other municipal agency to provide affordable housing consistent with the intent of this sub-section, the Town may accept such restrictions in lieu of the restrictions set forth in this sub-section.

- (8) In the event an affordable unit or units within a development are destroyed beyond repair, any construction to replace the damaged units must include any previously dedicated affordable housing units.
- (9) Off-street parking shall be provided as follows: At least 1.5 spaces per dwelling unit.
- (10) Senior Housing developments under this Chapter shall be subject to the provisions of the Town of Marilla Converted Condominium Taxation Assessment Exclusion Law.

SECTION 4. 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 5. WHEN EFFECTIVE

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

Roll Call Vote:

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

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to table Local Law # 5 until the developer can respond to the questions from the DEC.

Roll Call Vote:

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

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handy to table the Preliminary Plat Plan for the Rohl property until they can respond the DEC questions.

Roll Call Vote:

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

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to approve the low bidder for the transfer switch panel at the Community Center to Allen Gawlik for \$2,080. Motion Carried.

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

WHEREAS, at the regularly scheduled session of the Erie County Legislature held on April 23, 2009 the Legislature passed Local Law Into 1-1 (2009), “A Local Law Entitled “The Strategic Development Act” for the Creation of an Erie County Planning Board,” and

WHEREAS, this planning board legislation creates a level of bureaucracy that is unnecessary in Erie County Government and unwanted in most local municipalities, and

WHEREAS, the County Administration is adamantly opposed to this law and will veto it, and

WHEREAS, this law will place an undue burden on developers wishing to construct projects in the Town of Marilla because it will force them to present projects to a board with no authority to offer a negative voice on a project that may have local support, and

WHEREAS, membership of the proposed planning board is largely subject to political appointments and is very narrowly represented by rural townships, leaving no guarantee that its membership will include representation from the Town of Marilla, and

WHEREAS, the County Administration has been doing more with less since 2005 and admittedly does not have the resources to staff or properly fund this planning function, leaving it powerless and ineffective, making it another layer of government in a process already littered with them, and

WHEREAS, the best planning decisions are locally derived, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Marilla hereby goes on record opposing the creation and establishment of an Erie County Planning Board, and be it further

RESOLVED, that this honorable body disagrees with the initial passage of Local Law 1-1 (2009), "The Strategic Development Act," and supports the County Executive's intention to veto this local law, and be it further

RESOLVED, that this honorable body encourages members of the Erie County Legislature to not support the override of the County Executive's veto relevant to this law, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Legislature Kathy Konst and Legislature Chairman Lynn Marinelli, and County Executive Chris Collins.

The above resolution was duly put to a roll call vote on May 14, 2009, and the results are:

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

Motion: Councilman Handley moved, seconded by Councilman Specht to approve the following resolution to close the road for the Marilla Auto Show:

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 May 14, 2009, the results of which were as follows:

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

Motion: Councilman Handley moved, seconded by Councilman Specht to approve the following resolution for Water District 5:

WHEREAS, the Town of Marilla has formed Water District No. 5 in the Town of Marilla and has recently completed a proceeding to Increase the Estimated Maximum Cost of Water District No. 5; and

WHEREAS, the Town of Marilla has been advised that it is eligible for grants and loans through the United States Department of Agriculture Rural Development Administration but in order to proceed with the closing of the grants and loans it will be necessary for the Town of Marilla to enter into a number of agreements and execute documents in connection with the closing.

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

1. That the Town Board does hereby approve the execution and delivery of all the agreements and documents required in connection with the loans and grants through Rural Development, including, but not limited to, Legal Services Agreement, Bond Counsel Agreement, Fiscal Advisor Agreement, Lease Management Agreement with Erie County Water Authority, Engineering Agreement, all applications and all closing documents.
2. The Supervisor of the Town of Marilla is hereby authorized to execute each such agreement and/or document on behalf of the Town of Marilla in consultation with the Attorney for the Town of Marilla.
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 of the Town of Marilla on May 14, 2009, the results of which were as follows:  
Councilman Spanitz – Aye                      Councilman Specht – Aye  
Councilman Handley – Aye                      Councilman Handy – Aye  
Supervisor Gertz - Aye  
Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Spanitz to approve the following resolution for Eastwood Services:

WHEREAS, William Peters has constructed a building at 601 Two Rod Road, Marilla, New York and as part of the application specified that the building was going to be double occupancy; and

WHEREAS, since the building has been constructed it has been charged as a double for refuse collection purposes but a second occupant has not been located in the premises; and

WHEREAS, William Peters has made a request that the building be reclassified as a single tenant building with the understanding that he will not be able to rent out any portion of the building without receiving approval from the Town of Marilla

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board does hereby agree to allow the building at 601 Two Rod Road, Marilla, New York to be reclassified as a single tenant building for refuse collection purposes.
2. That as a condition of such reclassification, the Town of Marilla will

require that the building department reclassify the property as a single tenant building and that no portion of the building shall thereafter be rented out to other tenants without the approval of the Town of Marilla and the reclassification of the property as a double.

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 May 14, 2009, the results of which were as follows:

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

Motion Carried.

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

WHEREAS, one of the lots in the Hillside Estates Manufactured Home Park has been lost due to the erosion of the adjoining stream bank and Jack Willert, the owner of Hillside Estates has asked permission to replace the lost lot with another lot in another area of Hillside Estates and has agreed to trade the lost lot and three recreational lots in return for the approval by the Town of Marilla of a new manufactured home lot; and

WHEREAS, the Code Enforcement Officer and the Town Board have reviewed the request and have determined that the request is reasonable and in the best interest of the Town of Marilla provided the Town of Marilla is able to verify the location of the lot does not impact on the operation of the sanitary system for Hillside Estates and the change is properly documented in the records of Hillside Estates.

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

1. The Town Board does hereby approve the request of Jack Willert to replace one approved manufactured home lot in Hillside Estates, which is no longer useable due to erosion, and three recreational lots with one new manufactured home lot in a location agreed to by the Town of Marilla and Jack Willert.
2. That prior to approval of the location and the construction of the utilities for the new manufactured home lot, Jack Willert shall review the location with the Code Enforcement Officer, must satisfy the Code Enforcement Officer that the proposed location does not impact on the sewage disposal system for Hillside Estate and the location must be clearly identified on the map of the Hillside Estate which map shall also be amended to delete the one manufactured home lot and three recreational lots from Hillside Estates that are being eliminated.
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 May 14, 2009, the results of which were as follows:

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

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to authorize Aurora Men's Softball League to use the Town Park's Baseball Diamond on Friday evenings for June and July with the exclusion of July 10<sup>th</sup> due to the Civil War Encampment. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to remove Eugene Gawronski from the Zoning Board of Appeals for lack of attendance.

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handy to authorize the Town Clerk to advertise for positions on the Conservation Advisory Board and the Zoning Board of Appeals. Motion Carried.

Motion: Councilman Handy moved, seconded by Councilman Handley to authorize 2 surplus trucks highway/sanitation to be sent to auction. Motion Carried.

### **Report of Town Officials**

Town Engineer Marie Nowak reported that they are still continuing paperwork for Water District 5.

Building Inspector Scott Rider submitted a written report with 9 building applications received with fees totaling \$2,239 and a value of \$314,050.00, 5 inspections were made for the month of April 2009. There were a total of 186 calls logged of official business.

Town Attorney Nathan Neill reported that he is working on getting the final documents to Rural Development for Water District 5. He stated he had the documents drafted for the legal service agreements for Water District 5 with the Engineers, Bond Council, and the fiscal advisor.

Town Assessor Kandace Wittmeyer reported that the tentative roll had been filed with the County and the Town Clerk. She said that grievance day is Thursday, May 28<sup>th</sup> from 2-4 pm and 7-9 pm and the change of assessment notices have been mailed out.

Planning Board minutes had no minutes because it was cancelled last month. Their next meeting will be May 21<sup>st</sup> at 7:00 p.m.

The Conservation Advisory Board minutes were received and posted. Their next meeting will be June 2<sup>nd</sup> at 6:45 pm.

Supervisor Gertz reported for the Marilla Fire Company that there was a house fire on Eldridge Road, it started in the kitchen and there was extensive interior damage. He advised residents to wear reflective clothing when walking at night.

Town Historian Hubert Kutter reported that the Historical Society had a great program this past week on the Civil War and POW situations and the various prisons such as Andersonville as well as the women's role at that time. Guest speakers Sue and Cal Ducette made it a great program. He said it is programs like this that make our Historical Society great, they will be sponsoring a Civil War Encampment on July 11<sup>th</sup> and 12<sup>th</sup> at the Town Park.

### **Open Board Presentations**

Resident Shirley Limpinsel respectfully asked the Town Board not to take the agricultural land on Bullis Road and let it become a development.

Resident Earl Gingerich Jr. stated that he appreciates the work that Supervisor Gertz is doing and how he handled the public hearing. He also complimented Town Assessor Kandy Wittmeyer for all the work she does in the Assessors Office. He said if it wasn't for Kandy our assessment roll would not have gotten closed this year or in years past. He stated that a couple of years ago he went to the head assessor to have a sanitation fee removed from vacant property and he had to tell him what forms to use. He stated that he recently went to the same assessor to have an assessment reduced and he was told he agreed to reduce it but instructed him to go to grievance day on May 28<sup>th</sup>, Mr. Gingerich told him he had the power to reduce it without him having to attend. He questioned why we have an assessor who doesn't know his job. He stated that the subdivision on Bullis Road and the B-1 subdivision proposal have to wait until next month the Town received a letter with some concerns from the DEC that have to be addressed.

Councilman Specht stated that he moved here in 1962 after buying 14 acres from Andy Harbison, who was the Town Justice and had a jail in his basement. A neighbor that bordered his property named Al Frisch told him that this town would never grow to much it's a farm community and we don't have much to offer. He said at that time the population was about

2300 and now its about 6000, this proves that you cannot stop growth, you can only control it and that is what they are trying to do.

Councilman Handy told Supervisor Gertz that he was informed at the NEST meeting that the bill was due. He told Skip he was not the only one that had his assessment raised.

Supervisor Gertz said he thought the bill was taken care of.

Councilman Handley said he wanted to give a hats off the Town Assessor Kandy Wittmeyer for completing the roll, and he doesn't think anyone has any idea how many hours she put in to close that roll. He said Kandy does not complain she just does what she is suppose to do and if it weren't for Kandy we would not have that roll closed. He said her expertise and knowledge in that office is overwhelming, sometimes you have to slow her down to understand what she is explaining. He asked everyone to applaud Kandy.

Supervisor Gertz stated 2 positive notes are Millers Nursery on Clinton Street donated the flowers on the front porch of the Town Hall, we will also be adding some lights. He said resident Lt. Cornel Tim Zack in the US Army was in the Buffalo News for researching for a WWII Veteran so he would receive medals that he was deserving of. Lt. Cornel Zack commutes from the Pentagon yet still finds time to help these Veterans.

Town Assessor Kandace Wittmeyer stated that in April there were over12 bills passed that trampled on her civil liberties. She said most of them have to do with our 2<sup>nd</sup> Amendment rights, everything is crafted from down State. She said one of the bills gives them the right to come into residents homes and take their guns, she finds this a big violation of her civil liberties. She asked the Town Board to be vigilant in watching these bills.

Town Attorney Nathan Neill stated that he had just seen a publication that show the distribution of State representation and it was clustered around New York City, only 5 were from up State.

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

General Fund Claims, Vouchers 160-209	\$ 41,414.38
Highway Fund Claims, Vouchers 61-79	\$ 17,411.36
Special Districts	
Sanitation (SR), Vouchers 44-55	\$ 19,494.50
Special Fire Vouchers 12-13	\$ 32,616.35
Water District #2, Vouchers 9-13	\$ 3,884.98
Water District #3 Vouchers 5-7	\$ 8,454.29
Water District #4 Voucher 5	\$ 817.40
Community Develop. PACE Vouchers	\$ .00
Community Develop. HUD	\$ .00

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to adjourn the meeting at 9:45 p.m. Motion Carried.

Respectfully submitted,

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

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

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