

Public Hearing was held March 11, 2010 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. 1 of the year 2010 entitled "Local Law Establishing the Office of a Single Appointed Assessor for the Town of Marilla". This local law provides for the elimination of the present system of real property assessment for the Town of Marilla which currently has three elected part time assessors and will replace it with a single appointed assessor. This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law and Section 328 of the Real Property Tax Law. 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
Warren Handley, Councilman
Elizabeth Ackerman, Councilman
Donald Darrow, Councilman

Approximately (15) persons were in attendance. Supervisor Gertz asked if there was any interested person who desired to be heard.

Hearing no comment the Public hearing was closed at 7:34 pm.

Regular Meeting
March 11, 2010

The regular meeting of the Marilla Town Board was held on Thursday, March 11, 2010 at 7:35 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

George Gertz, Supervisor
Barbara Spanitz, Councilman
Absent: Warren Handley, Councilman
Elizabeth Ackerman, Councilman
Absent: Donald Darrow, Councilman

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

Communications

Communications were received and read from:

- a. New York State Department of Transportation informed the Town that the speed limit on Cayuga Creed Road was reduced to 45 mph .
- b. Resident Lorraine Martzolf requested being an alternate on the Planning Board.

Committee Reports

EMW Representative Greg Merkle thanked the Town Board for their continued support and asked if the Town would make available a liaison, so they could provide the Town Board with current figures, budget updates, and other important information.

Highway Superintendent Ronald Unverdorben reported that the Town has plowed 10,958 miles of road since January. He stated he has already received calls about clean up from winter plow damage, they will begin clean up when the weather clears.

Supervisor Gertz stated that Councilman Handley had a conflict and Councilman Darrow was ill and they would not be at the meeting.

Councilman Spanitz stated it was good to be back, she said the Planning Board Meeting will be held on March 18th at 7:00 pm, the Library Board Meeting will be held on March 16th.

Councilman Ackerman reported that there was no Meeting in February for the Historical Society, and their next meeting would be on Monday, March 4th.

Supervisor Gertz reported that the Town received a \$5,000 grant for the new elevator lift at the Town Hall, thanks to Jane Corwin. He reported that the last Code Red test was done, if residents did not receive the test call they should go to the Town website and enroll or contact the Town Hall. He said next week on the 16th County Legislature Dino Fudoli will be visiting the Town Hall and he will be taking him around the Town of Marilla. He said the Town Board will not have their work session on March 23rd and will be held on April 6th. He also stated that the Town Board will meet with the Highway men on March 23rd to discuss contract negotiations.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Spanitz moved, seconded by Councilman Ackerman to approve the minutes of the Special Meeting held on 2/2/2010, the Bid Opening on 3/9/2010, and the Regular Board Meeting held on 2/11/10. Motion Carried.

New Business

Motion: Councilman Spanitz moved, seconded by Councilman Ackerman to approve Local Law No. 1 of the year 2010 as follows;

A Local Law known as Local Law No. 1 of the Year 2010, entitled "Local Law Establishing the Office of a Single Appointed Assessor for 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. 1 of the Year 2010 entitled "Local Law Establishing the Office of a Single Appointed Assessor for the Town of Marilla" which local law shall be incorporated into the Code.

SECTION 2. PURPOSE AND INTENT

This local law provides for the elimination of the present system of real property assessment for the Town of Marilla which currently has three elected part time assessors and will replace it with a single appointed assessor. This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law and Section 328 of the Real Property Tax Law.

SECTION 3. AMENDMENT OF PRIOR LAW

Sections 9-1. and 9-2. of the Code of the Town of Marilla originally enacted by Local Law No. of the Year 1971 are repealed in their entirety and replaced with the following Section 9-1:

Section 9-1. The Town of Marilla, pursuant to Section 328 of the Real Property Tax Law of the State of New York hereby abolishes the offices of the three elected assessors and replaces them with a single appointed assessor and determines that its decision shall not be subject to either permissive or mandatory referendum. The terms of office of the three elected assessors currently serving shall terminate on April 1, 2010 and a single appointed assessor shall be appointed for the term specified in Section 310 of the Real Property Tax Law.

SECTION 4. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

Roll Call Vote:

Councilman Spanitz ó Aye

Councilman Ackerman ó Aye

Supervisor Gertz ó Aye

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Ackerman to appoint Kandace Wittmeyer as Town Assessor for a term to expire on 9/30/2013. Motion Carried.

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

WHEREAS, farms provide jobs, support local businesses and are part of industry sectors that have a \$23 billion economic impact annually in New York; and,

WHEREAS, farms comprise 7 million acres of land in New York, roughly 25% of the state's land base; and,

WHEREAS, farmers have a strong track record of pro-active environmental stewardship in New York; and,

WHEREAS, rapidly changing economic conditions threaten the future viability of New York's agricultural industry; and,

WHEREAS, the State of New York established a Farmland Protection Program in 1992 to assist towns and counties in developing and implementing local agricultural and farmland protection plans; and,

WHEREAS, over \$3 million has been awarded by the Farmland Protection Program to 50 counties and 52 towns to assist in the development of local agricultural and farmland protection plans; and,

WHEREAS, the Farmland Protection Program has awarded more than \$173 million to help farmers, local governments and land trusts permanently protect 74,000 acres on 303 farms; and,

WHEREAS, demand for Farmland Protection Program funding has been strong due to the program's popularity, with a record 181 farms seeking \$156 million in state funding to protect 49,500 acres in 2008; and,

WHEREAS, funding for the Farmland Protection Program is allocated from the state's Environmental Protection Fund (EPF), a dedicated fund whose principle funding source is a state Real Estate Transfer Tax (RETT); and,

WHEREAS, the Governor and State Legislature must take steps this year to protect New York's valuable farmland and strengthen the future for farms across New York;

now, therefore, be it

RESOLVED, That the Town of Marilla does hereby urge state lawmakers to support New York's farmers, the state's agricultural economy and protection of valuable farmland by supporting funding for

the Farmland Protection Program and Environmental Protection Fund; and be it further

RESOLVED, that the Town of Marilla does hereby oppose drastic cuts to the Farmland Protection Program and Environmental Protection Fund, as outlined in the Governor's FY 2010-11 Budget Proposal; and, be it further

RESOLVED, That the Clerk of the Town of Marilla is hereby directed to forward copies of this resolution to Governor David Paterson, Senate Republican Leader Dean Skelos, Senate Democratic Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Senator Dale Volker, Assemblywoman Jane Corwin and the American Farmland Trust.

Roll Call Vote:

Councilman Spanitz ó Aye

Councilman Ackerman ó Aye

Supervisor Gertz ó Aye

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Ackerman to set the public hearing date for Local Law 2 as follows;
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 8th day of April, 2010, for the purpose of hearing all persons interested in the proposed Local Law No. 2 of the Year 2010; 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 2010, entitled "Amendment to the Zoning Law for Temporary Storage Units and Temporary Accessory Structures of the Town of Marilla", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call:

Councilman Spanitz ó Aye

Councilman Ackerman ó Aye

Supervisor Gertz ó Aye

Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Spanitz to set the public hearing date for Local Law No. 3 as follows:

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 8th day of April, 2010, for the purpose of hearing all persons interested in the proposed Local Law No. 3 of the Year 2010; 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. 3 of the Year 2010, entitled "Rezoning of Real Property on Coleman Road and Zoning Map Amendment", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Councilman Spanitz ó Aye

Councilman Ackerman ó Aye

Supervisor Gertz ó Aye

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Ackerman to set the public hearing date for Local Law No. 4 as follows:

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 8th day of April, 2010, for the purpose of hearing all persons interested in the proposed Local Law No. 4 of the Year 2010; 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

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 4 of the Year 2010, entitled "Local Law Establishing Training Standards for Planning Board and Zoning Board of Appeals Members of the Town of Marilla", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Councilman Spanitz ó Aye
Supervisor Gertz ó Aye
Motion Carried.

Councilman Ackerman ó Aye

Motion: Councilman Ackerman moved, seconded by Councilman Spanitz to set the public hearing date for Local Law No. 5 as follows:

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 8th day of April, 2010, for the purpose of hearing all persons interested in the proposed Local Law No. 5 of the Year 2010; 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; and 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

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 5 of the Year 2010, entitled Local Law For the Appointment of Alternate Members of the Planning Board, Zoning Board of Appeals and Conservation Advisory Board of the Town of Marilla, available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Councilman Spanitz ó Aye
Supervisor Gertz ó Aye
Motion Carried.

Councilman Ackerman ó Aye

Motion: Councilman Spanitz moved, seconded by Councilman Ackerman to authorize the Town Clerk to advertise for bid on replacing the Server at the Town Hall. Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Spanitz to approve Tompkins Insurance for 2010 at a cost of \$58,804.19. Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Spanitz to accept the high bidder; Grace Quality Used Cars, located at 945 Lincoln Hwy, Morrisville, PA 19067 at \$5,648.00 for the Town's 2002 F150 Truck. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Ackerman to accept the high bidder; Grace Quality Used Cars, located at 945 Lincoln Hwy, Morrisville, PA 19067 at \$348.00 for the 1999 Troy Built Snow Blower. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported that Water District 5 is almost ready to go out to bid, hopefully by the end of March. She reported that she attended the DEC Meeting which pertained to the new flood mapping, but they did not have the maps available. She said they are supposed to be on the website. They will be having meetings for the public to attend to discuss the new maps.

Town Attorney Nathan Neill stated that the Town should check the new maps and inform residents that the changes will affect.

Building Inspector Scott Rider submitted a written report with 2 building applications received with fees totaling \$35, 2 building permits were issued with a total value of \$1000, 6 inspections were made for the month of February. There were a total of 102 logged activities.

Town Assessor Kandace Wittmeyer thanked the Town Board for appointing her as Assessor. She stated that she would help Scott with the flood map changes.

Supervisor Gertz stated on behalf of the Marilla Fire Company he warned residents to wear reflective clothing when walking outside.

Open Board Presentations

Resident Hazel Dabb commented on how nice the Marilla Free Library was.

Councilman Ackerman reported that on Monday she would be Lobbying in Albany for "No farms no food" Rally.

Supervisor Gertz said he met with Vinny concerning the Car Show and it is moving along nicely. He said the Car Show Committee is small but very impressive, they are accomplishing a lot. He reported that County Legislature Dino Fudoli will be holding outreach meetings on 3/17 in Lancaster and on 3/24 in Holland.

The Vouchers have been audited by all of the Town Board Members.

Motion: Councilman Spanitz moved, seconded by Councilman Ackerman to approve the claims as follows:

General Fund Claims, Vouchers 77-118	\$ 89,173.59
Highway Fund Claims, Vouchers 26-44	\$ 52,516.63
Special Districts	
Sanitation (SR), Vouchers 11-19	\$ 14,162.07
Special Fire Voucher 1	\$ 4,114.40
Water District #2, Voucher 4-6	\$ 2,996.75
Water District #3 Voucher 3	\$ 1,353.40
Water District #4 Voucher 3	\$ 817.40
Water District #5 Voucher 2	\$ 1,076.50
Community Develop. PACE Vouchers	\$.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Ackerman moved, seconded by Councilman Spanitz to adjourn the meeting at 8:11 p.m. Motion Carried.

Respectfully submitted,

_____ Town Clerk _____ Supervisor

_____ Councilman _____ Councilman

_____ Councilman _____ Councilman