

December 27, 2012

A meeting of the Town Board of the Town of Aurora took place on Thursday, December 27, 2012, at 11:00 a.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

|                  |                   |              |
|------------------|-------------------|--------------|
| Members Present: | Jolene M. Jeffe   | Supervisor   |
|                  | Susan A. Friess   | Councilwoman |
|                  | James J. Bach     | Councilman   |
|                  | James F. Collins  | Councilman   |
|                  | Jeffrey T. Harris | Councilman   |

|                 |                   |                            |
|-----------------|-------------------|----------------------------|
| Others Present: | Ronald P. Bennett | Town Attorney              |
|                 | Bryan Smith       | Town Engineer              |
|                 | David Gunner      | Highway Superintendent     |
|                 | Donna Bodekor     | Senior Center Director     |
|                 | Patrick Blizniak  | Superintendent of Building |
|                 | Nancy Smith       | Open Space Committee       |

Supervisor Jeffe opened the meeting at 11:00 a.m. with the Pledge of Allegiance to the Flag.

Councilman Collins moved to approve the minutes of the December 10, 2012 Town Board meeting; seconded by Councilman Bach. Upon a vote being taken: ayes – five noes – none Motion carried. Action #428 12/10/12 Town Board minutes aprvd

Councilwoman Friess moved to approve the minutes of the December 18, 2012 Town Board work session; seconded by Councilman Collins. Upon a vote being taken: ayes – five noes – none Motion carried. Action #429 12/18/12 Work session minutes aprvd

#### AUDIENCE I:

Nancy Smith, Friends of Mill Road, thanked the Board for considering the extension of the sales contracts for the purchase of the Mill Road Overlook site. She noted that \$240,000 has been raised to date.

UNFINISHED BUSINESS: none

#### NEW BUSINESS:

Councilwoman Friess moved to add item 6Q – Rate Change for Highway Employees, to the agenda. Seconded by Councilman Collins. Upon a vote being taken: ayes – five noes – none Motion carried. Action #430 Item 6Q – highway employee rate change added to agenda.

Councilman Bach moved to authorize the Supervisor to sign a lease agreement with 5<sup>th</sup> Avenue Catering, LLC, 300 Glead Avenue, East Aurora, NY, whereby 5<sup>th</sup> Avenue will continue to lease 460 square feet of kitchen space and 128 square feet of warehouse space at 300 Glead Avenue for one (1) year commencing on January 1, 2013 and terminating on December 31, 2013, for the purpose of operating a catering business. The annual rent will be \$6,924.00 paid in monthly installments. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #431 Supv. auth to sign 5<sup>th</sup> Ave. Catering lease agreement.

Councilman Collins moved to authorize the Supervisor to sign a lease agreement with Duck Duck Goose Child Care Center, Inc., 300 Glead Avenue, East Aurora, NY, whereby Duck Duck Goose will continue to lease 7,125 square feet of (first floor) area for five (5) years commencing on December 1, 2012 and terminating on November 30, 2017, for the purpose of operating a day care center. The first year rent is \$71,165.04 payable in monthly installments of \$5,930.42 and will increase by 2% effective the 1<sup>st</sup> day of each 12 month period. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #432 Supv. auth to sign Duck Duck Goose lease agreement.

Councilman Bach moved to adopt the following resolution; seconded by Councilwoman Friess:

**RESOLUTION APPROVING PURCHASE OF REAL PROPERTY**

WHEREAS, Friends of Mill Road Scenic Overlook, a volunteer committee, has organized to conduct fundraising to enable the Town of Aurora to purchase the two (2) parcels of land identified herein for the purpose of preservation of open space, and

WHEREAS, the Contracts for the sale of 40 acres of vacant land on Mill Road by Clinton T. Closs, Jr. and Barbara A. Closs, as Seller, and the sale of 20 acres of vacant land on Mill Road by Timothy S. Sievenpiper and Karen S. Sievenpiper, as Seller, and the Town of Aurora as Purchaser, terminate on December 31, 2012; and

WHEREAS, Clinton T. Closs, Jr. and Barbara A. Closs of 1301 Mill Road, East Aurora, New York 14052, submitted a Contract Extension, extending the closing date to December 31, 2013, for the sale of 40 acres of vacant land on Mill Road to the Town of Aurora for the consideration of \$360,000, a copy of which is included by reference, and

WHEREAS, Timothy S. Sievenpiper and Karen S. Sievenpiper of 1200 Mill Road, East Aurora, New York 14052, submitted a Contract Extension, extending the closing date to December 31, 2013, for the sale of 20 acres of vacant land on Mill Road to the Town of Aurora for the consideration of \$180,000, a copy of which is included by reference, and

WHEREAS, the conditions for the ownership of the properties by the Town are set forth in a document identified as "Mill Road Property Acquisition Plan", a copy of which is annexed as Exhibit "A", and

WHEREAS, the transfers of property from Closs and Sievenpiper to the Town of Aurora are expressly conditioned upon the Friends of Mill Road Scenic Overlook having sufficient funds in the amount of \$550,000, which may include a guaranteed grant from the New York State Office of Parks, Recreation and Historic Preservation, which is an absolute requirement and condition of the transfer of the properties to the Town, and

WHEREAS, New York Town Law Section 64-2 authorizes the Town to acquire by purchase, lands within the Town required for a public purpose,

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby approve the Contract Extensions for purchase submitted by Clinton T. Closs, Jr. and Barbara A. Closs, and Timothy S. Sievenpiper and Karen S. Sievenpiper, in accordance with the terms and provisions set forth therein, and be it further

Action #433  
Contract  
extensions for  
Mill Road  
Scenic  
Overlook  
approved.

RESOLVED, that the purchase of said properties is contingent and conditioned upon the Friends of Mill Road Scenic Overlook providing a minimum of \$550,000 in cash or in-kind donations or the amount necessary to accomplish the property purchase, title search, title insurance, surveys, Phase I Environmental studies, closing costs, filing fees and undetermined costs required for the purchase, and be it further

RESOLVED, that the Supervisor is authorized to execute the Contract Extensions on behalf of the Town.

Upon a vote being taken: ayes – five      noes – none      Motion carried.

Councilwoman Friess moved to adopt the following resolution; seconded by Councilman Harris:

**RESOLUTION TO AUTHORIZE WATER METER REPLACEMENTS FOR WATER DISTRICTS 1 Extension 1, 12 and 14**

WHEREAS, an analysis of water loss rates for the Town of Aurora water districts was completed by Barbra Halt, Water Clerk, and David Gunner, Water Director in 2012, and

WHEREAS, this analysis revealed a high water loss rates of 23% in Water Districts 235, 14, 12, and 16% in Water Districts 1 North and 1 Extension 1, and

WHEREAS, the current meters require a hand-held on-site reading of all meters on a quarterly basis, and

WHEREAS, new water meters should provide a decrease in water loss of approximately 10% – 15% and provide for remote meter readings resulting in the use of less labor for the quarterly readings, and

WHEREAS, this work was not able to be budgeted for 2012 and Water Districts 1 Extension 1, 12 and 14 have fund balance sufficient to cover the cost of the replacement meters without jeopardizing the financial position of each district.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board does hereby authorize the replacement of water meters for the approximately 121 Water District customers in District 1 Extension 1, District 12, and District 14, and

BE IT FURTHER RESOLVED, the Town Board authorizes the utilization of 2012 fund balances of \$14,000 in Water District 1 Extension 1, \$6,000 in Water District 12, and \$6,000 in Water District 14, and

BE IT FURTHER RESOLVED, the Town Board approves the following 2012 budget amendments and approves the accounting entries as follows:

Debit - Water District 1 ext.1 - WL 599 Appropriated Fund Bal. \$14,000

Credit - Water District 1 ext.1 - WL 960 Appropriations \$35,000

WL 8310.0405 Water District 1 ext. 1 - Purchase of Water Meters

Debit – Water District 12 - WC 599 Appropriated Fund Balance \$6,000

Credit – Water District 12 - WC 960 Appropriations \$14,000

WC 8310.0405 Water District 12 - Purchase of Water Meters

Debit – Water District 14 - WD 599 Appropriated Fund Balance \$6,000

Credit – Water District 14 - WD 960 Appropriations \$14,000

WD 8310.0405 Water District 14 - Purchase of Water Meters

Upon a vote being taken: ayes – five noes – none

Duly adopted this 27<sup>th</sup> day of December, 2012.

Action #434  
Water meter  
replacement  
authorized for  
water districts  
1 ext 1, 12 and  
14

Councilman Bach moved to adopt the following resolution; seconded by Councilman Collins:

**RESOLUTION TO AUTHORIZE WATER METER REPLACEMENTS FOR WATER DISTRICTS 1 North and 235**

WHEREAS, an analysis of water loss rates for the Town of Aurora water districts was completed by Barbra Halt, Water Clerk, and David Gunner, Water Director in 2012, and

WHEREAS, this analysis revealed a high water loss rates of 23% in Water Districts 235, 14, 12, and 16% in Water Districts 1 North and 1 Extension 1, and

WHEREAS, the current meters require a hand-held on-site reading of all meters on a quarterly basis, and

WHEREAS, new water meters should provide a decrease in water loss of approximately 10% – 15% and provide for remote meter readings resulting in the use of less labor for the quarterly readings, and

WHEREAS, this work was not able to be budgeted for 2012 and Water Districts 1 North

and 235 do not have fund balance sufficient to cover the cost of the replacement meters without jeopardizing the financial position of each district.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board does hereby authorize the replacement of water meters for the approximately 300 water district customers in district 1 North and district 235, and

BE IT FURTHER RESOLVED, the Town Board authorizes the institution of a quarterly water district surcharge of \$25 to be billed by the Town on the quarterly water bills for Water Districts 1 North and 235 to offset this and other capital expenses for the district, and

BE IT FURTHER RESOLVED, the Town Board approves the following 2012 budget amendments and approves the accounting entries as follows:

Debit – Water District 235 - W2 599 Appropriated Fund Balance \$35,000

Credit – Water District 235 - W2 960 Appropriations \$35,000

W2 8310.0405 – Water District 235 Purchase of Water Meters

Debit – Water District 1N - ZA 599 Appropriated Fund Balance \$14,000

Credit – Water District 1N - ZA 960 Appropriations \$14,000

ZA 8310.0405 Water District 1N Purchase of Water Meters

Upon a vote being taken: ayes – five noes – none Motion carried.

Action #435  
Water meter replacement for water districts 1N and 235 approved along with \$25 quarterly surcharge

Duly adopted this 27<sup>th</sup> day of December, 2012.

Quotes for janitorial services for the common areas and Town offices at Southside Municipal Center (300 Gleed) were received from:

|                            |               |
|----------------------------|---------------|
| ATP Services               | \$16,640/year |
| K&K Janitorial Service     | \$34,619/year |
| Clean Sweep                | \$16,620/year |
| Top Notch                  | \$23,400/year |
| Bieler Janitorial Services | \$25,454/year |

Other options quoted were carpet cleaning and cafeteria floor cleaning/waxing with quotes ranging from \$400 to \$1500 per service. K&K, Clean Sweep and Bieler can also quote paper goods if needed. Councilman Collins noted that ATP and Clean Sweep need to provide adequate insurance certificates.

Councilwoman Friess moved to authorize the Supervisor to sign a cleaning service agreement with Clean Sweep Janitorial Services, Inc., 2985 Seneca Street, West Seneca, NY, whereby Clean Sweep will provide cleaning services for various areas of the Southside Municipal Center, 300 Gleed Avenue, E. Aurora, NY, for a monthly rate of \$1,385.00. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #436  
Supv. auth to sign contract with Clean Sweep for 300 Gleed.

Councilwoman Friess moved to approve the following request from Peggy Cooke, Recreation Director, to roll-over vacation hours/days to 2013 for:

Elaine Schiltz 16 hours (2 days)

These 2012 vacation hours must be used in the first quarter of 2013.

Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #437  
Vacation roll-over for E. Schiltz aprvd.

Councilman Bach moved to authorize the Supervisor to sign an agreement with the Margaret L. Wendt Foundation, 40 Fountain Plaza, Suite 277, Buffalo, NY 14202, whereby the Town will continue to use the vault and print shop areas of 5 South Grove Street (owned by the Wendt Foundation) for records storage through May 31, 2013. Councilman Harris seconded the motion.

Upon a vote being taken: ayes – five noes – none Motion carried.

Action #438  
Supv. auth to sign agreement with M.L. Wendt Foundation for storage at 5 South Grove.

Councilman Collins moved to authorize Highway Superintendent David Gunner to attend the 2013 Association of Towns Training School and Annual Meeting in New York City on February 17 – 20, 2012. Funds for Highway Supt. Gunner are budgeted in A5010.404 Highway Administration Expense and Travel. (Registration \$100; Hotel \$615 (\$205 x 3 nights); Transportation approximately \$150; and Meals \$213 (\$71.00 per diem x 3 days). Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #439  
Hwy. Supt. to attend NYSAOT conference in NYC.

Councilman Harris moved to designate David Drosendahl Jr. as recipient of the Highway repair and maintenance stipend of \$750 per year (divided into 26 pay periods) effective January 9, 2013. Funds will be disbursed from DB5130.101. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #440  
D. Drosendahl Jr. to received repair/maint stipend.

In a memo to the Town Board, Highway Superintendent David Gunner announced he will appoint David Drosendahl Sr. as Deputy Superintendent of Highways.

Councilman Bach move to authorize the payment of a \$3,000.00 stipend to David Drosendahl, Sr. for the duties related to Deputy Superintendent of Highways. The stipend will be divided into 26 pay periods and the first installment will be included in the January 9, 2013 payroll. Funds will be disbursed from A5010.101 Highway Administration. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #441  
D. Drosendahl Sr. to receive Deputy Hwy Supt. stipend.

Councilwoman Friess moved to (re)appoint Jay Marshall, Martin Drive, East Aurora, NY, to serve on the Board of Assessment Review for a five (5) year term beginning October 1, 2012 and terminating September 30, 2017. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #442  
J. Marshall reappointed to Board of Assessment Review.

Councilwoman Friess moved to approve the following changes to the Town's Employee Personnel Policy effective January 1, 2013:

Section 2.02 – Probationary Period – replace with the following wording: *“All new employees (both full and part time) shall be considered as probationary employees during their first twenty six (26) weeks of employment, unless otherwise provided by Civil Service laws, ...”*

Section 3.04 – Overtime Compensation – add *“Secretary to the Supervisor”* to the list of positions.

Section 3.04 – Overtime Compensation – change the first sentence in the 3<sup>rd</sup> paragraph to read as follows: *“Compensatory time must be used during the calendar year in which earned.”*

Section 3.05 – Flex-Time – remove *“Dog Control Officer”* from the list of positions.

Section 3.08 – Town and/or Personal Vehicles –

- a) Change the title to read “*Use of Town and/or Personal Vehicles*”
- b) Add No. 9 as follows: “*Town vehicles must be operated in a safe and responsible manner and in compliance with all applicable traffic laws including but not limited to the use of seat belts and cell phones. In the event of an accident, regardless of severity, an accident report must be filed with the Town Supervisor’s office within 24 hours of the accident.*”

Action #443  
Employee  
personnel  
policy updated

Section 3.16 – Cellular Phone Policy – add “*texting*” in addition to calls

Councilman Harris seconded the motion.

Upon a vote being taken: ayes – five noes – none Motion carried.

Councilman Collins moved to approve a change in the Civil Service classification of Joan Ann Greenwood from clerk part-time seasonal to clerk part-time in the Assessor’s office effective January 1, 2013.

Councilman Bach seconded the motion. Upon a vote being taken:

ayes – five noes – none Motion carried.

Action #444  
J. Greenwood  
civil service  
classification  
changed to  
clerk PT.

Councilwoman Friess moved to create a capital fund for improvements to Water District No. 6. Councilman Collins seconded the motion.

Upon a vote being taken: ayes – five noes – none Motion carried.

Action #445  
Capital fund  
created for  
WD6  
improvements.

Councilman Collins moved to authorize Conestoga-Rovers & Associates (CRA), 285 Delaware Ave., Buffalo, NY, to prepare a Map & Plan for water system improvements to Town of Aurora water district No. 6 for a lump sum fee of \$1,500.00. The Map & Plan will address replacement of approximately 1,750 feet of waterline on Geneva Road and replacement of approximately 1,900 feet of waterline on Center Street.

Councilwoman Friess seconded the motion. Upon a vote being taken:

ayes – five noes – none Motion carried.

Action #446  
CRA auth to  
prepare  
Map&Plan for  
improvements  
to WD6  
(Geneva &  
Center)

Councilman Bach moved to schedule a special meeting of the Town Board for the purpose of holding the 2013 Organization Meeting on Monday, January 7, 2013 at 7 p.m. in the Town of Aurora Southside Municipal Center auditorium. Councilwoman Friess seconded the motion.

Upon a vote being taken: ayes – five noes – none Motion carried.

Action #447  
Organization  
meeting set for  
1/7/2013.

Councilman Bach moved to extend all 2012 Town appointments, including committee and board appointments, to the January 7, 2013 Organization Meeting. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #448  
All 2012  
appointments  
extended to  
1/7/13.

Supervisor Jeffe moved to approve a change of rate of pay and titles for the following employees:

James Walczyk - from working crew chief to motor equipment operator  
with a pay rate of \$25.66 effective 1/1/13

David Drosendahl, Sr. – from assistant working crew chief to motor  
equipment operator with a pay rate of \$25.66  
effective 1/1/13

Councilman Harris seconded the motion. Upon a vote being taken:

ayes – five noes – none Motion carried.

Action #449  
Pay rate and  
titles of two  
highway  
employees  
changed

COMMUNICATIONS – The following communications were received by the Board and filed:

- Tax Receiver - November 2012 report
- Recreation Director – November 2012 report
- EAPD – November 2012 report
- Supervisor – November 2012 report

BUSINESS FROM BOARD MEMBERS:

The Board wished everyone a happy and healthy New Year and extended condolences to the families of the Webster, NY firefighters who lives were cut short by a sniper while they were responding to an alarm of fire.

AUDIENCE II: none

STAFF REPORTS: none

The December 27, 2012 Abstract of Claims, consisting of vouchers numbered 2274 through 2361, was presented to the Board for audit and authorization of payment from the following funds:

|                       |                  |
|-----------------------|------------------|
| General               | \$20,782.83      |
| Part Town             | 765.00           |
| Highway               | 8,428.35         |
| Enterprise/Gleed      | 17,913.33        |
| Capital -Library roof | 3,670.00         |
| Capital – Majors Pk.  | 4,620.00         |
| Special Districts     | <u>18,297.87</u> |
| Grand Total Abstract  | \$74,477.38      |

Councilwoman Friess moved to approve the December 27, 2012 Abstract of Claims as presented and to authorize payment of same. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #450  
12/27/12  
Abstract of  
Claims aprvd.

Councilman Collins moved to adjourn; seconded by Councilman Bach. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #451  
Meeting  
adjourned.

Sheryl A. Miller  
Deputy Town Clerk