

A meeting of the Town Board of the Town of Aurora took place on Monday, June 28, 2010, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

Members Present:	Jolene M. Jeffe James F. Collins James J. Bach Susan A. Friess	Supervisor Councilman Councilman Councilwoman
Absent/Excused:	Jeffrey T. Harris	Councilman
Others Present:	Edward Snyder John Mills Patrick Blizniak David Gunner William Adams Ron Krowka Al Kasprzak Patrick Shea Libby Weberg Randy West Jeff Markello	Deputy Town Attorney Erie County Legislator Building Inspector Highway Superintendent Planning Board Member Police Chief Village Mayor Village Trustee Village Trustee Village Trustee Town Justice

Supervisor Jeffe opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the Flag.

Erie County Legislator John Mills gave an update on work being done at Emery Park, including refurbishing of the Field House, two new playgrounds and the September schedule for repaving several park parking lots and the road to the ski lodge. Mr. Mills stated that the County Highway department will be patching, oiling and chipping Darling, Willardshire, and Gypsy Lane during the month of July. The county portion of Grover and parts of Jewett Holmwood Roads will be paved during August. Blakeley Road, east of Olean, is being reconstructed from June 28th thru October, 2010. Legislator Mills stated that the County Parks, Chestnut Ridge and Emery, are being enhanced to tie in with the Scenic By-Way corridor.

Councilwoman Friess moved to approve the minutes of the June 14, 2010 Town Board meeting. Seconded by Councilman Bach. Upon a vote being taken: ayes – four noes – none	Motion carried.	Action #220 6/14/10 minutes approved.
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BUSINESS FROM AUDIENCE I:

Marion Dombrowski, Jewett Holmwood Road, commented on the proposed Jewett Holmwood subdivision. She stated she believes there should be a no-cut deed restriction (for trees) on the lots abutting Cazenovia Creek; houses on these lots should be farther away from the top of the creek bank; and the left turn situation into the subdivision is dangerous.

Melissa Dispensa, Quaker Road, stated the location of the entrance to the development is a concern of hers, noting that the intersection is a recipe for disaster. Mrs. Dispensa recounted accidents at that intersection without the introduction of a new road.

UNFINISHED BUSINESS:

Councilman Bach moved to add budget line DB5140.201 Highway Miscellaneous (Brush and Weed) – Leaf Vacuum to the 2010 Town Budget in order to facilitate a budget transfer being requested by the Highway Superintendent. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none	Motion carried.	Action #221 2010 Budget amended by adding line DB5140.201
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Councilwoman Friess moved to approve the following budget transfers necessary for the purchase of a leaf vacuum by the Highway Department:

From: DB5140.401 Hwy. Miscellaneous Brush & Weed \$7000
 To: DB5140.201 Hwy. Leaf Vacuum \$7000

From: A7110.106 Parks Laborer RPT \$11,990
 To: A7110.219 Parks Leaf Vacuum \$11,990

Action #222
 Highway budget transfers for leaf vacuum approved.

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

A bid opening for a new trailer mounted Leaf Vacuum was held on May 14, 2010. Bids were received from:

Joe Johnson Equipment, Inc. – Xtreme Vac LCT65 \$17,046.00
 Joe Johnson Equipment, Inc. – Xtreme Vac XV6000 27,710.00
 Valley Fab & Equipment, Inc. – Taro Windy 100 18,231.00
 The ODB Company, Inc. – LCT650 18,990.00
 Snowfighting Equipment of Buffalo, Inc.- ARM2003 24,180.00

Councilman Bach moved to approve the bid from The ODB Company (Old Dominion Brush Co.), 41 Brookside Drive, Saratoga Springs, NY 12866, in the amount of \$18,990.00 for a New 2010 ODB Model LCT650 tandem axel trailer mounted leaf vacuum collector. Upon a vote being taken: ayes – four noes – none Motion carried.
 (Note: The award went to the third lowest bidder based on Highway Superintendent Gunner’s recommendation that the machine chosen was the lowest priced machine that met the specifications outlined in the bid request.)

Action #223
 Leaf vacuum bid awarded to ODB.

Supervisor Jeffe stated that there are still some questions about the Jewett Holmwood Subdivision preliminary plat – the setbacks on lot #1 need to be verified and the radius of the cul-de-sacs need verification. Councilwoman Friess stated she has a call in to Mike Alspaugh at the Erie County Department of Planning to discuss traffic issues. Supervisor Jeffe noted that the Board would not be voting in the preliminary plat tonight.

Supervisor Jeffe stated that the Town recently exercised its right to terminate the agreement with the Village of East Aurora for police services in order to open negotiations. The advisory committee consisting of Village trustees Pat Shea and Randy West and Supervisor Jeffe and Councilwoman Friess met to discuss revising terms of the agreement. The Village, on June 21, 2010 voted to approve the agreement, without the section giving the Town the right to terminate the contract with sufficient notice to the Village. Supervisor Jeffe stated that the Town wants to retain that right in the event that it wants to form its own police department. She suggested that the Town and Village attorneys get together to finalize the wording and then the Village and Town would vote on the agreement.

NEW BUSINESS:

Councilwoman Friess moved to declare the following Town inventory as surplus and to dispose of the items appropriately, either through auction or refuse/scrap:

Department	Equipment	Inventory ID	Est. Value
Central Data Processing			
	KDS Monitor	n/a	0
	KDS Monitor	#0952	0
	Network Services hard drive	#2222	0
	Network Services hard drive	#2213	0
	(4) Dell Keyboards	n/a	0

WHEREAS, the Tenant entered into a Lease dated June 1, 2007 with 300 Glead Avenue, LLC, the former owner of property located at 300 Glead Avenue in the Town of Aurora, which lease was assumed by the Town of Aurora as Landlord upon its purchase of the real property, and

WHEREAS, the parties agree to provide an amendment to the Lease,
NOW, THEREFORE, the parties agree as follows:

1. RENT: Paragraph 2 of said Lease is amended by adding the following:

“At the present time the Tenant has a Davmor walk-in cooler/freezer combination located in the warehouse. The monthly rental shall be increased by \$360.00 commencing on the 1st day of May, 2010 and continuing during the term of the Lease. The Landlord retains the right to terminate the use and location of the walk-in cooler/freezer upon 45 days’ notice to the Tenant. If the use of the walk-in cooler is terminated, then the additional \$360.00 per month rental will no longer be in effect. The use of the walk-in cooler/freezer is limited to the interior with no storage on or surrounding the freezer/cooler”.

2. AFFIRMATION: All terms of the Lease dated June 1, 2007 shall continue in full force and effect subject only to the amendment set forth herein.

IN WITNESS WHEREOF, the parties have hereunto set their respective hands and seals the day and year first above written.

TOWN OF AURORA

By _____

Jolene M. Jeffe, Supervisor

FIFTH AVENUE CATERING, LLC

By _____

Kenneth Marth, Owner

Councilman Collins seconded the motion. Upon a vote being taken:
eyes – four noes – none
carried.

Motion

Action #226
5th Ave. Catering
lease amendment
approved.

During the process of construction of the court bench and computer (AV) cabinet for the Town Court at 571 Main Street, East Aurora, NY, court officials decided that the size of the computer (AV) cabinet needed to be enlarged. This resulted in the cost being greater than the amount in the original bid from Telco.

Councilwoman Friess moved to approve Change Order No. 1 from Telco Construction Inc., 500 Buffalo Road, East Aurora, NY, in the amount of \$400 - increasing the original price of \$1100 to \$1500 for the construction of a computer (AV) cabinet for the Town court room at 571 Main Street, East Aurora, NY. Councilman Collins seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #227
 Change order for court computer cabinet approved.

Councilwoman Friess moved to approve payment to Telco Construction, Inc., 500 Buffalo Road, East Aurora, NY, in the amount of \$25, 200.00 for construction of a court bench (\$23,700) and computer (AV) cabinet (\$1500) in the Town Court Room (Village Board meeting room) at 571 Main Street, East Aurora, NY. Councilman Bach seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #228
 Payment to Telco Const. for court bench and computer cabinet approved.

Councilman Collins moved to approve the request from Zoning Board of Appeals members Don Aubrecht, Jay Marshall, Wayne Nowocin, Al Salter and Jim Whitcomb to attend the Association of Towns Planning and Zoning School on Thursday, July 22, 2010 at SUNY Geneseo. The registration fee of \$70 per attendee will be disbursed from B8010.404 ZBA Expense and Travel. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #229
 ZBA members to attend training school at Geneseo.

(Note: Attendance at this session will satisfy their four (4) hours of mandatory training for 2010 and will give them two (2) hours toward 2011 training.)

Quotes for baseball uniforms for the James Lilley Aktion Club Baseball League were received from:

	<u>Youth/Adult Shirts</u>	<u>Printing</u>	<u>Screen Charge</u>	<u>Cap</u>
League Direct	16.99/17.84	3.00	18.00	5.51
Hit, Run, Score	25.25/31.25	2.80	40.00	8.99
Laux Sporting Goods	11.69/12.49	3.25	-0-	4.49

Councilman Bach moved to approve the purchase of baseball uniforms for the James Lilley Aktion Club Baseball League from Laux Sporting Goods, Amherst, NY, for the following price per unit: Youth/Adult Shirts - \$11.69/\$12.49 Printing - \$3.00 Cap - \$4.49 Funds will be disbursed from A7620.400.2. Councilman Collins seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #230
 Purchase of baseball uniforms for Aktion Club baseball team approved.

Councilwoman Friess moved to amend tonight's agenda by adding item 6H – Gleed Avenue generator maintenance agreement. Councilman Collins seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #231
 Agenda amended.

Action #232
Gleed
generator
maintenance
agreement
approved.

Councilwoman Friess moved to authorize the Supervisor to sign the Emergency Generator Planned Maintenance Agreement with Penn Power Systems, 350 Bailey Avenue, Buffalo, NY 14210 for a period of six months (July 1, 2010 – December 31, 2010) in the amount of \$235.00. Councilman Collins seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

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

- Dog Control – May 2010 Report
- Supervisor’s Report – May 2010

BUSINESS FROM AUDIENCE II:

Deborah Carr-Hoagland, Fillmore Ave., requested that the Town hold a public hearing jointly with the Village Board for the purpose of discussing a referendum for the SMSI – joint municipal facility.

Pat Shea, Village of East Aurora Trustee, commented on the Town/Village police agreement and stated that parts of the contract already allow withdrawal by the Town and adding the section giving the Town the right to terminate the contract is redundant to what is already in NYS law.

Carol Griffis, Hillcrest, stated that the recent Friends of the Library book sale netted approximately \$12,000 and was the most successful sale to date.

BUSINESS FROM BOARD MEMBERS AND STAFF:

Councilwoman Friess stated she attended a Sewer District meeting, noting that there will be a 3% increase in fees in sewer districts 3 and 8.

Councilman Bach congratulated the Vidler family on their 80 year anniversary of the Vidler’s store. Mr. Bach noted that he had attended the groundbreaking for the Roycroft Power House reconstruction.

Supervisor Jeffe stated she recently volunteered at the NEST recycling event held at ECC South on June 19th. She noted that she and other town staff met with Mark Brown to discuss improving the revenue reporting for the recreation department.

Patrick Blizniak stated that June building permit count is up and political signs are being put up too soon.

The June 16, 2010 Abstract of Claims, consisting of vouchers numbered 1118 to 1121, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 100.00
Enterprise (Gleed)	<u>11,015.61</u>
Grand Total Abstract	\$11,115.61

The June 28, 2010 Abstract of Claims, consisting of vouchers numbered 1122 to 1249, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 65,152.48
Part Town	1,163.73
Highway	19,466.84
Enterprise (Gleed)	5,819.78
Capital	66,770.60
Trust & Agency	7,903.28
Trust & Agency 2	37,475.85
Special Districts	<u>59,339.03</u>
Grand Total Abstract	\$263,091.59

Councilwoman Friess moved to approve the June 16 and June 28, 2010 Abstracts of Claims as presented and to authorize payment of same. Councilman Bach seconded the motion. Upon a vote being taken:
ayes – four noes – none Motion carried.

Action #233
6/16 & 6/28
Abstracts of
Claims aprvd.

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

Action #234
Meeting
adjourned.

Martha L. Librock
Town Clerk