

September 26, 2011

A meeting of the Town Board of the Town of Aurora took place on Monday, September 26, 2011, at 7:00 p.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
	William Adams	Planning Board Member
	Charles Snyder	Planning Board Alternate
	Patrick Blizniak	Superintendent of Building
	Robert Goller	Town Historian

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

The Supervisor thanked Ray Wrazen, President of the Aurora Arsenal Soccer Club, for the soccer club's contribution towards the maintenance of the Knox Farm State Park soccer fields.

#### PUBLIC HEARINGS

The first public hearing on the agenda was regarding the use of Federal Community Development funds (CDBG) in the Town of Aurora. The notice was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board as evidenced by the Affidavits of Publication and Posting.

Councilwoman Friess moved to open the Public Hearing on CDBG funding at 7:04 p.m.; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried. Action #256 CDBG public hearing opened

Supervisor Jeffe noted that past CDBG funding was received for Senior Center renovation, the Senior Van, and support for Rural Transit Service. The Supervisor asked if anyone in the audience wished to comment. No one responded.

Action #257  
CDBG public  
hearing closed

Councilman Bach moved to close the CDBG public hearing at 7:06p.m.; seconded by Councilman Collins. Upon a vote being taken: ayes – five noes – none Motion carried.

The second public hearing on the agenda was regarding the Reed Hill Subdivision Final Plat. The notice was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board as evidenced by the Affidavits of Publication and Posting.

Councilman Harris moved to open the Public Hearing on the Reed Hill Subdivision Final Plat at 7:07 p.m.; seconded by Councilwoman Friess. Upon a vote being taken: ayes – four noes – none abstain – one (Bach) Motion carried. Action #258 Reed Hill Final Plat public hrg. opened

Supervisor Jeffe noted that the Town Board reviewed the Final Plat at their September 20, 2011 work session. She stated that at this time there is no plan to build a sidewalk along Route 20A from the Post Office to the subdivision. The Supervisor asked if anyone in the audience wished to comment.

Peter Sorgi, attorney for the developer, stated that everything they have submitted is in conformance for the final plat.

Jennifer Dombrowski, Jewett Holmwood Rd., noted her concern about the danger of accidents occurring where the subdivision road enters Jewett Holmwood Road.

William Adams, Olean Road, stated there are safety issues regarding the intersection of Jewett Holmwood Rd., Route 20A and the new subdivision road and with people walking from

the subdivision towards the village due to lack of sidewalks. Mr. Adams noted that the Town Planning Board supports this subdivision project.

Palmer Pisle, East Main Street, noted his concern with the Jewett Holmwood/Route 20A intersection. He stated, as a bus driver for First Student, there are many buses that travel that route on a daily basis, noting that a bus is 37 feet long and there could be problems if cars are stacked waiting to turn into the subdivision and a bus turns onto Jewett Holmwood from Route 20A; it could be dangerous.

Martin Wanglin, Jewett Holmwood Road, stated that Jewett Holmwood Route 20A intersection is very dangerous. He noted that due to lack of funding, Erie County never made this a "T" intersection and adding another intersection so close is compounding the problem.

Marion Dombrowski, Jewett Holmwood Road, stated two of her concerns were the safety of the intersection and erosion due to the increased storm water being directed into Cazenovia Creek.

Bruce Moden, Jewett Holmwood Road, stated the nearness of the new subdivision road to the Jewett Holmwood Route 20A intersection is a safety concern, noting the distance between the two is not that far, only 150 to 200 feet.

Melissa Dispenza read a letter from Jack Nash, Olean Road, in which Mr. Nash mentions the number of accidents at the Jewett Holmwood Route 20A intersection and his concern with the safety of the intersection.

Melissa Dispenza read a letter from Betty and Curtis Pitcher, Quaker Road, who wrote that the subdivision is not needed and there are already bottlenecks at that intersection.

Melissa Dispenza, Quaker Road, stated that she lives right at the intersection of Jewett Holmwood and Route 20A and that it is a dangerous intersection. She noted that she understands a traffic study was done, but it doesn't reflect the activity that takes place at that intersection.

Peter Sorgi stated it is 200 feet from the entrance to the subdivision to the intersection of Jewett Holmwood and Route 20A and that the fire department, school district, Town Highway Superintendent and Erie County all signed off on the subdivision plan.

Hearing no further comments, Councilman Collins moved to close the Reed Hill Final Plat public hearing at 7:36 p.m.; seconded by Councilwoman Friess. Upon a vote being taken: ayes – four Abstain – one (Bach)	noes – none Motion carried.	Action #259 Reed Hill public hrg closed
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Supervisor Jeffe stated the Board will not be voting on the Reed Hill Subdivision Final Plat tonight and that it will probably be on the October 11, 2011 meeting agenda. Jeffe noted that Councilwoman Friess sat and watched traffic at the Jewett Holmwood Route 20A intersection and did counts to compare to the traffic studies that were submitted. The studies showed that the addition of traffic from the subdivision would not cause significant impact.

Councilman Harris stated that we are not traffic experts and we rely on experts to give us correct information.

Councilman Bach moved to approve the minutes of the August 30, 2011 Special Budget Meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #260 8/30/11 special meeting min aprvd.
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Councilman Collins moved to approve the minutes of the September 8, 2011 Bid Opening for the Glead Ave. roof reconstruction/repair; seconded by Councilman Bach. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #261 9/8/11 Glead roof bid opening minutes aprvd.
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Councilman Harris moved to approve the minutes of the September 12, 2011 Town Board Meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #262 9/12/11 meeting min aprvd
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Councilwoman Friess moved to approve the minutes of the September 15, 2011 Special Budget Meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #263  
9/15/11 Spec.  
meeting min  
approved.

Councilman Bach moved to approve the minutes of the September 20, 2011 Work Session; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #264  
9/20/11 work  
session  
minutes aprvd

AUDIENCE I:

James P. Collins, East Main Street, spoke to the Board about code compliancy in regard to a situation at Aurora Community Gardens, noting that he will be sending more information to the Board.

Bill Patterson, Grover Road, asked the Board to address the following when they reach agenda item 6C Police Services Agreement Amendment: 1) cost; 2) 60-day “out” clause; and 3) other options for police coverage.

UNFINISHED BUSINESS:

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

**RESOLUTION AUTHORIZING APPLICATION FOR  
RENOVATION GRANT FOR  
AURORA TOWN PUBLIC LIBRARY AND AUTHORIZING SIGNING OF  
AGREEMENT WITH AURORA TOWN PUBLIC LIBRARY**

WHEREAS, funding is available from New York State through the Public Library Construction Grant Program (“State Grant”) for construction/renovation/rehabilitation work at public libraries in New York State; said funding is available provided the applicant (“The Library Board”) supplies local matching funds in the amount of fifty-percent of the cost of the project and the Town approves the project; and

WHEREAS, pursuant to the guidelines for the State Grant, the Library Board must be the applicant for the grants, and the Town, as owner, must provide a match for the grants and must approve the project; and

WHEREAS, The Town of Aurora is the owner of the land and building housing the Aurora Town Public Library located at 550 Main Street in the Town of Aurora, and maintains such building under an arrangement with the Buffalo and Erie County Public Library System, and

WHEREAS, the Aurora Town Public Library building is in need of a renovation/rehabilitation of the roof;

WHEREAS, the Library Board is applying for a State Grant award in the amount of \$108,200 for the renovation/rehabilitation of the library building roof; and;

WHEREAS, the Town must supply matching funds in an amount not to exceed \$108,200 for the local match; and

WHEREAS, the Library Board has executed an Agreement setting forth terms with regard to the application by the Library Board to apply for grant funds from the State for the renovation/rehabilitation of the library building roof, as well as setting forth terms, conditions, and obligations on the part of the Town, all of which is conditioned on State Grant funds being provided for the aforementioned Library work; NOW THEREFORE, BE IT

RESOLVED, that as owner of the Aurora Town Public Library, the Town of Aurora acknowledges a responsibility to maintain the building, and in accordance with the responsibility, hereby authorizes the application for the State Grant, and BE IT FURTHER

RESOLVED, that the Aurora Town Board authorizes matching funds be made available in the amount of \$108,200, and BE IT FURTHER

RESOLVED, the Supervisor is hereby authorized and directed to execute the Agreement between the Town and the Aurora Town Public Library, together with all other documents that may be required, subject, however, to approval by the Town Attorney.

Action #265  
Library grant  
and agreement  
resolution  
adopted (roof  
repair)

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

Supervisor Jeffe stated that she, Peggy Cooke and the attorney for the Aurora Arsenal Soccer Club met to review the proposed amendment to the agreement between the Town and Arsenal regarding use of the soccer fields at Knox Farm State Park. One outcome of the meeting was a proposed change to the Guidelines for Park Use that had been approved at the 9/12/11 Town Board meeting.

Supervisor Jeffe moved to change the Guidelines for Park Use wording under Specific Polo/Soccer Field Use section number 1 from “If soccer is approved on the polo field, the soccer organization is required to move the nets everyday to avoid wear and tear in front of the nets.” to read “If soccer is approved on the polo field, the soccer organization is required to move the nets *as needed* to avoid wear and tear in front of the nets.” Councilman Collins seconded the motion. Upon a vote being taken: ayes – five      noes – none      Motion carried.

Action #266  
KFSP use  
guidelines  
modified.

Councilwoman Friess moved to authorize the Supervisor to sign the following amendment to the 2007 Agreement between the Town of Aurora and the Aurora Arsenal Soccer Club, Inc.; seconded by Councilman Harris:

AMENDMENT TO AGREEMENT DATED SEPTEMBER 24, 2007

This agreement, made and entered into on the 26th day of September, 2011, by and between the **TOWN OF AURORA** (“Town”), municipal corporation duly subsisting pursuant to the laws of the State of New York with an address at 5 South Grove Street, East Aurora, New York 14052, and **AURORA ARSENAL SOCCER CLUB, INC.**, (“Arsenal”), a domestic not-for-profit corporation duly existing pursuant to the laws of the state of New York with a mailing address at PO Box 132, East Aurora, New York 14052, based upon the following recitals and terms more particularly described below and in the exhibit annexed hereto.

Recitals

WHEREAS, Town and Arsenal entered into an agreement dated September 24, 2007 (“2007 Town – Arsenal Agreement”) which provided, among other things, Arsenal use of certain land at Knox State Park for Soccer Fields, a copy of which is annexed hereto as Exhibit “A”; and

WHEREAS, the 2007 Town – Arsenal Agreement is still in full force and effect; and

WHEREAS, by agreement dated June 13, 2011 (“2011 State – Town Agreement”) between Town and THE PEOPLE OF THE STATE OF NEW YORK, ACTING BY AND THROUGH THE COMMISSIONER OF PARKS, RECREATION AND HISTORIC PRESERVATION (“State”), a copy of which is annexed hereto as Exhibit “B”, the Town was granted certain right to utilize and operate portions of Knox State Park including the portions

which were the subject of the 2007 Town – Arsenal Agreement plus additional lands referred to as “Polo Fields”; and

WHEREAS, the Town and Arsenal have agreed herein to allow the Arsenal use of said Polo Fields and use of parking areas subject to the 2011 State – Town Agreement, upon the following terms:

NOW THEREFORE, for lawful consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and Arsenal agree as follows:

1. 2007 AGREEMENT: All terms of the 2007 Agreement between the Arsenal and the Town shall continue in full force and effect unless in contradiction to the terms herein which so supersede such terms of the prior Agreement.
2. FACILITIES: The Town grants to the Arsenal as provided by the Agreement between the Town and the State, Polo Fields for soccer and soccer-related activities and the adjoining parking areas, subject to the following restriction: the only soccer to be played on the Polo Fields for 2012 and 2013 shall be games and practices for Under 6 and Under 8 games (games formerly played at Glead Avenue Fields).
3. PAYMENT: The Arsenal agrees to pay the Town for maintenance, upkeep, equipment purchases and improvements to the areas identified herein by payment to the Town in accordance with the following:
  - A. \$8,000.00 for the year 2011;
  - B. \$8,000.00 for the year 2012;Payments are subject to the following:
  - A. Said funds shall be held in escrow by the Town and expended on actual costs for maintenance, upkeep, equipment purchases and improvements of the lands Arsenal utilizes as determined by the Town;
  - B. Funds not paid by the Town shall be credited to the amount due the Arsenal for the subsequent year and Arsenal shall be provided with a yearly accounting of Town costs and application of Arsenal and other users’ Fees.
4. IMPROVEMENTS: The Arsenal shall be allowed to construct improvements on the Knox State Park at its own cost as it deems desired and appropriate, subject to prior approval by the Town. Such improvements shall be related to the use of the property including, but not limited to, storage and concession improvements.
5. CONCESSIONS: Arsenal shall be permitted to operate concessions on the lands subject to approval and compliance with the Erie County Department of Health. The net proceeds from the sale of concessions shall be credited to the Arsenal’s account with Town. Other fundraising activities shall be permitted at the Knox State Park subject to prior approval of the Town.
6. INSURANCE: The Arsenal shall provide the Town with insurance certificates required by the Town naming the Town as an additional insured.
7. ADDITIONAL REVENUE: Any revenue collected by the Town for any usage of the Polo Fields or fundraisers at said Polo Fields shall be applied towards maintenance of the Polo Fields.
8. RULES OF THE PARK: The rules of the Park shall include the following:
  - A. Parking in designated areas only. All grassed areas are prohibited from parking or driving.
  - B. No alcoholic beverages or smoking allowed by participants or spectators.

- C. No littering. This is a “carry in, carry out” park. It is the responsibility of the Aurora Arsenal Soccer Club to insure the area is kept clear of refuse.
- D. Observe all other park rules as posted and display a courteous attitude toward Town personnel, State personnel, park users and neighbors.
- E. All apparatus not approved by the Arsenal must be pre-approved by the Town.

IN WITNESS WHEREOF, the Town and Arsenal have executed this Agreement on the date set forth herein.

Action #267  
Aurora  
Arsenal  
agreement  
amendment  
approved

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

NEW BUSINESS:

Councilwoman Friess moved to approve the request to hire the following persons as lifeguards and instructors for the EAST program and swim lessons:

Keith Healy 4 Crofton Ct., W. Seneca, NY	Lifeguard PT (Supv./Coach)	\$12.00/hr
Aubrey McLaughlin 45 Park Lane, E. Aurora, NY	Lifeguard PT (Lifeguard/WSI)	\$7.60/hr
Jonathan Ketcham 6 Morningside Ct., E. Aurora, NY	Lifeguard PT (Lifeguard/WSI)	\$7.60/hr
Madelyn Attendido 537 Fillmore Ave., E. Aurora, NY	Lifeguard PT (Lifeguard/WSI)	\$7.60/hr
Margaret Zagrobelny 230 N. Willow St., E. Aurora, NY	Lifeguard PT (Lifeguard/WSI)	\$7.60/hr

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

Action #268  
PT lifeguards  
hired.

Councilman Bach moved to authorize the Supervisor to sign the following; seconded by Councilman Collins:

**AMENDMENT TO AGREEMENT FOR POLICE SERVICES**

WHEREAS, the Town of Aurora (“Town”) and Village of East Aurora (“Village”) entered into an Agreement dated July 12, 2010, whereby the Village is furnishing police services to the Town, and

WHEREAS, Paragraph 6 of said Agreement provides the terms and amounts the Town is required to pay the Village for services rendered pursuant to the contract, and

WHEREAS, Paragraph 13 provides that the Agreement cannot be modified unless in writing signed by both parties,

NOW, THEREFORE, the parties agree as follows:

1. In deference to the terms set forth in Paragraph 6, the Town shall pay to the Village and the Village shall accept as payment by January 31, 2012, the amount of \$1,480,000 for services during the term of 2010-2011.

2. The parties acknowledge this Agreement is approved by authorization of each Board with direction for the Supervisor and Mayor respectively to sign such Agreement in compliance with Paragraph 13 of the said Agreement.

Action #269  
Amendment to  
Police Services  
Agreement re:  
2010-11 fee

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

(Note: At their meeting on 9/26/11 the East Aurora Village Board unanimously approved the above resolution, also.)

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

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires every justice of a village or town to submit his records and docket to the auditing board of said village or town; and

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Justice Court records shall be examined and audited by said auditing board or a certified public accountant.

NOW, THEREFORE BE IT RESOLVED that the audit and examination of the records of the Aurora Town Justices for the year ended December 31, 2010 was performed by the auditing firm of Dresher & Malecki LLP; and

Action #270  
Justice Court  
resolution re:  
audit adopted.

BE IT FURTHER RESOLVED that the findings of said audit and examination were presented to the Town Board of the Town of Aurora.

Upon a vote being taken: ayes – five noes – none Motion carried.  
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Councilman Bach moved to approve the following budget transfer to cover the cost of law books purchased by the Courts:

From: A1110.415 Municipal Court – Court School \$690.00

To: A1110.413 Municipal Court – Law Books \$690.00

Councilwoman Friess seconded the motion. Upon a vote being taken:  
ayes – five noes- none Motion carried.

Action #271  
Court budget  
transfer (law  
books) aprvd.

Councilman Collins moved to approve the following budget transfer to clear a budget line deficit:

From: DB5130.420 Hwy. – Mobile Radio Svc. Contract \$74.05

To: DB3989.400 Hwy. – Misc. Personal Gear \$74.05

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

Action #272  
Hwy budget  
Transfer  
(personal gear)

Councilwoman Friess moved to go out to bid for the Glead Warehouse Gutter Replacement project and set the bid opening for 10:00 a.m., October 13, 2011 at 5 South Grove Street, East Aurora, NY.

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

Action #273  
Glead gutter  
repair bid  
opening set.

COMMUNICATIONS – The following communications were received and filed:

- Erie County Annual Assessment – Going Places Van
- Dog Control – August 2011 Report
- EAPD – August 2011 Report
- Supervisor’s August 2011 Report

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Councilwoman Friess stated she and Councilman Bach met with Highway Supt. Gunner to review the Department of Labor violations, noting that one open issue is the lack of a roll-bar on the riding lawn mower.

Supervisor Jeffe stated she: 1) is working with the auditors to finalize the 2012 budget; 2) met with Senator Patrick Gallivan along with other Board members and department heads; 3) will attend a NYS Comptroller’s Office Tax-Cap seminar tomorrow.

AUDIENCE II:

Jim Riffel, Jewett Holmwood Road, asked the Board for assistance in obtaining drainage information for the Woodcrest Subdivision, noting that a lot of the water eventually comes on to his property.

Bill Patterson, Grover Road, asked why the Town is spending \$1 million more than it has to and is the Board looking at alternatives for police coverage. Supervisor Jeffe responded that the Police Advisory Committee is evaluating alternatives.

Diane Czora, Geneva Road, commented on the path from South Street to Major Park that runs behind her property noting that it is now more like an improved road. She stated there is a loss of privacy and security at all times of the day and an eight foot high fence would be great. Councilman Harris stated this is a dawn to dusk park. Mrs. Czora said that doesn’t matter, people are there at all hours of the day and night.

The September 26, 2011 Abstract of Claims, consisting of vouchers numbered 1719 to 1886, was presented to the Board for audit and authorization of payment from the following funds:

General	\$41,295.86
Part Town	29.32
Highway	17,632.63
Enterprise (Gleed)	20,389.74
Trust & Agency	2,110.97
Trust & Agency 2	24.99
Special Districts	<u>69,632.27</u>
Grand Total Abstract	\$151,115.78

Councilwoman Friess moved to approve the September 26, 2011 Abstract of Claims and to authorize payment of same. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none

Motion carried.

Action #274  
9/26/11  
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 #275  
Meeting  
adjourned.