

A meeting of the Town Board of the Town of Aurora took place on Monday, May 24, 2010, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

Members Present:	Jolene M. Jeffe	Supervisor
	Jeffrey T. Harris	Councilman
	James F. Collins	Councilman
	James J. Bach	Councilman
	Susan A. Friess	Councilwoman
Others Present:	Ronald P. Bennett	Town Attorney
	Bryan Smith	Town Engineer
	Sheryl Harris	Dog Control Officer
	Robert Goller	Town Historian
	Dave Drosendahl	Highway Employee
	Mike Marino	CRA Engineering
	David Gunner	Highway Superintendent

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

The first item on the agenda was a PUBLIC HEARING on Local Law Intro 2-2010 that amends Chapter 55 of the Town Code by adding section 55-23. Penalties for offenses. *Any person violating the provisions of this article shall, upon conviction thereof, be punished by a fine not exceeding \$25 for the first offense, a fine not exceeding \$50 for the second offense, and a fine not exceeding \$100 for the third and subsequent offense.*

The public hearing 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.

Supervisor Jeffe opened the hearing at 7:04 p.m. and asked if anyone in the audience wished to comment.

Tony Rosati, Center Street, stated he believed the fines to be excessive.

Hearing no further questions or comments, Supervisor Jeffe closed the hearing at 7:06 p.m. and stated that the Board would not be voting on this tonight.

* * *

The second item on the agenda was a PUBLIC HEARING on Local Law Intro 3-2010 that amends the Zone Map of the Town of Aurora by rezoning 232 Ellicott Road from A-agricultural to I-industrial. The owner of the property is requesting the rezoning in order to operate a cake and cookie business.

The public hearing 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.

Supervisor Jeffe opened the hearing at 7:07 p.m. and asked if anyone in the audience wished to comment.

Debra Braun, Ellicott Road, asked why the owner would be asking for a rezoning when the property is for sale. Mrs. Braun also stated that her husband would like very much to address this, but is currently out of town.

R. Geitter, Ellicott Road, asked why there were so many vehicles being brought onto the property.

Eileen Allen, owner of 232 Ellicott, stated the property is zoned agricultural and is currently being used as residential. She noted that her husband is out of town until June 20th, but wants to be heard on the rezoning. Supervisor Jeffe advised Mrs. Allen to have Mr. Allen contact her.

Supervisor Jeffe read an email from Chris and Lori Ignatowski, Ellicott Road, which expresses their concerns about current and future use of the property at 232 Ellicott.

Hearing no further questions or comments, the Supervisor closed the hearing at 7:14 p.m. and stated that the Board would not be voting in this tonight.

* * *

Councilman Harris moved to approve the minutes of the May 10, 2010 Town Board Meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #186
5/10/10 Town
Board minutes
approved.

BUSINESS FROM AUDIENCE I:

Tony Rosati, Center Street, stated that public hearing notices should be put on the website and that dogs on leashes should be allowed at Community Pool Park and 300 Glead. Mr. Rosati also stated he believes the fines being proposed for dogs-at-large seem excessive.

Bill Patterson, Grover Road, noted that the audience can not hear the Board's discussion at work sessions and he is concerned there is not enough opportunity for the public to speak.

UNFINISHED BUSINESS:

Councilman Collins moved to authorize the Supervisor to sign the MS4 Municipal Compliance Certification form for the 2010 Annual Stormwater Management Report. Councilman Bach seconded the motion. Upon a vote being taken: ayes – four noes – one (Harris) Motion carried.	Action #187 Supv. auth. to sign 2010 Stormwater Annual Report
---	--

NEW BUSINESS:

Councilman Bach moved to authorize the Highway Superintendent to assist with the proposed Hamlin Park Handicapped Playground by providing and transporting millings to the site. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.	Action #188 Hwy Supt to assist with Hamlin Handicapped Playground
---	--

Quotes for a message center and literature rack for Majors Park were received from:

Kirbybuilt	\$1693.87 (Message Center and Literature Rack)
The Park Catalog/ (Highland Prd. Grp.)	\$1542.45 (Message Center and Literature Rack)
Sign Board Source	\$1097.98 (Message Center Only)

Councilman Harris moved to approve the purchase of a message center and literature rack, to be installed at Majors Park, from The Park Catalog (Highland Products Group) in the amount of \$1512.45 (message center \$904.80; literature rack \$394.00; freight \$213.65). Funds will be disbursed from A7110.209 Majors Park Grant. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #189
Message center and literature rack approved for Majors Park.

The resolution for Smoke-Free parks and playgrounds will be tabled to the next Town Board meeting.

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

RESOLUTION TO SET PUBLIC HEARING

WHEREAS, Local Law Intro. No. 4-2010 has been introduced to the Town Board on Monday, May 24, 2010, and

WHEREAS, Municipal Home Rule Law Section 20(5) requires a public hearing upon five (5) days' notice, and

WHEREAS, Municipal Home Rule Law Section 20(4) provides that no such local law shall be passed until it shall have then in its forum and upon the desks or table of the members at

least seven (7) calendar days, exclusive of Sunday, prior to its final passage or mailed to each of them in post-paid properly addressed and secured closed envelopes or wrappers in a post box of a post office of the United States Post Office Department within the local government at least ten (10) calendar days, exclusive of Sunday, prior to its passage,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Aurora does hereby set the 14th day of June, 2010 at 7:00 p.m. at the Town of Aurora Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York, for the purpose of conducting a public hearing on the proposed Local Law to amend Chapter 84 in regard to regulation of parks in the Town of Aurora.

Action #190
Public hearing
set for LL to
amend Chapter
84 (Parks) of
Town Code.

RESOLVED, that the Town Clerk is hereby directed to publish a notice of said public hearing in the East Aurora Advertiser.

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

Councilwoman Friess moved to deny the request from the owner(s) of 1725 Mill Road, a four-unit residential property, to be charged as a one-unit residential property for the purpose of garbage and recycling service.

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

ayes – five noes – none Motion carried.

Action #191
Request for 4-
unit parcel at
1725 Mill to
pay 1-unit
garbage fee
denied.

Councilman Bach moved to deny the request from the owner of the following two-unit residential property to be charged as a one-unit residential property for the purpose of garbage and recycling service: 587-

589 West Falls Road; and to deny the request from the owner of the

following three-unit residential property to be charged as a two-unit residential property for the purpose of garbage and recycling service: 2402

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

Action #192
Request for
multi-unit
parcels to be
charged less
for garbage svc
denied.

Councilwoman Friess moved to approve the following 4-unit properties to receive garbage and recycling service though the Town's contract with Waste Management, contingent upon the property owners paying the 2010 garbage service fee. Future years' fees will be included in the Town property taxes:

1004-1008 Davis Road (4 units)

34 Old Glenwood Road (4 units)

2129 Davis Road (4 units)

718 West Falls Road (4 units)

1725 Mill Road (4 units)

431 Quaker Road (4 units)

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

ayes – five noes – none Motion carried.

Action #193
Request for 6
4-unit
properties to
receive
garbage svc.
approved.

Councilman Harris moved to approve the request from owners of the following properties currently listed on the Assessment Roll as two-unit parcels to be charged as a one-unit residential property for the purpose of garbage and recycling service. Upon inspection by the Town Assessor the second units were deemed uninhabitable (no utility services; no kitchens or bathrooms): 756 West Falls Road and 555 Davis Road. Councilman Bach seconded the motion.

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

Action #194
Two 2-unit
uninhabitable
parcels to be
charged as 1-
unit for
garbage svc.

Councilman Collins moved to authorize the Town Attorney to proceed with the search and survey for 44 Jewett Holmwood Road. The (undetermined) cost will be disbursed from A1420.416 Law-Special Counsel. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #195
Search and survey authorized for 44 Jewett Holmwood.

Councilman Harris moved to approve the purchase of a new bike rack for the Main Street Aurora Town Library from Jamestown Advanced Products, 2855 Girts Road, Jamestown, NY, in the amount of \$569.12 (bike rack \$466.12; freight \$103.00). The price is from NYS Contract #PC65733. Funds will be disbursed from A1620.422 Operation of Buildings – Repair and Maintenance. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #196
New bike rack for Main St. library apprvd.

Councilman Collins moved to authorize the following budget transfer to cover overtime costs accumulated during the May 8, 2010 wind storm:

From: DB5140.100 Misc. (Brush & Weeds) – Wages \$179.00
To: DB5140.140 Misc. (Brush & Weeds) – Overtime \$179.00

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

Action #197
Highway dept. budget transfer authorized.

Councilwoman Friess moved to authorize the following budget transfer to cover additional hours for seasonal parks employees:

From: A7110.106 Parks RPT Laborer \$4480.00
To: A7110.105 Parks Seasonal \$4480.00

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

Action #198
Parks dept. budget transfer authorized.

Councilman Harris moved to approve the hiring of Scott Drosendahl, 38 Longmeadow Drive, East Aurora, as a Seasonal part time parks department employee at a rate of \$8.00 per hour beginning May 25, 2010. Funds will be disbursed from A7110.105 Parks Seasonal.

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

Action #199
S. Drosendahl hired seasonal PT parks dept.

Councilman Harris moved to approve the request from Highway Superintendent David Gunner to authorize the Highway Department employees (represented by CSEA) to work four ten-hour days each week, Monday through Thursday 6:00 a.m. to 4:30 p.m., beginning June 12, 2010 and ending August 20, 2010. July 5, 2010 is a recognized holiday (for July 4th) and Highway Department employees will be given eight (8) hours holiday pay. If the employee chooses they must put in for two (2) hours vacation time or they will only be paid for 38 hours for weekending July 9, 2010. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #200
Four 10-hour work week approved for Highway employees.

Stormwater Program Management Coordinator (SWMP) William Kramer is requesting approval for assistance in reviewing the stormwater pollution prevention plan for the proposed Jewett Holmwood Subdivision. Town Engineer Bryan Smith stated that the Town has adopted a Stormwater Code and that any disturbance of more than one acre needs a detailed plan. The code allows the Town Board to pass these fees on to the developer. Mr. Smith also noted that the storm water plan needs to be in place and approved before the preliminary plan can be approved.

Councilwoman Friess moved to authorize CRA Engineering, 285 Delaware Avenue, Buffalo, NY, to provide professional services to assist the Town in the review of the Stormwater Pollution Prevention Plan for the proposed Jewett Holmwood Subdivision for a fee not to exceed \$2,000, contingent upon confirmation from the developer that they will pay the fee(s). Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #201
CRA to assist
in stormwater
review for
Jewett
Holmwood
Subdivision.

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

- Resolution from Village Board re: support of SMSI grant process
- April 2010 Supervisor’s Report

BUSINESS FROM AUDIENCE II:

Tony Rosati, Center Street, stated that the 2011 Town Budget should include something for Knox Farm State Park.

Bill Patterson, Grover Road, stated that if the Town adopts a “no-smoking” policy, but people can still smoke, then it’s not a policy.

BUSINESS FROM BOARD MEMBERS AND STAFF:

Councilman Harris stated (in response to the comment made during Business from Audience I about excessive fees for dogs-at-large) that the fees encourage dog owners to license their dogs and have them identified so that if they are picked up they can be returned to their owners as soon as possible. He noted that the fee charged for kenneling a dog covers food and paying an employee to walk the dog several time a day – service comparable to what a boarding kennel provides.

Dog Control Officer Sheryl Harris stated that the enumeration of dogs in the Town has begun.

The May 24, 2010 Abstract of Claims, consisting of vouchers numbered 878 to 976, were presented to the Board for audit and authorization of payment from the following funds:

General	\$24,251.69
Part Town	77.00
Highway	6,108.39
Enterprise (Gleed)	10,134.97
Capital	583.00
Trust & Agency	4,417.87
Special Districts	<u>3,517.40</u>
Grand Total Abstract	\$49,090.32

Councilwoman Friess moved to approve the May 24, 2010 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 #202
5/24/10
Abstract of
Claims aprvd.

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

Action #203
Meeting
adjourned.

Martha L. Librock
Town Clerk

