

A meeting of the Town Board of the Town of Aurora took place on Monday, October 25, 2010, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

Members Present:	Jolene M. Jeffe James J. Bach Susan A. Friess Jeffrey T. Harris James F. Collins	Supervisor Councilman Councilwoman Councilman Councilman
Others Present:	Ronald Bennett Bryan Smith David Gunner William Kramer Judy Reischuck William Adams Jeff Markello Village of E. Aurora Board members:	Town Attorney Town Engineer Highway Superintendent Code Enforcement Officer Bookkeeper Planning Board Member Town Justice Allan Kasprzak Ernest Scheer Randy West

Supervisor Jeffe opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the Flag. The Supervisor read the Public Notice from Erie County for the 2010 30-day period for inclusion of lands into an Agricultural District.

In recognition of their 200th year anniversaries, the Supervisor presented proclamations to the First Baptist Church of East Aurora and the Griffins Mills Presbyterian Church.

The next item on the agenda was a PUBLIC HEARING on the 2011 Preliminary Operating Budget for the Town. 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. The Supervisor gave a brief summary of the budget, noting that there are no tax increases proposed in the general and highway funds. The proposed tax rate for the part-town fund is \$2.49/\$1000 assessed value. The Supervisor opened the hearing at 7:08 p.m. and asked if anyone in the audience wished to comment.

Village Mayor Allan Kasprzak, Girard Avenue, stated the police contract is not what's driving the 33% tax increase in the part-town fund. Mr. Kasprzak also commented on the funds missing from the Aurora-Colden Fire District.

Hearing no further comments or questions, the hearing was closed at 7:13 p.m.

Councilwoman Friess moved to approve the minutes of the October 4, 2010 Budget Meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried.	Action #361 10/4/10 minutes aprvd.
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Councilman Bach moved to approve the minutes of the October 12, 2010 Town Board meeting; seconded by Councilman Collins. Upon a vote being taken: ayes – five noes – none Motion carried.	Action #362 10/12/10 minutes aprvd.
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Councilman Collins moved to approve the minutes of the October 19, 2010 Work Session; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none Motion carried.	Action #363 10/19/10 minutes aprvd.
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BUSINESS FROM AUDIENCE I:

Marion Dombrowski, Jewett Holmwood Road, thanked the Board for the work they've done on the Reed Hill (Jewett Holmwood) subdivision. Mrs. Dombrowski noted her continued concern about the location of the entry to the subdivision and the erosion along the creek bank.

John Hughes, Blakeley Road, asked if there is money budgeted for capital improvements at Gleed in the 2011 budget.

UNFINISHED BUSINESS

Councilwoman Friess stated she wants Erie County's confirmation and/or verification of the findings of the SRF Associates traffic study regarding safety of the intersection and sight/stopping distances.

Councilman Collins moved to adopt the following resolution contingent upon receipt of confirmation and/or verification from Erie County as to the findings of the SRF Associates traffic study regarding safety of the intersection of Jewett Holmwood Road and Route 20A and the proposed entrance to the subdivision and sight/stopping distances; seconded by Councilman Harris:

RESOLUTION APPROVING PRELIMINARY PLAT
FOR JEWETT HOLMWOOD LLC
REED HILL SUBDIVISION

WHEREAS, Jewett Holmwood LLC (hereinafter referred to as the "Applicant"), has applied for the subdivision of property for one-family residences located on Jewett Holmwood Road, and

WHEREAS, pursuant to Section 99-6 of the Aurora Code, a sketch plan was previously submitted and accepted by the Town Board, and

WHEREAS, the applicant has applied for approval of a preliminary plat pursuant to Section 99-7 of the Town Code, and

WHEREAS, in compliance with Section 99-7(A), the applicant has submitted the following:

1. Full Environmental Assessment Form.
2. Payment of required fees.
3. Affidavit declaring the names and addresses of the adjacent and opposite property owners.
4. Represented that the application complies in all respects with the sketch plan previously approved.
5. Submitted a Storm Water Pollution Prevention Plan (SWPP) together with the recommendation of the Storm Water Management Officer to approve its modification or disapprove, the Storm Water Pollution Prevention Plan, and

WHEREAS, the application was referred to the Planning Board which has submitted to the Town Board a written recommendation for approval subject to conditions and modifications, and

WHEREAS, the Town Board conducted a public hearing on the preliminary plat, at which public hearing the applicant submitted an Affidavit stating the names and addresses that have been notified by certified mail, return receipt requested, of each owner within 500 feet of any boundary of the subdivision, and

WHEREAS, the submission by the applicant of a preliminary plat indicates all roads and public improvements to be dedicated in all districts for water, sewer, fire or utility

improvements, and

WHEREAS, the preliminary plat conforms to existing zoning requirements and subdivision regulations with any exceptions noted on the plan, and

WHEREAS, the preliminary subdivision application for approval requires the plat and Storm Water Pollution Prevention Plan complies with the performance and design criteria and standards set forth in Chapter 96, Storm Water Management, of this Code, and

WHEREAS, the applicant has now requested approval of the preliminary plat by the Town Board,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby grant approval of the preliminary plat submitted by Jewett Holmwood LLC for the Reed Hill Subdivision (formerly known as Jewett Holmwood Subdivision), subject to the terms, provisions and conditions annexed to this approval and made a part hereof, and be it further

Action #364
Reed Hill
(formerly
Jewett
Holmwood)
Subdivision
Preliminary
Plat approved
with terms,
provisions, &
conditions

RESOLVED, that there shall be compliance with the attached terms, provisions and conditions in consideration for final plat approval pursuant to Section 99-8 of Chapter 99.

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

Duly adopted this 25th day of October, 2010.

TERMS, PROVISIONS AND CONDITIONS FOR REED HILL SUBDIVISION

1. There shall be full compliance with all sections of the Codes of the Town of Aurora as presently codified and existing at the time of the application for final plat approval.
2. All documentation submitted by the applicant, including any terms and conditions of the proposed subdivision, are incorporated by reference and made a part hereof with full and complete binding effect.
3. Subject to the provisions for the Pintabona property at 25 Jewett-Holmwood Road (SBL#175.00-1-8) as set forth in a letter dated June 28, 2010 from the attorney representing the applicant in regard to the following:
 - A. A 15' buffer will be created between the Pintabona property and the right-of-way. At Pintabona's request, the Project Sponsor will either 1) plant at least fifty evergreen trees; 2) erect a 4' high concrete wall the design of which will be approved at Final Plat for the first 60' of the Pintabona buffer and plant at least fifty evergreen trees; or 3) erect a 4' high concrete wall the design of which will be approved at Final Plat for the first 150' of the Pintabona buffer and plant at least five evergreen trees. Location of evergreen trees shall be shown on final plat.

- B. Pursuant to Town Law Section 277(7), the Town Board as the approving entity expressly waives and allows for first, a reduction in the right-of-way adjoining the Pintabona property from 66' to 56'.
 - C. Lot 1 as shown on the Subdivision Preliminary Plat shall front on Jewett-Holmwood Road. Any variation will be subject to Zoning Board of Appeals approval.
4. In consideration of the potential removal of trees near the top of the bank or along the slope of Cazenovia Creek and construction of a structure near the top of the bank of Cazenovia Creek, the applicant shall comply with the following:
- A. Any tree removed within 20' from the top bank as shown on the subdivision plan or on the slope near Cazenovia Creek shall be replanted with ground stabilization vegetation with deed restrictions to be recorded setting forth this condition, with the deed restrictions to be approved by the Town Attorney.
 - B. If any structure, as defined by the Aurora Town Code, or any portion of any structure, is constructed within 20' from the top of the bank as shown on the subdivision plan, then a geotechnical report or slope stability study must be submitted as a condition precedent to the issuance of a building permit for such structure, with said deed restrictions subject to approval by the Town Attorney. Failure to comply will result in the required removal of any construction completed prior to the approval by the Town of the geotechnical report and slope stability study.
5. Town Law Section 277 sets forth the terms and provisions for subdivision review, approval of plats and additional requisites. All provisions shall apply where applicable.
6. All required deed restrictions shall be clearly stated in detail with the filed subdivision map. All such deed restrictions are subject to the prior approval of the Town Board, the Town Attorney and the Town Engineer.
7. The consideration of streets is subject to and conditioned upon approval of the Town Highway Superintendent, the East Aurora Fire Department, and the East Aurora School Union Free School District.
8. A title restriction and condition of ownership of real property shall be the requirement for maintenance of sidewalks affecting each lot, including but not limited to, snow and ice removal subject to the deed restrictions approved by the Town Attorney.
9. The applicant may file a final plat for approval. The Town reserves the right in its sole discretion to modify and alter the provisions of the preliminary plat in consideration for approval of the final plat.

10. The deed restrictions will prevent construction in all Federal wetlands or disturbance of such wetlands in any manner in violation of the Clean Water Act, United States Army Corp. of Engineer regulations, or any other regulations affecting the wetlands.
11. The deed restrictions shall include prohibition upon cutting or harvesting of healthy trees and no construction of structures as shown on the plan for lots bordering Commerce Green with restrictions to be recorded in deed restrictions to be approved by the Town Attorney.
12. The sewer system shall be installed with a pump house to be located in the cul-de-sac adjoining Lots 18 through 22. The system shall be approved by the Erie County Health Department and be installed in a manner which accounts for future use by Commerce Green.
13. The applicant agrees to construct sufficient pavement widening on Jewett Holmwood Road for traffic travelling westbound as required to accommodate a future left turn lane, either initially at subdivision construction or at the Town's request in the future.
14. All lighting shall be installed in strict compliance with the Town Code specifications.
15. Recreation fees shall be paid to the Town in accordance with the conditions of approval and as fees required by the Town Code.
16. An application for approval of a final plat shall be deemed an acknowledgment of the conditions set forth herein for approval of the preliminary plat.

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In 1995, water district WG-Fire Supply was established as an improvement district in connection with water district 6 to cover fire protection. A bond resolution was adopted 5/8/1995 and amended 11/13/1995 for \$207,000 for construction of water improvement within the area of the Town outside the Village, which had been determined as the benefit area. The improvement was the expansion of the pump station to provide fire service to the area. Water District 6 expended \$36,000 and a B.A.N. was issued for \$171,000. The B.A.N. has since been paid, therefore the remaining cash balance should be repaid to Water District 6 (17.4%) and to the Part Town Fund (82.60%).

Councilman Bach moved to approve the disbursement of \$83,591.18 from the WG - Fire Supply fund as follows:

Water District 6 (W6)	\$ 9,324.87
Part Town Fund (B)	\$74,266.31

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

Action #365
Funds from
WG-Fire
Supply
disbursed to
W6 and B
fund.

Councilwoman Friess moved to set 7:00 p.m. Monday, November 8, 2010 at the Town Auditorium, 300 Gleed Avenue, East Aurora, NY, as the time, date and place for a public hearing on the Open Development Area application for SBL#164.00-1-40 Bowen Road. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #366
Bowen Rd.
ODA public
hearing set.

NEW BUSINESS:

Supervisor Jeffe moved to add item 7F – Delinquent water and garbage fees - to tonight’s meeting agenda; seconded by Councilman Bach. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #367
Item 7F –
delinquent
water &
garbage added
to agenda

Supervisor Jeffe stated that she wants to see a thorough inspection done at 300 Gleed that will include the following tasks: 1) Roofing Systems inspection and assessment; 2) Electrical Facilities inspection and assessment; 3) Building and Site needs assessment; and 4) Capital Plan Report.

Councilman Harris stated that we already reports on the HVAC and noted that he hoped this is being done as part of a plan to move the Town offices into the building.

Councilman Collins moved to authorize Conestoga-Rovers & Associates, 285 Delaware Avenue, Buffalo, NY to coordinate a four task Building Systems Evaluation, including the development of a Capital Plan for the Town’s 300 Gleed Avenue facility in an amount not to exceed \$6,800. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #368
CRA to
coordinate 300
Gleed facility
evaluation and
capital plan.

In October 2009 town guardrails were damaged. The Town received payment from Allstate Insurance Company in December 2009 and was deposited to DB5110.449. The repair work was completed in May 2010. The Town Auditor suggested a budget resolution to correct the situation.

Councilman Harris moved to amend the 2010 Town Budget by increasing Budget Line DB5110.449 by \$2,097.97 and increasing the appropriated fund balance by \$2,097.97. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #369
Hwy. budget
amendment re:
guardrails aprvd

Councilwoman Friess moved to authorize the Supervisor to sign the annual service and supply maintenance agreement with Eagle Systems, Inc., 2421 Harlem Road, Buffalo, NY, for the Toshiba E3614 copier at Town Hall. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #370
Supv. to sign
Toshiba copier
agreement.

Councilwoman Friess moved to approve the following budget transfers to alleviate budget line deficits:

From: A7620.400.2 Adult Baseball	\$750.00
To: A7310.400.1 Youth Ed. Vendor	\$750.00
From: A7310.440.1 Baseball Vendor	\$662.61
To: A7550.413.1 Celebrations Ind. Day	\$100.00
TA1000.089 Baseball	\$562.61

Action #371
Recreation
budget transfers
approved.

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

Councilman Bach moved to authorize the Supervisor to sign and submit a Justice Court Assistance Program (JCAP) grant application for the 2010-2011 year for filing cabinets, paper shredder, chairs, label printer, step stool, courtroom wall seal, bulletin board and carpeting for the court room. Councilman Harris seconded the motion.
 Upon a vote being taken: ayes – five noes – none Motion carried.

Action #372
 Supv.
 authorized to
 sign JCAP
 (court) grant
 application

Councilman Collins moved to add the following to the Erie County Tax Rolls, in accordance with Town Law Article 12 Section 198, for non-payment of water bills; seconded by Councilwoman Friess:

<u>Property Owner</u>	<u>Service Address</u>	<u>Billing Source and Amount</u>
Scott Walters	1900 Boies Road East Aurora, NY 14052 SBL#200.00-4-21	ECWA \$63.33
Timothy & Janice Welch	2309 Emery Road South Wales, NY 14139 SBL#201.00-1-42	ECWA \$131.52
Issa Wassim	7002 Davis Road West Falls, NY 14170 SBL#199.00-4-32	ECWA \$278.82
Eric Frick & Katarzyna Grabarezyk-Frick	1048 Grover Road East Aurora, NY 14052 SBL#187.00-1-41.2	ECWA \$1.34
Mabel Janiga	437 Olean Road East Aurora, NY 14052 SBL#176.13-4-13.1	ECWA \$1145.00
Randolph J. DeGroat	1775 Olean Road South Wales, NY 14139 SBL#201.00-1-30.12	ECWA \$19.78
Scott M. Farr	20 Short Road West Falls, NY 14170 SBL#186.00-4-47.111	ECWA \$114.27

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

Action #373
 Delinquent water
 fees added to tax
 rolls.

Councilwoman Friess moved to add the following to the Erie County Tax rolls, in accordance with Town Law Article 12 Section 198, for non-payment of their garbage/recycling fees; seconded by Councilman Bach:

<u>Property Owner</u>	<u>Service Address</u>	<u>Billing Source & Amount</u>
Gerald Hacker	1365 Davis Road West Falls, NY 14170 SBL#199.01-2-21	Aurora \$165.00

Paul Julyan	362 Tannery Road West Falls, NY 14170 SBL#199.01-2-7	Aurora \$165.00
James Kistner	1055 Olean Road East Aurora, NY 14052 SBL#188.01-1018	Aurora \$165.00
Jonathan Livermore	2402 Darling Road South Wales, NY 14139 SBL#201.19-1-1	Aurora \$165.00
Donald Pressing Sr.	992 Olean Road East Aurora, NY 14052 SBL#188.01-2-11.11	Aurora \$165.00
Kevin & Jayne Osmanski	1434 Blakeley Road East Aurora, NY 14052 SBL#187.00-2-21.32	Aurora \$137.50
Donald Scheller	579-587 West Falls Road West Falls, NY 14170 SBL#199.00-2-30	Aurora \$165.00
Issa Wassim	7002 Davis Road West Falls, NY 14170 SBL#199.00-4-32	Aurora \$165.00
Thomas Worthington	1017 Quaker Road East Aurora, NY 14052 SBL#174.00-2-10	Aurora \$165.00
Linda Zee	1252 Boies Road East Aurora, NY 14052 SBL#187.00-4-11.112	Aurora \$137.50
Christopher Lehner	1102 Grover Road East Aurora, NY 14052 SBL#187.00-1-37	Aurora \$165.00

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

Action #374
 Delinquent
 garbage fees added
 to tax rolls.

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

- Going Places Van Audit
- Building Department – September 2010 Report
- Comment from J. Marshall re: WECS law

BUSINESS FROM AUDIENCE II:

Tony Rosati, Center Street, wanted to confirm that the November 16, 2010 work session will be held at the East Aurora fire hall.

Town Justice Markello stated that the courts need a dedicated, secure storage space for court records.

BUSINESS FROM BOARD MEMBERS AND STAFF:

Councilwoman Friess responded to Mayor Kasprzak's comments made during the public hearing. She noted that the Town has no control over the problems in Fire District 6. The Town is just a pass-through for the funds. With regard to the increase in the Part Town portion of the Town's 2011 Operating Budget, Councilwoman Friess went on to say that the budget consists of three main areas 1) general fund – which everyone in the town and village pay taxes towards; 2) highway fund – which residents outside the village pay taxes towards; and 3) part town – which residents outside the village pay taxes towards. Friess noted that in the 2011 budget the general and highway tax rates are not being increased. In the part town fund, they are. She noted that the part town fund includes public safety and the police fees dominate that portion of the fund. The part town fund for 2011 is \$1,469,000 and the police protection portion of that is \$1,375,000. Councilwoman Friess stated that this is just a fact. It is not personal. The tax increase equates to \$62 for a property assessed at \$100,000 or \$5 and change per month.

Councilman Bach recognized and congratulated Lenny Mazurkiewicz on receiving the Moose Lodge Pilgrim Degree of Merit Award for Community Service.

Councilman Collins stated he will have information on the NYSEG energy rebate incentive program for the next meeting.

Supervisor Jeffe stated that at the last work session a representative from the American Legion requested additional funding over the \$500 that the Town allocates to them. NYS Town Law limits the Town from giving more than \$500 to the Legion.

Supervisor Jeffe noted that the information we are sharing about the budget is to explain how we got to where we are at with the budget.

Councilman Harris stated that at this time he believes there is no alternative other than the local police department and that the 33% increase in the part town budget is worth it for the police services the town receives.

Highway Superintendent Gunner stated that leaf pick-up is going well this year and that they would be starting work on the Kiwanis Aktion Club playground tomorrow.

The October 25, 2010 Abstract of Claims, consisting of vouchers numbered 2008 through 2093, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 52,336.72
Part Town	104.09
Highway	11,093.43
Enterprise/Gleed	10,278.60
Trust & Agency	1,126.25
Trust & Agency 2	29.70
Special Districts	<u>42,083.41</u>
Grand Total Abstract	\$117,052.20

Councilman Harris moved to approve the October 25, 2010 Abstract of Claims as presented and to authorize payment of same. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #375
10/15/10
Abstract of
Claims
approved.

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

Action #376
Meeting
adjourned.

Martha L. Librock
Town Clerk