

June 25, 2012

A meeting of the Town Board of the Town of Aurora took place on Monday, June 25, 2012, at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Jolene M. Jeffe	Supervisor
	James F. Collins	Councilman
	Susan A. Friess	Councilwoman
	James J. Bach	Councilman
	Jeffrey T. Harris	Councilman
Others Present:	Ronald Bennett	Town Attorney
	William Adams	Planning Board
	Patrick Blizniak	Supt. of Building
	Al Fontanese	Library Board
	Ron Krowka	Chief of Police

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

The Town was presented with a \$1,150.00 check from the NYS Horse Counsel, Aurora Trail Riders and others to be used towards maintenance of the equestrian fields at Knox Farm State Park.

Councilman Harris moved to accept the \$1,150.00 donation from the NYS Horse Counsel, Aurora Trail Riders and others to be deposited into the trust and agency account held for the maintenance of the equestrian and soccer field area of Knox Farm State Park. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #218
Donation from
WNY Horse
Counsel for
KFSP
accepted.

Representatives from the League of Women Voters gave a presentation on Climate Smart Communities, noting that one hundred and six communities in New York State are now Climate Smart Communities – including the Towns of Evans, Amherst, Brant and the Village of East Aurora.

Supervisor Jeffe thanked the presenters and stated the Board would discuss this further at the next work session. Councilwoman Friess stated that being climate smart is a by-product of being energy smart.

Councilwoman Friess moved to approve the minutes of the June 11, 2012 Town Board meeting; seconded by Councilman Collins. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #219
6/11/12 TB
meeting
minutes
approved

Councilman Bach moved to approve the minutes of the June 19, 2012 Town Board work session; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none Motion carried.

Action # 220
6/19/12 work
session min.
approved

AUDIENCE I: none

UNFINISHED BUSINESS: none

NEW BUSINESS:

Quotes to remove and replace bushes, trim existing bushes, remove rose bushes and mulch planting beds at the Senior Center were received from:

Johnson's Nursery, 11753 E. Main Street, E. Aurora	\$595.00
RealTree Landscapes I. LLC, PO Box 494, E. Aurora	\$840.00
Murray Bros. Nurseries, 4735 Transit, Orchard Park	\$895.50
Adams Nurseries, 5799 Genesee St., Lancaster	\$1,247.00

Councilman Collins moved to approve the quote from Johnson's Nursery, 11753 East Main Street, East Aurora, NY in the amount of \$595.00 to provide and plant five bushes, remove rose bushes, weed, prune, and mulch the planting bed on the east side of the Senior Center at 101 King Street. Funds will be disbursed from A1620.422. Councilman Bach seconded the motion.
Upon a vote being taken: ayes – five noes – none Motion carried.

Action #221
Landscaping for
Sr. Center
approved.

Councilman Bach moved to authorize the Supervisor to sign and submit the NYSDEC Division of Solid & Hazardous Materials Bureau of Waste Reduction & Recycling Municipal Waste Reduction & Recycling Capital Project Grant Pre-Application for the reimbursement of funds expended by the Town for recycling equipment and vehicles. Councilman Collins seconded the motion.
Upon a vote being taken: ayes – five noes – none Motion carried.

Action #222
Pre-application
for recycling
grant approved.

Councilwoman Friess moved to authorize the upgrade of COBOL run time for the financial management program on the Town Clerk's office computers in the amount of \$630. Funds will be disbursed from A1680.210 Computer Software. Councilman Collins seconded the motion.
Upon a vote being taken: ayes – five noes – none Motion carried.

Action #223
COBOL
upgrade for
computers
approved.

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

Resolution Authorizing Application for Grant

WHEREAS, the Town of Aurora has an opportunity to protect sixty (60) acres of land located along the west side of Mill Road with distinctive scenic beauty and wildlife habitat; and
WHEREAS, this property was identified as one of the priority properties for protection in the Open Space Plan adopted by the Town Board in March of 2010; and
WHEREAS, the 2003 Final Report Regional Comprehensive Plan for the Town of Aurora, Elma, Holland and Wales and the Village of East Aurora states in its Findings and Recommendations that, "A part of the passive recreational resources in the Town includes the scenic nature of many of the areas and roads throughout the area." The first one specifically listed is Mill Road; and
WHEREAS, this property has approximately 1,612 feet of frontage along Mill Road; and
WHEREAS, this property is located along the recently established WNY Southtowns Scenic Byway and the creation of a scenic overlook at this location will add a destination of note to the Scenic Byway.

NOW, THEREFORE, BE IT

RESOLVED, that Jolene Jeffe as Supervisor of the Town of Aurora is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$279,260.00; and be it further

Action #224
Application to
NYSOPRH
for Mill Rd.
overlook
authorized.

RESOLVE, upon approval of said request, Jolene Jeffe as Supervisor is authorized to enter into and execute a Project Agreement with the State for such financial assistance to the Town of Aurora for the Mill Road Scenic Overlook project and, if appropriate, a Conservation Easement/Preservation Covenant to the Deed of the assisted property,

Duly adopted this 25th day of June, 2012 by the following vote:

ayes – four noes – one (Harris) Motion carried.

Regarding the Mill Road Overlook grant application, Councilman Harris stated he voted no because he believes it is improper use of government money and that State parks such as Knox Farm should be funded first.

Councilman Harris moved to authorize the Supervisor to sign an agreement with the East Aurora Union Free School District for use of Town owned aerobic equipment; seconded by Councilman Collins:

AGREEMENT

AGREEMENT made this 25th day of June, 2012, by and between

TOWN OF AURORA
5 South Grove Street
East Aurora, New York 14052

hereinafter referred to as the "Town", and

EAST AURORA UNION FREE SCHOOL DISTRICT
430 Main Street
East Aurora, New York 14052

hereinafter referred to as the "School".

WHEREAS, the Town acquired ownership to certain exercise equipment included in the purchase of the real property at 300 Glead Avenue, East Aurora, New York, and

WHEREAS, the School has a continuing education program in which certain equipment has been used at 300 Glead Avenue, and

WHEREAS, the Town is presently negotiating to lease the area of the exercise room to a third party for other purposes,

NOW, THEREFORE, the parties agree as follows:

1. **EQUIPMENT**: Upon request of the School, the Town will provide to the School certain exercise equipment set forth in annexed as Exhibit "A".
2. **TERM**: The term of this Agreement shall be on an annual basis, extended from year to year. Either party may terminate this Agreement with sixty (60) days written notice of termination prior to each anniversary date.
3. **MAINTENANCE**: The School shall maintain the equipment in good repair, condition and working order at its sole expense.
4. **DISCLAIMER**: The School acknowledges that the Town makes no representation in regard to the suitability and fitness of the exercise equipment. The Town has not made and does not make any warranty or representation whatsoever either expressed or implied, as to the suitability and fitness of the exercise equipment. The Town shall not be liable to the School for any loss, damage or expense of any kind or nature caused, directly or indirectly by the use of the exercise equipment or maintenance thereof, or of the failure or operation thereof.
5. **RISK OF LOSS**: The School hereby assumes and shall bear the entire risk of loss for theft, damage, destruction or other injury to the exercise equipment from any and every cause whatsoever.
6. **INDEMNITY**: The School shall hold the Town harmless from and against all claims, losses, liabilities, including negligence, tort and strict liability, damages, judgments, suits, and all other proceedings and any and all costs and expenses in connection therewith include attorney's fees arising out of or in any manner connected with the use of the exercise equipment including, without limitation, claims for injury to or death of persons and for damage to the exercise equipment.
7. **ENTIRE AGREEMENT**: This Agreement constitutes the entire understanding and agreement between the Town and School and there is no understanding or agreement, oral or written, which is not set forth herein.

IN WITNESS WHEREOF, the parties have duly executed this Agreement the date and year first above written.

Exhibit A

Aerobics Equipment

Steps (Approximately 18)

Yoga Mats (Approximately 12)

Hand-held Weights (Approximately 50)

** Please note that a Town Employee must be present during the transfer of the Equipment to record the exact number of each type of equipment included in this agreement.

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

Action #225
 Agreement with EAUFSB for aerobic equip approved.

* * * * *

Councilman Collins moved to approve the donation of Community Pool membership certificates, valued from \$26 to \$135 to the following organizations for 2012:

Moose Lodge #370 (two certificates)
 Kiwanis Club of East Aurora (two certificates)
 Boys and Girls Club of East Aurora (one certificate)
 East Aurora Elementary Parent Teacher Organization (one certificate)
 Explore & More Children’s Museum (one certificate)
 D.A.R.E. Program (one certificate)
 Wesleyan Church of East Aurora (one certificate)
 Immaculate Conception School – East Aurora (one certificate)

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

Action #226
 Donation of pool certificates approved.

On June 14, 2012, there was a bid opening for baseball diamond infield mix (dirt). One bid was received from Gernatt, Taylor Hollow Road, Collins, NY, in the amount of \$21,510.00 (300 tons at 71.70 per ton.)

Action #227
 Bid for baseball diamond dirt approved.

Councilwoman Friess moved to approve the bid for Baseball Diamond Infield Mix (dirt) from Gernatt Asphalt Products, Inc., 13870 Taylor Hollow Road, Collins, NY, in the amount of \$21,500.00 for 300 tons at \$71.70 per ton. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Councilman Collins moved to approve the purchase of 2” crusher-run stone off the Erie County Bid list, for the Glead baseball/softball diamonds, from Waterman’s, Vaughn Street, E. Concord, NY, for \$5.50 per ton and \$0.30 per ton for delivery. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #228
 Purchase of stone for baseball diamonds approved.

Councilman Bach moved to accept the following donations, totaling \$2,020.00, to be used exclusively for the Glead baseball/softball diamond project, with funds to be deposited to TA1000.112:

Action #229
 Donations for Glead Ave. baseball diamond project accepted.

<u>Donor Name</u>	<u>Amount</u>	<u>Date Received</u>
Charles Gollwitzer	\$20.00	6/12/12
David & Sally Bourne	\$500.00	6/14/12
Nicholas Gugino	\$500.00	6/18/12
West Herr Auto Group	\$500.00	6/18/12
William Wlodarczak	\$500.00	6/19/12

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

Councilwoman Friess moved to approve and issue a Temporary Use Permit to East Aurora High School (Walter McLaughlin) allowing them to hold a cross country 5K race at Knox Farm State Park for high school interscholastic participants on Saturday, October 6, 2012 from 7:00 a.m. to 3:00 p.m. (set-up on Friday, October 5th) the Town receiving a completed Certificate of Insurance and an Indemnification Agreement from the applicant. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #230
Temporary permit to EA cross country team for event at KFSP approved.

The Town Board tabled the request for a Temporary Use Permit from Aurora Arsenal Soccer (Jay Metzger/Peggy Cooke) for a Mick Hayes Blues Concert (fundraiser to support Knox Fields) on August 11, 2012 (rain date August 12, 2012) from 7:00 a.m. to 9:30 p.m. pending answers to questions regarding health department permits for food vendor(s) and insurance certificates.

Councilman Collins moved to authorize the Supervisor to sign a six-month lease agreement (7/1/12 through 12/31/12) with 5th Avenue Catering, 300 Glead Avenue, East Aurora, NY, whereby 5th Avenue Catering will lease 460 square feet of kitchen space and 128 square feet (8' x 16') of warehouse space at 300 Glead Avenue, East Aurora, New York, for the operation a private catering business. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #231
Lease agreement with 5th Ave. for 300 Glead approved.

Councilman Harris moved to authorize payment no. 1 to Allied Mechanical, Inc., 1111 Niagara Street, Buffalo, NY, in the amount of \$11,677.40 for work performed through May 31, 2012 on the 300 Glead Avenue Town Hall Renovation project. Funds will be disbursed from Capital Fund IB 1620.210. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #232
Payment No.1 to Allied Mech. for Glead renovation authorized.

Supervisor Jeffe state that requests for proposals (RFP's) for engineering services for the replacement/renovation of the Aurora Library Roof will be sent out to engineering firms by Wednesday of this week. The RFP will be available to any interested engineering firm.

The following bid results were received from Auctions International for surplus Town equipment:

Lot #1 – 1997 Jacobsen HR-15 mower	\$4,123.00
Lot #2 – (3) chainsaws	205.00
Lot #3 – 1977 Layton paver	945.00
Lot #4 – Assorted Equipment	47.58

Action #233
Board approves 3 auction bid results; declines one.

Councilwoman Friess moved to accept the auction/bid results from lots 1, 2 and 4 (listed above) and to decline the auction/bid result from lot #3 (trade-in offer is higher than auction amount). Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

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

- May 2012 EAPD report

BUSINESS FROM BOARD MEMBERS:

Councilman Bach stated he had attended the June 20th Elma Town Board meeting and spoke about the support behind a Veterans Cemetery at Knox Farm State Park.

Councilman Harris attended the same meeting in support of the Knox Park location.

Councilwoman Friess extended condolences to the family of Dan Heidt, a long-time member of the West Falls Fire Company. Mrs. Friess noted that the Geneva Road sewer project is moving forward – the Erie County Sewer Authority is receiving bids this week and that the Town’s recycling challenge (RecycleBank) is gearing up. She will be talking to local media regarding the recycling program.

Supervisor Jeffe: 1) recently spoke at the Aurora Senior Center; 2) announced that State Parks in New York will be able to enter into agreements up to 40-years and the ruling is waiting for the Governor’s signature; 3) attended the Association of Erie County Governments meeting in Brant, NY and was appointed to the committee to negotiate plowing rates with Erie County; and 4) attended a press conference for the 9/15/12 Taste of East Aurora event.

AUDIENCE II:

Al Fontanese, Hubbard Road, asked if there is a time-line for the library roof project and if the rear porch was included. Supervisor Jeffe stated the porch would be included as an alternate bid.

Bill Patterson, Grover Road, asked why the Town water districts aren’t turned over to the Erie County Water Authority. Supervisor Jeffe responded that capital improvements are needed in each district before the ECWA would accept the water lines.

STAFF REPORTS: none

The June 25, 2012 Abstract of Claims, consisting of vouchers numbered 1021 to 1169, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 56,313.05
Part Town	37.73
Highway	206,303.32
Enterprise/Gleed	1,079,977.73
Capital	945,177.53
Trust & Agency	6,908.70
Special Districts	<u>16,778.08</u>
Grand Total Abstract	\$2,311,496.14

Councilwoman Friess moved to approve the June 25, 2012 Abstract of Claims as presented and authorize payment of same. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #234
 6/25/12
 Abstract of
 Claims
 approved.

Councilman Bach moved to enter into executive session to discuss the work performance of several employees, with no action being taken during the session; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #235
 Board enters
 executive
 session.

Councilwoman Friess moved to come out of executive session; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #236
 Board exits
 executive
 session.

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

Action #237
 Meeting
 adjourned.

Martha L. Librock
 Town Clerk