

February 13, 2012

A meeting of the Town Board of the Town of Aurora took place on Monday, February 13, 2012, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

Members Present:	Susan A. Friess James J. Bach Jeffrey T. Harris	Councilwoman/Deputy Supervisor Councilman Councilman
Absent/Excused:	Jolene M. Jeffe James F. Collins	Supervisor Councilman
Others Present:	Ronald P. Bennett Bryan Smith Patrick Blizniak David Gunner William Adams Donna Bodekor Ronald Krowka Richard Glover Robert Goller	Town Attorney Town Engineer Superintendent of Building Highway Superintendent Planning Board Senior Center Director Chief of Police Planning Board Town Historian

Councilwoman Friess, as Deputy Supervisor, opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the Flag.

The first item on the agenda was a FURTHER PUBLIC HEARING on a proposed Local Law to amend Chapter 79 – Open Development Area. The major change in this proposed law is to define single lot and multiple lot open development areas and to outline the procedures for both. After the public hearing held on January 9, 2012 one additional word change was made necessitating a further public hearing. The Affidavits of Publication and Posting are on file with the Town Clerk. Councilwoman Friess opened the hearing at 7:04 p.m. and asked if anyone in the audience wished to comment. Hearing no response, the hearing was closed at 7:05 p.m.

The next item on the agenda was a PUBLIC HEARING on the proposed Shift of Operation into an Empire Zone. BBH Industries, Inc. (dba Butterwood Desserts) is moving its manufacturing operations from David Road in West Falls to the Downtown Buffalo Empire Zone. The Affidavits of Publication and Posting are on file with the Town Clerk. Councilwoman Friess opened the hearing at 7:05 p.m. and asked if anyone in the audience wished to comment. Hearing no response, the hearing was closed at 7:06 p.m.

Councilman Harris moved to approve the minutes of the January 17, 2012 Town Board work session; seconded by Councilman Bach. Upon a vote being taken: ayes – three noes – none Motion carried.	Action #37 1/17/12 work session minutes approved.
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Councilman Bach moved to approve the minutes of the January 23, 2012 Town Board meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – three noes – none Motion carried.	Action #38 1/23/12 meeting minutes approved.
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AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Bach moved to adopt Local Law 2 of 2012; seconded by Councilman Harris as follows:

TOWN OF AURORA
LOCAL LAW 2 - 2012

A LOCAL LAW, TO AMEND LOCAL LAW 1-1990 KNOWN AS “THE CODES OF THE TOWN OF AURORA”, ADOPTED BY THE TOWN BOARD OF THE TOWN OF AURORA ON JANUARY 22, 1990, BY AMENDING CHAPTER 79, OPEN DEVELOPMENT AREA.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AURORA AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as “The Town of Aurora Code” adopted by the Town of Aurora on January 22, 1990, as amended, relating to the administrative, legislative and general legislation of Codes within the Town of Aurora as therein set forth..

SECTION 2. CHAPTER 79, OPEN DEVELOPMENT AREAS

This Local Law repeals and rescinds the present Chapter 79 in its entirety and enacts the following replacement Chapter 79:

SECTION 79-1, PURPOSE; DEFINITIONS

- A. In order to maintain the rural character of the Town and to provide standards to landowners who wish to develop or subdivide land that lacks required public road frontage for standard lot development. The Town Board may, by resolution, establish Open Development Area guidelines within the Town pursuant to NYS Town Law 280-a. An Open Development Area is not an as-of-right use and must be designed to maintain the rural character of the Town as well as to meet the conditions as herein established.
- B. Definitions: As used in this chapter, the following terms shall have the meanings indicated:
- AS-OF-RIGHT USE – a use which requires compliance with the open Development area provisions.
- DRIVEWAY –
- (1) A private road for local access to one or more structures, and owned and maintained by an individual or group.
- (2) A private road giving access from a public way to a building on abutting grounds.
- EASEMENT – A non-possessory interest to use real property in possession of another person for a stated purpose.
- FRONTAGE – The full length of a plot of land measured alongside the public road on to which the plot fronts or abuts.
- DEVELOPMENT – any project that increases the value of property that may include but not be limited to:
- (1) Installation of service connections to municipal services and/or public utilities

(2) Erection of a dwelling or principal building.

OPEN DEVELOPMENT AREA – A parcel of land which does not have immediate frontage on an existing state, county or town highway or a street shown upon a plat approved by the Town as provided in § 277 of the Town Law shall require an open development area permit as provided herein.

a) Single lot – one lot lacking adequate road frontage

b) Multiple lots – more than one (1), but less than five (5) lots developed along a private driveway or right-of-way

1) Additional development on a shared driveway or right-of-way will initiate a multiple lot ODA

RIGHT OF WAY -

(1) A situation in which a parcel of land has a specific owner, some other party or the public at large has a legal right to traverse that land in some specific manner.

(2) A strip of land that is granted through an easement or other mechanism for transportation (ingress/egress) purposes

SECTION 79-2, SUBMISSION OF DEVELOPMENT PLAN

A. Application Procedure. The applicant shall file with the Town Clerk's office the following documents:

(1) A current property survey of the open development area. The survey shall be prepared in accordance with the most current Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys as adopted by American Land Title Association and National Society of Professional Surveyors.

a) Single Lot applications – a minimum of five (5) copies

b) Multiple Lot applications – a minimum of fifteen (15) copies

2) A copy of the recorded Deed describing the subject premises.

3) A minimum of fifteen (15) copies of a Development Plan (minimum of 5 copies for a one lot application), at a scale of not less than 1" = 20', that shall, at a minimum, shall include:

a) The name and address of the owner(s) of the land to be developed, the name and address of the developer(s), if other than the owner.

b) All pertinent features, such as existing structures, streets, USGA topography and other information that may influence the design of the plan.

c) The location, width and approximate grade of all proposed access roadways.

d) The location, dimensions and area of all proposed or existing lots, drainage plans, public utilities and sewage disposal.

- e) The names of all property owners of record within a 500' radius of all property lines of the proposed open development area.
 - f) The acreage of the tract to be developed to the nearest 1/10 of an acre.
 - g) The 500- and 100-year floodplains, as appropriate.
 - h) National Wetland Inventory and New York State Department of Environmental Conservation mapped wetlands.
 - i) The location and approximate water shed size of all drainage ways
 - j) Any other information deemed appropriate or requested by the Planning Board and/or Town Board.
- 4) Narrative description of the planned private right-of-way including:
- a) Specifications for the private right-of-way.
 - b) Ownership of the right-of-way.
 - c) A Maintenance Plan for the right-of way.
- 5) A statement as to the proposed water supply and similar utilities service capabilities.
- 6) Fee payable to the Town of Aurora, as determined by a fee schedule established by the Town Board, for each proposed lot within the open development area.
- B. New York State Environmental Quality Review Act.** Editors Note: See Article 8 of the Environmental Conservation Law. All requirements of the State Environmental Quality Review Act shall comply with prior to consideration by the Town Board.
- (1) Part I of the Full SEQR must be submitted at this time for multiple lot ODA
 - (2) Part I of the Short Form SEQR must be submitted at this time for one lot ODA
- C. Submission Date.**
- (1) Multiple Lot ODA - The date of submission of a completed application and attachments shall be the date of the next general meeting of the Town Board, at least ten (10) days after receipt of the same by the Town Clerk.
 - (2) Single lot ODA – The date of submission of a completed application and attachments shall be the date filed with the Town Clerk. Single Lot ODA applications will be forwarded directly to the Superintendent of Building for review.

SECTION 79-3, REVIEW AND APPROVAL OF DEVELOPMENT PLAN

A. Referral.

(1) Single Lot ODA - Upon receipt and preliminary review of the Open Development plan containing applications, supporting documents and receipt of fee payment, the Town Clerk shall refer the open development plan to the Town Engineer, Building Inspector, and Town Attorney for review, advice and recommendations, including all the terms and provisions of Section 79-2 of this Chapter

A. The Superintendent of Building shall:

- 1) Refer completed and reviewed application to Planning Board; or
- 2) Refer completed and reviewed application to Town Board

(2) Multiple Lot ODA - Upon receipt and preliminary review of the Open Development plan containing applications, supporting documents and receipt of fee payment, the Town Clerk shall refer the open development plan to the Town Engineer, Superintendent of Building , and Town Attorney for review, advice and recommendations, including all the terms and provisions of Section 79-2 of this Chapter.

A. The Superintendent of Building, Town Attorney and Town Engineer shall, within 14 days of receipted date of the Multiple Lot ODA application, review said application and supporting documents, and

- 1) Refer application back to petitioner for more information; or
- 2) Refer application to Town Board via the Town Clerk

(3) A copy of the application and attachments will be forwarded to the Erie County Department of Planning for review.

B. Planning Board Meeting. The applicant shall be prepared to attend the next regular meeting of the Planning Board after the official submission date of the completed application and attachments and any subsequent meetings deemed necessary by the Planning Board to discuss the preliminary open development area plan.

C. Planning Board Action. Within forty-five (45) days after submission to the Planning Board, said Planning Board shall take action to recommend to the Town Board a conditional approval, with or without modification, or disapproval of such open development plan, with the ground for disapproval stated upon the records of the Planning Board. Failure of the Planning Board to act within such forty-five (45) day period shall constitute a “no recommendation” of the plan.

- D. Town Board Action. Before the Town Board acts on the plan, it may schedule a public hearing to be determined at the first meeting subsequent to receiving the recommendation of the Planning Board. Upon mutual consent of both the Town Board and the applicant, the public hearing may be delayed.
- E. Public Hearing. The Town Clerk shall have notice of public hearing published in the official newspaper of the Town. The Notice shall be mailed to all property owners within a 500' radius of all property lines. The Public Hearing shall be held at a regular meeting of the Town Board.
- F. The Town Board shall, within forty-five (45) days from the date of the public hearing, approve, modify or disapprove such plan. The grounds for such action shall be stated in the minutes of the Town Board. The Town Board may require additional information prior to acting on the plan. The approval of such development plan may include additional requirements.
- G. Any time limits set forth herein may be extended by mutual consent of the Planning Board and/or Town Board and the applicant to allow interested parties to comment upon or modify any pending proposal. Notwithstanding the above, if the Town Board determines that it is in the best interest of the Town to expedite the review and approval or disapproval of a pending application, subject to the provisions of this chapter, the Town Board may notify the Planning Board of this determination, in which event the Planning Board will make a written recommendation to the Town Board to either accept a pending application without change, to accept a pending application subject to certain changes, conditions or modifications or to reject a pending application within 60 days of the date of the Town Board's written request.

SECTION 79-4, REQUIRED IMPROVEMENTS AND AGREEMENTS

- A. Inspection of Improvements. The Superintendent of Building and/or the Town Engineer shall act as agent for the Town and Planning Boards for the purpose of overseeing the satisfactory completion of improvements as required by the Town Board and shall determine an amount, if any, to defray costs of inspection. The applicant shall pay the Town the costs of inspection before the open development area plan is signed for filing. This cost shall be In addition to the fees required. If the Town Board or its agent finds, upon inspection, that any of the required improvements have not been constructed in accordance with the Town Board recommendations or the approved construction detail sheet, the applicant and/or property owner will be liable for the costs of completing said improvements according to specifications.

SECTION 79-5, FILING OF APPROVED PLAN

Upon completion of all requirements set forth in the action approving the open development area plan and the approval by the Town Board, the plan shall have the certification of the Town Clerk as follows:

“Approved by resolution of the Town Board of the Town of Aurora, New York on the ____ day of _____, 20__ subject to all requirements and conditions of said attached resolution. Any change, erasure, modification or revision of this plan, as approved, shall void this approval. Signed this ____ day of _____, 20__, by _____.” (with notation to that effect upon said plan, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Town Board and shall be filed in the office of the Town Clerk and the Town Building Department.)

SECTION 79-6, DEVELOPMENT STANDARDS

The Town Board, in considering an application for an open development area plan, shall be guided by the following considerations and standards:

A. General.

- 1) Character of Land. Land to be developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- 2) Conformity to Official Map and Zoning Code Regulations. The Open Development Area shall conform to the Official Map and Zoning Code as adopted by the Town Board.

B. Design Standards for access roadways.

- 1) Access roadways shall be designed in accordance with Appendix D from the Fire Code of New York State and all other applicable requirements.
- 2) All access roadways shall be located on a private right-of-way at least fifty (50) feet wide, and constructed of gravel, asphalt or other hard surface not less than twenty (20) feet wide, or greater if required by the International Building Code approved by New York State. In all cases, access roadway shall be sufficient to support the weight of emergency equipment.
- (3) All access roadways will be designed to preclude any use other than access to or exit from property in the development.
- (4) The specifications for the construction of the access roadway and specifications for maintenance of the private right-of-way must be submitted with the preliminary development area plan for recommendation by the Planning Board and Town Engineer and final approval by the Town Board. If the enforcement of the provisions of this

section would entail practical difficulty or unnecessary hardship, or where the circumstances of a case do not require the structure to be related to existing or proposed streets or highways, the Board may make any reasonable exception and issue the permit subject to conditions that will protect any further street or highway layout.

SECTION 79-7, IMPROVEMENTS

The developer, before the approval of the open development area plan, shall complete improvements to the satisfaction of the Superintendent of Building and/or Town Engineer or post a performance bond sufficient to insure the satisfactory completion of the following required improvements, except where waivers may be required, and the Town Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of public health, safety and general welfare:

- A. Access roadways.
- B. Storm drains, culverts and catch basins. (SWPPP)
- C. Drainage plan.
- D. State Environmental Quality Review Act requirements.

.SECTION 79-8, VARIANCES AND WAIVERS; MODIFICATIONS OF STANDARDS

- A. Where the Town Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variances from this Local Law will not have the effect of nullifying the intent and purpose of this open development area plan.
- B. Where the Town Board finds that due to special circumstances of a particular plan the provisions of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities and adjacent to or in proximity to the proposed plan, it may waive such requirements subject to appropriate conditions.
- C. The Town Board may modify the specifications requirements in any open development area plan where, in the Board's judgment, such modification is in the public interest or will avoid the imposition of unnecessary individual hardship as stipulated in this Chapter. In granting variances and modifications from this Local Law, the Town Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

SECTION 79-9, DEED RESTRICTIONS

All deeds and easements of all or part of the real property subject to the requirements and conditions of the Open Development Law approved herein shall contain the following provision:

“This conveyance is made and accepted subject to the open development area plan approved by the Town Board of the Town of Aurora on the ____ day of _____, 20__.”

SECTION 3. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Action #39
Local Law 2 –
2012 adopted:
Amending
chapter 79
Open Dev.
Area

Upon a roll call vote being taken: Councilman Harris – aye; Councilman Bach – aye; Councilwoman Friess – aye

Ayes – three Noes – none Motion carried.

* * * * *

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

Resolution
For a Shift of Operation into an Empire Zone

WHEREAS, BBH Industries, Inc. (dba Butterwood Desserts) manufactured retail cakes, pies, tarts, pastries, wedding cakes as well as a wholesale frozen dessert line in the Town of Aurora, New York, from June 22, 2009 to present day (February 2012), and

WHEREAS, BBH Industries, Inc. employed 22 people in 2012, including 3 residents of Aurora and 6 within close proximity (Orchard Park, Colden, Elma) and

WHEREAS, lack of proximity to the New York State Thruway (Interstate 90), lack of freezer capacity, issues related to docking large (52 foot) semi trucks (inadequate dock space) prevent BBH Industries, Inc. from remaining at 1863 Davis Road (PO West Falls), in the Town of Aurora, beyond 2012, and

WHEREAS, BBH Industries, Inc. attempted to relocate in the Town of Aurora in 2009-2010, but could find no comparable space, and

WHEREAS, BBH Industries, Inc. met with various East Aurora Trustees prior to receiving a proposal to remain in New York State in close proximity to the Town of Aurora, and

WHEREAS, the Town Board held a public hearing to solicit public comments regarding the extraordinary circumstances existing to warrant the relocation of BBH Industries, Inc. in to the Downtown Buffalo Empire Zone.

NOW, THEREFORE be it

RESOLVED, that the Town of Aurora consents to the relocation of BBH Industries, Inc. from the Town of Aurora (West Falls vicinity) to the Downtown Buffalo Empire Zone.

Action #40
Empire Zone
resolution for
Butterwood
Desserts
adopted.

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

NEW BUSINESS:

Councilman Harris moved to approve the Step Increase from Sean Chamberlin from Truck Driver Step 5 to Truck Driver Step 6, effective February 18, 2012, at a rate of \$24.30 per hour per the CSEA agreement. Councilman Bach seconded the motion. Upon a vote being taken:
ayes – three noes – none Motion carried.

Action #41
Highway
employee S.
Chamberlin's
step increase
approved.

Councilman Bach moved to accept a \$200 donation from town residents Bill and Ginny Lee to be used toward the purchase of a podium with speaker system for the Aurora Senior Center. The funds will be deposited to TA1000.0090 Senior Center Donations. Councilman Harris seconded the motion. Upon a vote being taken: ayes – three
noes – none Motion carried.

Action #42
\$200 donation
for senior
center podium
accepted.

At the January 23, 2012 meeting, the Board approved the purchase of a podium (floor lectern) with speaker system for the Senior Center (Action #22). When the podium was delivered it was discovered that it was battery operated and not AC. Three more quotes were obtained:

Alfax Furniture	\$1108.00
ATD-American	\$1123.00
Grainger	\$1164.45

Action #43
Recind Action
#22 and
approved
purchase of
podium for
Senior Center.

Councilman Harris moved to rescind Action #22 of 1/23/12 and to approve the purchase of a podium (floor lectern) with speaker system from Alfax Furniture at a cost of \$1108 (\$929 plus \$179 shipping) for the Aurora Senior Center. The funds will be disbursed from TA1000.0090 Senior Center Donations (\$700) and A6772.401 Senior Center Supplies (\$408). Councilman Bach seconded the motion. Upon a vote being taken:
ayes – three noes – none Motion carried.

Action #44
Bid opening
set for 300
Gleed
renovation (4
contracts).

Councilman Bach moved to authorize going out to bid for renovations at 300 Gleed and to set a bid opening for Thursday, March 9, 2012 at 10:00 a.m. at 5 South Grove Street, East Aurora, NY, for the following contracts:

- Contract No. 05G- General
- Contract No. 05E – Electrical
- Contract No. 05M – Mechanical
- Contract No. 05P – Plumbing

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

Councilman Bach moved to authorize the Supervisor to sign the Professional Engineering and Architectural Construction Support Services proposal for the renovations to 300 Gleed Avenue. Councilman Harris seconded the motion for the purpose of discussion. Councilman Harris stated he does not believe the Town needs this agreement, since the Architect should be doing this. Town Engineer Bryan Smith explained that the Architect's services are included in this proposal.

Action #45
Engineering &
Architural
Support
agreement
tabled.

After further discussion Councilman Harris moved to table this item and discuss it at the February 21, 2012 work session. Councilman Bach seconded the motion. Upon a vote being taken: ayes – three
noes – none Motion carried.

Councilman Bach moved to approve the request from Town Clerk Martha Libroch to attend the 30th Annual NYS Town Clerks Association Conference in Saratoga, NY, April 22-25, 2012. Funds will be disbursed from A1410.404 (\$100 registration; \$725 hotel/meals). Councilman Harris seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #46
Town Clerk
attendance at
NYSTCA
conference
approved.

Councilman Bach moved to authorize Councilwoman Friess, as official delegate for the Town, to vote in the affirmative at the 2012 Annual Business Session of the Association of Towns of the State of New York meeting on the following resolutions:

Resolution No. 1 - Preserve and Strengthen Home Rule

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to preserve and strengthen home rule; and BE IT FURTHER

RESOLVED, that the Association of Towns will strongly oppose any state initiative to weaken or eliminate New York's long-standing tradition of home rule and local government authority.

Resolution No. 2 - Mandate Relief

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to enact comprehensive mandate relief legislation that provides permanent and full funding of existing mandates, identifies and eliminates unnecessary mandates, eliminates future unfunded and underfunded mandates and which will require all future legislation to include specific local fiscal impact notes which will inform members of the Legislature and the public regarding the actual expense of implementing said legislation.

Resolution No. 3 - Publication of Legal Notices

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to amend the General Construction Law to allow publications having a widespread but unpaid circulation within the town to be considered newspapers and to permit towns and other governments to place legal notices in these local publications.

Resolution No. 4 – Road Preservation Securities and Road Use Agreements

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to provide express statutory authority for local governments to require the posting of road and bridge reconstruction securities to protect local highways from damage attributable to private, commercial projects or endeavors; and BE IT FURTHER

RESOLVED, that the Association of Towns calls upon the Governor, the Legislature and the Department of Transportation to amend the Highway, Vehicle and Traffic Law and Town Law to expressly allow local governments the authority to require and enter into Road Use Agreements when the proposed project or endeavor will result in road usage that exceeds the normal usage and is beyond the carrying capacity of a road.

Resolution No. 5 – Preserve Land Use Authority for Natural Gas Drilling

RESOLVED, that the Association of Towns calls upon the Governor, the Legislature and the Department of Environmental Conservation to amend the Environmental Conservation Law, §23-0303 to expressly preserve the right of locally elected officials to exercise local land use authority to plan for the future growth and development of their communities.

Resolution No. 6 – Funding Local Costs Associated with Gas Extraction

RESOLVED, that the Association of Towns calls upon the Governor, the Legislature, and all administrative agencies to improve, or in the very least, maintain, the ability of local governments to tax the production of natural gas at the current level when considering the taxation of natural gas development or extraction by any alternative method, and BE IT FURTHER

RESOLVED, that the Association of Towns encourages the Governor, the Legislature, and all administrative agencies to adopt a fee structure for natural gas drilling permits that recognizes the immediate costs to be borne by the affected local governments and the lag between those expenditures and any potential real property tax revenue.

Resolution No. 7 – Requesting Meaningful Participation in the Siting of Major Power Generation Facilities

RESOLVED, that the Association of Towns calls upon members of the new State Board on Electrical Generation Siting and the Environment as well as participating state agencies to include local governments in the drafting of corresponding regulations and the procession of siting applications.

Resolution No. 8 – Reform Real Property Tax System

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to define and enact a uniform, well-defined approach to exemption and taxable status date legislation and provide state funding for any state-mandated or encouraged exemption programs and protect local property tax revenues.

Resolution No. 9 – Highway, Bridge and Transportation Funding

RESOLVED, that the Association of Towns calls upon the Governor, the Legislature and the Department of Transportation to maintain CHIPS funding in the 2012-13 state budget and to provide a stable and sustainable funding stream for local infrastructure; and BE IT FURTHER RESOLVED, that the Association of Towns calls upon the Governor, the Legislature and the Department of Transportation to continue to provide CHIPS reimbursement for maintenance procedures undertaken to extend the useful life of local transportation infrastructure; and BE IT FURTHER

RESOLVED, that the Association of Towns calls upon the Governor, the state Legislature and the Department of Transportation to fully fund and preserve the Dedicated Highway and Bridge Trust Fund (DHBTF) for capital infrastructure expenditures and to phase out noncapital expenditures; and BE IT FURTHER

RESOLVED, that the Association of Towns calls upon the New York Congressional Delegation to renew SAFETEA-LU and to provide an increased and dedicated funding commitment to New York State and local transportation infrastructure projects.

Resolution No. 10 – Elimination of the Requirement to Collect State Animal Population Control Surcharge

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to amend the Agriculture and Markets Law to authorize municipalities to retain funds collected for animal population control to be used for local programs.

Resolution No. 11 – Fund the Local FEMA Cost Share

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to enact S5888/A8654-A or comparable legislation to relieve local taxpayers of the additional burden of funding the 12.5% local FEMA match.

Resolution No. 12 – Authority to Charge Gross Receipts Taxes on Utility Bills

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to authorize towns, at their discretion, to collect gross receipts tax to the same extent such tax is available to cities and villages.

Resolution No. 13 – Surcharges to Funds Justice Courts and Town Prosecutors

RESOLVED, that the Association of Towns requests legislative action to increase GML, §99-1 reimbursement fees to assist local taxpayers in funding justice court operational expenses; and BE IT FURTHER

RESOLVED, that the Association of Towns requests legislative action to establish a new surcharge to maintain the office of town prosecutor thereby reducing the expense to town taxpayers.

Resolution No. 14 – Preserve Dedicated Funds for Local Purposes

RESOLVED, that the Association of Towns urges the Governor and the Legislature to use revenue collected for dedicated purposes for their intended purpose and to stop depleting dedicated funds and appropriations which were established to fund various local government programs and services.

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

Action #47
Affirmative
vote auth for
AOT
resolutions

Councilman Harris moved to appoint Patrick Blizniak as the Affirmative Action Officer for the Town of Aurora. Councilman Bach seconded the motion.

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

Action #48
P. Blizniak
appt. affirm
action officer

On January 16, 2012 the Town's 2006 Ford F550 truck overheated and had oil in the coolant. Highway department personnel contacted several repair shops and only one, West Herr Ford, could do the repair immediately. The Highway Superintendent deemed this an emergency and authorized the necessary repairs to be made by West Herr Ford.

Councilman Bach moved to approve the repair to the 2006 Ford F550 truck in the amount of \$3886.63 and to authorize payment to West Herr Ford of Hamburg. Councilman Harris seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #49
Emergency
repair of Hwy
F550 truck
approved.

Councilman Harris moved to approve the request from Timothy Rascoe, a Boy Scout from Troop #352, to perform his Eagle Scout project of prepping and painting the basement walls at the West Falls Community Library, 1966 Davis Road, West Falls, and to approve the Town paying for the paint and primer at a cost up to \$225.00 Councilman Bach seconded the motion.

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

Action #50
Eagle Scout
project to
paint WF
library
basement
approved.

Councilman Harris moved to authorize Justice Court Action in reference to Aurora Town Code Chapter 108 – Vehicles, Abandoned, for:

Steven Halpin and Alexandra Beebe
1809 Davis Road, West Falls, NY 14170

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

Action #51
Justice court
action auth for
1809 Davis

Councilman Harris moved to authorize the Supervisor to sign the indemnification agreement being submitted in conjunction with the application to the Village of East Aurora for a temporary use permit for the Backyard Bash concert series, held at the Village parking lot behind Vidler's, and sponsored by the recreation department. Councilman Bach seconded the motion.

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

Action #52
Supv auth to
sign indem-
nification
agreement for
Backyard
Bash concert
series.

The director of the Explore & More Children's Museum is requesting to use the north and south parking lots, gymnasium and the grass area (not soccer fields) at the immediate rear of the building at 300 Glead for the 3rd Annual Touch-A-Truck event.

Councilman Bach moved to approve the request from Explore & More Children's Museum to use the Glead facilities (parking lots, gymnasium and rear grass area) for the 3rd Annual Touch-A-Truck event on May 20, 2012, with the understanding that the north parking lot may not be available at that time due to renovations for Town Hall.

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

Action #53
Explore &
More to use
Glead
facilities for
Touch-A-
Truck event

Councilman Harris moved to approve the quote from SimplexGrinnell and authorize required internal inspection of the sprinkler system at 300 Gleed, along with replacement of several out-dated system gauges and missing trim rings. The \$1139 cost will be disbursed from ER16211.422 – Gleed repair and maintenance. Councilman Bach seconded the motion.
Upon a vote being taken: ayes – three noes – none Motion carried.

Action #54
Inspection & repair of 300 Gleed sprinkler system aprvd.

Councilman Bach moved to approve the bid of \$7200 received 2/10/12 on Auctions International for the Town’s 2003 Ford F250 Pickup truck (VIN No. 3FTNF21L33MB28842) and Western plow that was declared surplus equipment (Action #373 12/27/11) and authorize the sale of said vehicle. Councilman Harris seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #55
Bid for and sale of 2003 F250 truck approved

Councilman Harris moved to approve the following budget transfers as requested by Town bookkeeper Nicole Serra for the 2011 budget; seconded by Councilman Bach:

2011 Budget Transfer Requests

From:	A1460.440	Rec. Mgmt.	\$600
	A1450.401	Election	\$4,173.83
	A1620.401	Op. Bldg.	\$539.42
To:	A1620.103	Custodian	\$5,313.25
From:	A1680.401	CDP office supply	\$891.65
To:	A1910	Insurance	\$891.65
From:	A7110.414	Park utilities	\$774.20
To:	A7020.100	Rec. payroll	\$774.20
From:	A7142.400.1	Playgrounds	\$1,476.96
To:	A7186.411	New programs	\$1,476.96
From:	A7142.400.1	Playgrounds	\$821.04
	A7142.400.2	Playgrounds	\$34.37
To:	A7189.425	Knox Park	\$855.41
From:	A7315.414	LTR program	\$500.00
	A7315.412	E&M program	\$500.00
	A7310.440.1	Baseball umpires	\$2,729.00
	A7510.401	Historian supplies	\$204.50
To:	A7310.400	Baseball vendors	\$3,933.50
From:	ER1621.414	Gleed utilities	\$4,125.45
To:	ER1621.413	Custodian	\$4,125.45
From:	ER1621.414	Gleed utilities	\$1,509.73
To:	ER9030.800	SS/payroll taxes	\$1,509.73
From:	A1410.401.1	Clerk - dog license	\$1,100.00
	A1410.401.3	Clerk - dog prog	\$488.49
	A1420.417	Law - codefication	\$2,500.00
To:	A1420.416	Special counsel	\$4,088.49
From:	A9060.800	Hosp/Med Ins.	\$4,849.16
To:	A9061.800	Retiree Med Ins.	\$4,849.16
From:	ZB8340.401	WD 1S repairs	\$3,209.22
To:	ZB8320.401	WD 1S source/spl	\$3,209.22

From:	WM8340.401	WIA 7 repairs	\$1,838.34
To:	WM8320.401	WIA 7 source/spl	\$1,838.34
From:	DB5110.100	Hwy - wages	\$11,003.71
To:	DB5110.410.1	Fuel other agency	\$11,003.71
From:	DB5110.100	Hwy - wages	\$862.41
To:	DB5142.100	Snow - wages	\$862.41
From:	DB5110.100	Hwy - wages	\$862.37
To:	DB5148.100	Snow - wages	\$862.37

Upon a vote being taken: ayes – three noes – none Motion carried. Action #56
2011 Budget
transfers aprvd

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

- Tax Receiver – January 2012 Report
- Town Clerk – January 2012 Report
- Building Department – January 2012 Report
- Recreation Director – January 2012 Report
- Dog Control - January 2012 Report
- Assessor - January 2012 Report
- Senior Center - January 2012 Report
- EAPD - January 2012 Report
- Work Requisitions - January 2012 Report
- Historian – 2011 Annual Report

BUSINESS FROM BOARD MEMBERS:

Councilman Bach recently attended a State Legislative forum and met with several of our State representatives. Councilman Bach also read an email he received regarding Hawk Creek moving to a new location. He stated that he'd like to see them stay in Aurora.

Councilman Harris attended the 2/1/12 Planning Board meeting. He stated he believes the fire department should be more involved in reviewing Open Development Applications, especially those with long driveways.

Councilwoman Friess attended the EAFD installation dinner and will be attending the Association of Towns conference/meeting in New York City next week.

AUDIENCE II:

Tony Rosati, Center Street, commented on the proposed cancellation of NFTA bus routes to the Southtowns. Mr. Rosati noted that we need to keep some level of public transportation.

Bill Patterson, Grover Road, asked for an update on the Mill Road overlook and on the comprehensive plan.

STAFF REPORTS:

Highway Superintendent David Gunner noted that former Highway Superintendent Charles Francis recently passed away. He also stated he will be delivering information on an electronic waste disposal program for the Board to review at the work session.

Donna Bodekor stated that AARP is currently processing income tax returns and on Tuesday, 2/21/12, Legislator Joe Lorigo will be at the Senior Center from 9:30am to 11:30am.

The February 3, 2012 “2011 Encumbered” pre-paid Abstract of Claims, consisting of vouchers numbered 2462 to 2469, was presented to the Board for audit and authorization of payment from the following funds:

General	\$5,946.63
Enterprise/Gleed	4,852.84
Special Districts	<u>2,035.38</u>
Grand Total Abstract	\$12,834.85

The February 3, 2012 pre-paid Abstract of Claims, consisting of vouchers numbered 124 to 133, was presented to the Board for audit and authorization of payment from the following funds:

General	\$3,323.72
Highway	886.58
Trust & Agency	511.00
Special Districts	<u>8,937.42</u>
Grand Total Abstract	\$13,658.72

The February 13, 2012 “2011 Encumbered” Abstract of Claims, consisting of vouchers numbered 2470 to 2489, was presented to the Board for audit and authorization of payment from the following funds:

General	\$16,072.19
Part Town	287.25
Highway	315.91
Enterprise/Gleed	1,419.71
Capital	24,626.50
Trust & Agency	<u>588.62</u>
Grand Total Abstract	\$43,280.18

The February 13, 2012 Abstract of Claims, consisting of vouchers numbered 134 to 229, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 8,839.63
Part Town	16.80
Highway	34,477.51
Enterprise/Gleed	9,689.34
Capital	16,807.00
Special Districts	<u>8,110.47</u>
Grand Total Abstract	\$77,940.75

Councilman Harris moved to approve the February 3, 2012 pre-paid “2011 Encumbered”, the February 3, 2012, the February 13, 2012 “2011 Encumbered”, and the February 13, 2012 Abstracts of Claims as presented and to authorize payment of same. Councilman Bach seconded the motion. Upon a vote being taken: ayes – three noes – none
 Motion carried

Action #57
 2/3 & 2/13/12
 Abstracts of
 Claims aprvd.

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

Action #58
 Meeting
 adjourned.

Martha L. Librock
 Town Clerk