

March 26, 2012

A meeting of the Town Board of the Town of Aurora took place on Monday, March 26, 2012, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

Members Present:	Jolene M. Jeffe James F. Collins Susan A. Friess James J. Bach Jeffrey T. Harris	Supervisor Councilman Councilwoman Councilman Councilman
Others Present:	Ronald Bennett Patrick Blizniak David Gunner William Adams Charles Snyder Ronald Krowka	Town Attorney Supt. of Building Highway Superintendent Planning Board Planning Board Chief of Police

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

Councilman Harris moved to approve the minutes of the March 9, 2012 bid opening for the renovation/reconstruction project at 300 Gleed Avenue; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #96 3/9/12 Gleed bid opening minutes aprvd
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Councilman Bach moved to approve the minutes of the March 12, 2012 Town Board meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #97 3/12/12 meeting minutes aprvd
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Councilman Harris moved to approve the minutes of the March 20, 2012 Town Board work session; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #98 3/20/12 work session minutes aprvd
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AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Bach moved to adopt Local Law No. 3 of 2012; seconded by Councilman Collins:

TOWN OF AURORA  
LOCAL LAW 3 - 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 65, FIRE PREVENTION AND BUILDING CONSTRUCTION TO PROVIDE AN AMENDED PENALTY FOR OFFENSES.

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. SECTION 65-22, PENALTIES FOR OFFENSES**

Section 65-22(B), Penalties for Offenses, is amended as follows:

B. Any person who shall fail to comply with a written order of the Superintendent of Buildings within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this article or any lawful order, notice, directive, permit or certificate of the Superintendent of Buildings made hereunder shall be punishable by a fine of not more than \$250 or by imprisonment for a term not to exceed fifteen (15) days, or both. Each day that a violation continues shall be deemed a separate offense.

**SECTION 3. EFFECTIVE DATE**

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

Upon a vote being taken: Councilman Harris – aye; Councilwoman Friess –aye; Councilman Collins – aye; Councilman Bach – aye; Supervisor Jeffe – aye

Motion carried.

Action #99  
Local Law 3  
of 2012  
adopted:  
amend Code  
chapter 65 -  
penalties for  
offense

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**NEW BUSINESS:**

In a memo to the Board, Supervisor Jeffe proposed that the Town set aside some of the net gain in General Fund balance for future use. The Supervisor proposed “committing” \$130,000 to a Building Account for future use for additional Glead building renovations, the Town’s match for a possible Main Street Library roof repair and/or other building capital needs. Supervisor Jeffe also proposed “assigning” \$30,000 to an Equipment Account for future use for Parks or Building and Grounds equipment needs.

Councilman Collins questioned the terms *commitment* and *assignment*. He stated he tried to research this and doesn’t understand it enough at this time. Mr. Collins asked why the commitments need Board approval and assignments are at the discretion of the Supervisor. Supervisor Jeffe stated that she and the bookkeeper are continuing to research the details of GASB 54, which this pertains to, but she is proposing that both the commitment and the assignment be approved by the Board at this time, instead of just the commitment.

Councilwoman Friess moved to commit \$130,000 to a Buildings Account, retroactive to December 31, 2011. Councilman Harris seconded the motion.

Upon a vote being taken: ayes – four noes – one (Collins)

Motion carried.

Action #100  
\$130,000  
committed to  
Buildings  
Account

Councilman Harris moved to assign \$30,000 to an Equipment Account, retroactive to December 31, 2011. Supervisor Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – one (Collins)

Motion carried.

Action #101  
\$30,000  
assigned to an  
Equipment  
Account

Councilman Collins moved to authorize the Supervisor to sign the 2012 Agreement with The Boys & Girls Club of East Aurora whereby the Boys & Girls Club will provide services and conduct programs for the youth of the Town of Aurora in consideration of the Town paying the Boys & Girls Club the sum of \$38,000. Councilman Bach seconded the motion.  
 Upon a vote being taken: ayes – five noes – none Motion carried.

Action #102  
 Supv auth to sign 2012 EA Boys & Girls Club agreement.

Councilwoman Friess moved to approve the hiring of Paul Kielich, 57 Pine Street, East Aurora, as a part time laborer at a rate of \$12 per hour, effective March 31, 2012. (1<sup>st</sup> day worked after this approval is considered start date.) Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #103  
 P. Kielich hired as PT laborer.

Councilman Friess moved to approve a rate increase from \$10 per hour to \$12 per hour, effective March 31, 2012, for part time employees (part time laborers) Russell Cryan, James Kittner and David Thomason. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #104  
 Rate increase for (3) PT laborers approved.

Councilman Bach moved to change the Civil Service title of Joan Ann Greenwood (Assessor’s office employee) from Clerk PT seasonal to Clerk PT effective March 31, 2012. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #105  
 J. Greenwood title changed to Clerk PT

Councilman Harris moved to authorize the Supervisor to sign the Art-in-the-Park letter agreement with the New York State Office of Parks, Recreation and Historic Preservation and the National Audubon Society, Inc., whereby the Town of Aurora Recreation Department will conduct a summer Arts camp from June 29 through August 10, 2012, from 9am to 5pm weekdays in the “Heffer Barn” at Knox Farm State Park. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #106  
 Supv auth to sign Art-in-Park agreement with KFSP & Audubon Soc.

Councilman Collins moved to accept the following donations, totaling \$1,660.00, to be used exclusively for the Gleed baseball/softball diamond project, with funds to be deposited to TA1000.112:

<u>Donor Name</u>	<u>Amount</u>	<u>Date Received</u>
William & Sarah Pictor	\$500.00	3/6/12
Sue O’Connell	\$10.00	3/7/12
David & Denise Neamon	\$25.00	3/8/12
Robert & Sharon Holdsworth	\$50.00	3/13/12
Lawrence Schnitzer & Lynn Brunner	\$25.00	3/13/12
Wayne & Michelle Hirsch	\$25.00	3/13/12
Ann Marie & Marshall Kern	\$25.00	3/14/12
Charles Snyder	\$1,000	3/20/12

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

Action #107  
 Donations for baseball diamond project acceptd

The Town of Aurora and the NYS Parks department each required a separate equestrian permit for anyone wishing to ride horses in Knox Farm State Park. NYS Parks has developed a joint permit and agreement to take the place of the two individual permits.

Councilwoman Friess moved to approve, as to form only, the NYS Office of Parks, Recreation and Historic Preservation and Town of Aurora Joint Equestrian Permit and Agreement for Knox Farm State Park. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #108  
Joint  
equestrian  
permit for  
KFSP apvd  
as to form  
only

Councilman Harris moved to approve the request from Recreation Director Peggy Cooke on behalf of John Roden of the US Cycling Federation to hold a youth bicycle race at JP Nicely West Falls Park on July 8, 2012 from 10:30 am - noon. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #109  
Bike race at  
W. Falls park  
approved.

At the request of the Town, the NYS Office of Parks, Recreation and Historic Preservation modified the Majors Park grant budget to include fencing.

Action #110  
Supv auth to  
sign Majors  
Park grant  
budget  
modification  
form

Councilwoman Friess moved to authorize the Supervisor to sign the Modification Agreement Form for the Majors Park Grant budget. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

The Notice to Bidders for the fence project at Majors Park was tabled due to the Town not yet having received approval of the bid forms and specs from the NYS Office of Parks, Recreation and Historic Preservation.

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

**RESOLUTION TO AUTHORIZE TEMPORARY SHEDS**

**WHEREAS**, The Town of Aurora and the New York State Office of Parks, Recreation & Historic Preservation entered into a Cooperative Operation & Maintenance Agreement for the Athletic & Equestrian Fields at Knox Farm State Park on June 13<sup>th</sup>, 2011, and

**WHEREAS**, the Town of Aurora and the Aurora Arsenal Soccer Club, Inc, amended its September 24<sup>th</sup>, 2007 agreement on September 26, 2011, and

**WHEREAS**, the Aurora Arsenal Soccer Club, Inc. is in need of equipment storage space at the Knox Athletic Fields, and

**WHEREAS**, the Aurora Arsenal Soccer Club, Inc. has requested to install two (2) temporary 10' x 16' pre-fabricated sheds as indicated in the March 20, 2012 request submitted to the Aurora Town Board, and

**WHEREAS**, the Aurora Arsenal Soccer Club, Inc. has advised that David A. Szuba, P.E., Capital Facilities Manager for the New York State Office of Parks, Recreation & Historic Preservation has confirmed that the proposed sheds comply with the New York State Fire and Building Code,

**NOW, THEREFORE, be it**

**RESOLVED**, the Town of Aurora approves the install of two (2) 10' x 16' feet temporary sheds by the Aurora Arsenal Soccer Club as specified in the March 20, 2012 (Attachment A) request to the Town, and be it further

**RESOLVED**, the Aurora Arsenal Soccer Club will obtain the required Temporary Shed permits from the Town of Aurora Building Department prior to delivery and installation, and be it further

**RESOLVED**, the Aurora Arsenal Soccer Club assumes all responsibility for necessary ground preparation and base materials required prior to shed delivery and installation by the manufacturer and the removal of the sheds upon termination of the occupancy agreements, and be it further

**RESOLVED**, the Aurora Arsenal Soccer Club assumes all responsibility for any field, grass and parking lot damage caused by the delivery and installation of the sheds and the removal of the sheds upon termination of the occupancy agreements, and be it further

**RESOLVED**, this Resolution applies only to the temporary sheds' installation and any plan for concession sales must be approved separately by both the Town of Aurora and the New York State Office of Parks, Recreation & Historic Preservation, and be it further

**RESOLVED**, that any changes to the application by Aurora Arsenal Soccer Club, Inc. dated March 20, 2012 shall require specific application for such changes and approval by the Town Board, and be it further

**RESOLVED**, that Aurora Arsenal Club, Inc. shall hold harmless and indemnify the Town of Aurora, its officials, employees, successors and assigns, from any and all claims, actions, causes of action, liability, costs, damages, expenses, court costs, and attorneys fees resulting from or attributable to any and all acts or omissions of Aurora Arsenal Soccer Club, Inc., and be it further

**RESOLVED**, that all provisions of the Aurora Arsenal and Town of Aurora agreement entered into on September 24<sup>th</sup>, 2007 and the amendment dated September 26, 2011, and the Town of Aurora and New York State Office of Parks, Recreation & Historic Preservation agreement entered into on June 13<sup>th</sup>, 2011 are incorporated by reference with all terms and provisions remaining in effect except as herein modified, and be it further

**RESOLVED**, that this Resolution is subject to State approval to the extent it may be required following approval and adoption by this Board, and be it further

**RESOLVED**, that a certified copy of this Resolution shall be submitted to David Szuba, Capital Facilities Manager for the New York State Office of Parks, Recreation & Historic Preservation.

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

Action #111  
Board  
approves  
Aurora  
Arsenal soccer  
request for (2)  
sheds at Knox  
Park

Councilman Collins moved to approve the request from Donna Bodekor to attend the NYSAAAAA “Aging Concerns Unite Us” conference, June 5-6, 2012 in Albany, NY. The \$446.85 cost (hotel \$144; conference \$160; mileage and tolls \$142.85) will be disbursed from A6772.404 Programs for Aging – travel and expense.

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

Action #112  
D. Bodekor to  
attend  
NYSAAAAA  
conference.

Quotes for the stripping, sealing and waxing of the floors at the Senior Center were received from:

All Guard Sealer Systems, Holland, NY	\$1,150
Capital Contracting of Buffalo, Amherst, NY	\$1,700
Bieler Janitorial Services, Orchard Park, NY	\$1,275

Councilwoman Friess moved to approve the quote from All Guard Sealer Systems, PO Box 161, Holland, NY 14080, in the amount of \$1,150.00 for the stripping, sealing and waxing of the floors at the Aurora Senior Center, including moving furniture. 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 #113  
Quote for Senior Center floor care approved.

Councilman Collins moved to refer the petition from Donald Pressing Jr. to rezone 992 Olean Road, East Aurora, from agriculture (A) to either business 1 (B1) or business 2 (B2), to the Planning Board for their review and recommendation(s). Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five          noes – none  
Motion carried.

Action #114  
Rezoning petition for 992 Olean referred to Planning Brd

Quotes for electrical work (new panel and breakers) at the Aurora Town Library on Main Street, East Aurora, were received from:

Warning Electrical Services, East Aurora, NY	\$11,760.00
HDE Electric, Inc., Elma, NY	\$14,495.00
Simoncelli Electric, Inc., Orchard Park, NY	\$30,895.00

Supervisor Jeffe noted that there is approximately \$4500 left in a grant received by the Library to be used toward this project, along with approximately \$8,000 in A1620.422 Operation of Buildings – repair and maintenance.

Councilman Bach moved to approve the quote from Warning Electric Services, 431 Olean Road, East Aurora, NY in the amount of \$11,760.00 for electrical work (including, but not limited to, a new panel board, new breakers, and meter upgrade) at the Aurora Town Library, 550 Main Street, East Aurora, NY. Funds will be distributed from A1620.422 and from the library grant. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five          noes – none          Motion carried.

Action #115  
Quote for Main St. Library electrical work approved.

Councilwoman Friess moved to authorize the Supervisor to send a letter to Mayor Kasprzak and the East Aurora Village Board requesting a sixty (60) day extension of the existing March 31, 2012 deadline for notification of contract termination of the Police Services Agreement, noting that the Town does NOT desire to terminate the contract at this time, but is requesting the additional time to formalize the extended agreement. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five          noes – none          Motion carried.

Action #116  
Supv auth to send letter to Village of EA re: deadline extension - police svcs agreement

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

- 2011 United Way Contribution report
- January and February 2012 Supervisor's reports
- Email from a resident concerned with the compressor station in the Town of Wales

BUSINESS FROM BOARD MEMBERS:

Supervisor Jeffe noted she: 1) met with the Town Auditors to review the 2011 audit; 2) attended a Mandate Relief Council meeting at the University of Buffalo; and 3) attended (and co-hosted) the March Association of Erie County Governments meeting. The Supervisor also reminded everyone of the Drug Awareness forum being held at the East Aurora Theater on Tuesday, March 27<sup>th</sup> from 7pm to 9pm.

AUDIENCE II:

Donna Fierle, Grover Road, spoke about the proposed compressor station in the Town of Wales, noting recent federal, state and county involvement. She requested that the Aurora Town Board contact the Wales Town Board to support them in their opposition to the project.

Tony Rosatti, Center Street, commended the Town on the on-line availability of the supporting documents for the meeting agendas. Mr. Rosatti asked if the Town had received a response from the NFTA regarding the Town's opposition to bus route cut-backs.

William Adams, Olean Road, stated that he, speaking as a Veteran, is in favor of having a Veterans cemetery at Knox Farm State Park.

STAFF REPORTS:

Patrick Blizniak, Superintendent of Building, stated he, as affirmative action officer, attend a fair housing seminar.

The March 26, 2012 Abstract of Claims, consisting of vouchers numbered 417 to 499, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 71,106.24
Part Town	190.78
Highway	10,899.86
Enterprise/Gleed	11,080.24
Trust & Agency	754.01
Trust & Agency 2	554.50
Special Districts	<u>17,599.97</u>
Grand Total Abstract	\$122,185.60

Councilwoman Friess moved to approve the March 26, 2012 Abstract of Claims as presented and to authorize payment of same. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #117  
3/26/12  
Abstract of  
Claims aprvd

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

Action #118  
Meeting  
adjourned.

Martha L. Librock  
Town Clerk