

A meeting of the Town Board of the Town of Aurora took place on Monday, November 22, 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 James F. Collins Jeffrey T. Harris	Supervisor Councilman Councilwoman Councilman Councilman
Others Present:	Ronald Bennett Rick Smith Sheryl Harris William Adams Ron Krowka Al Kasprzak	Town Attorney Water Director Dog Control Officer Planning Board member Chief of Police East Aurora Mayor

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

The first item on the agenda was a PUBLIC HEARING on Local Law Intro No. 8-2010. This local law repeals and rescinds the present Chapter 55 in its entirety and enacts a replacement Chapter 55. Effective 1/1/11 NYS Agriculture and Markets will no longer be involved in the licensing of dogs. In order for the municipality to perform these functions a local law must be passed authorizing the Town Clerk to assume the licensing tasks. The Notice of Public Hearing was published in the East Aurora Advertiser and posted on the Town Clerk's sign board as evidenced by the Affidavits of Publication and Posting.

The Supervisor opened the hearing at 7:03 p.m. and asked if anyone in the audience wished to comment. Hearing no questions or comments, the Supervisor closed the hearing at 7:04 p.m.

Councilman Harris moved to approve the minutes of the November 8, 2010 Town Board meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #398 11/8/10 Twn Brd meeting minutes aprvd
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Councilman Bach moved to approve the minutes of the November 16, 2010 Town Board work session; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #399 11/16/10 work session minutes aprvd
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#### AUDIENCE I

Al Kasprzak, Mayor of East Aurora, spoke to the Board about the closing of Knox Farm State Park. Mr. Kasprzak noted he had tried to contact state representatives to confirm the 12/31/10 closing date, but was unsuccessful in getting any responses. He feels that the Town and Village should step up and take over responsibility of the park.

Supervisor Jeffe thanked Mr. Kasprzak and noted that she is concerned with the closing as are the Aurora Arsenals and the carriage association.

#### UNFINISHED BUSINESS

Thomas Greenauer, owner of SBL#164.00-1-40 Bowen Road, submitted Appendix C - SEQR short environmental assessment form Part I with his application for an Open Development Area. The Town Board reviewed and completed Part II and determined there would not be any adverse environmental impact.

Councilman Harris moved, based on information in Part I and Part II of the SEQR short environmental assessment form that the application for an Open Development Area at SBL #164.00-1-40 will not result in any significant adverse environmental impacts, therefore a negative declaration is issued. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #400 Bowen Rd. ODA - SEQR negative declaration.
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Councilwoman Friess moved to adopt the following resolution contingent upon receipt of an executed copy of the Declaration of Reciprocal Driveway and Utility Easement Agreement and Reciprocal Driveway Maintenance Agreement; seconded by Councilman Bach:

**RESOLUTION  
APPROVING OPEN DEVELOPMENT AREA PLAN  
FOR  
BOWEN ROAD SBL# 164.00-1-40  
TOWN OF AURORA, NEW YORK**

**WHEREAS**, Chapter 79 of the Code of The Town of Aurora establishes standards for landowners who wish to develop or subdivide land that lacks adequate public road frontage for standard lot development (known as "open development area"); and

**WHEREAS**, the Applicant has filed an Open Development Area application for a 3-Lot Open Development on a 15.3 acre parcel SBL# 164.00-1-40 located along with west side of Bowen Road, to the north of Woodland Drive; and

**WHEREAS**, the Applicant has made every reasonable attempt and all necessary effort to comply with specifications of Chapter 79 of the Code of the Town of Aurora; and

**WHEREAS**, the Building Department has recommended approval conditioned upon the following: (1) each proposed residential home shall be equipped with a sprinkler system, designed with Building Department approval; (2) prior to lot development, each future property owner will be required to complete wetland delineation within the limits of their property, to maintain minimal, if any, wetland impact; and (3) vehicle access will be in accordance to NYS Fire code, appendix D.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Town Board of the Town of Aurora approves the Open Area Development application for Bowen Road SBL# 164.00-1-40 with the following conditions: (1) each proposed residential home shall be equipped with a sprinkler system, designed with Building Department approval; (2) prior to lot development, each future property owner will be required to complete wetland delineation within the limits of their property, to maintain minimal, if any, wetland impact; and (3) vehicle access will be in accordance to NYS Fire code, appendix D.

**RESOLVED**, that the Town Board of the Town of Aurora acknowledges that compliance with all other standards, requirements and conditions, including those specified by the Planning Board and/or Building Department as noted above is in the public interest and will substantially secure the objectives of the modified standard; and **BE IT FURTHER**

**RESOLVED**, that approval by the Town Board of the Town of Aurora is expressly for Bowen Road SBL# 164.00-1-40, and any future development will be subject to the standards and requirements of Chapter 79 of the Code of the Town of Aurora without modification, variance or waiver; and **BE IT FURTHER**

**RESOLVED**, that said Open Development Area Plan for SBL#164.00-1-40 Bowen Road is approved.

Action #401  
Bowen Road  
ODA  
approved.

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

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

**RESOLUTION TO SET PUBLIC HEARING**

WHEREAS, Local Law Intro. No. 5-2010, as amended, has been introduced to the Town Board on Monday, November 22, 2010, and

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

WHEREAS, Municipal Home Rule Law Section 20(4) provides that no such local law shall be passed until it shall have then in its forum and upon the desks or table of the members at least seven (7) calendar days, exclusive of Sunday, prior to its final passage or mailed to each of them in post-paid properly addressed and securely closed envelopes or wrappers in a post box of a post office of the United States Post Office Department within the local government at least ten (10) calendar days, exclusive of Sunday, prior to its passage,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Aurora does hereby set the 13th day of December, 2010 at 7:00 p.m. at the Town of Aurora Town Auditorium, 300 Gleed Avenue, East Aurora, New York, for the purpose of conducting a public hearing on the proposed Local Law to amend the Codes of the Town of Aurora to include the regulation and permitting of Non-Commercial Wind Energy Conversion Systems.

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

Action #402  
WEC Law  
public hearing  
set.

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

Duly adopted this 22<sup>nd</sup> day of November, 2010.

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The Town Board received a written update on the Ross Valve service being performed in Water Improvement Area No. 7 from Dave Moore of Mechanical Equipment Sales. Town Water Director Rick Smith showed photos of the pits to the Board, noting that the Town does not have a pumping system to keep water out of the pits in order to limit damage to the pilots and valves. Mr. Moore is recommending a new or rebuilt pilot (water pressure control) on pump #3 in the Castle Hill Pump Station.

NEW BUSINESS:

Councilman Collins moved to add item 6J – Reed Hill Sub-division Final Plat to tonight's agenda. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #403  
Item 6J – Reed  
Hill Subdiv.  
added to  
agenda

Supervisor Jeffe moved to approve the Step 5 to Step 6 increase for Jim Walczyk effective November 2, 2010. Councilwoman Friess seconded the motion.

Discussion: Councilman Collins noted that Mr. Walczyk is off on Workers Compensation and questioned why a step increase would be awarded at a time when an employee is not working. Councilman Harris asked how an employee's performance can be evaluated for a step increase if they are not working. Councilwoman Friess stated she believes a step increase is based on longevity, not performance. Supervisor Jeffe stated past practice awards step increases on the employee's anniversary date and that the labor attorney recommended we award the increase. Councilman Collins asked if step increases were given to employees off on workers comp in the past. Councilman Bach asked if this could be tabled so that any of the Board members who

wished to could speak with the labor attorney. Supervisor Jeffe stated a motion has been made and seconded and proceeded to call the vote. Upon a vote being taken: ayes – one (Jeffe) noes – four (Friess, Harris, Collins, Bach) Motion defeated.

Action #404  
Highway  
employee step  
increase denied

Highway Superintendent David Gunner solicited bids for a water service valve repair on Cook Road from Fairway Contracting, Occhino Construction and E&R General Construction. Fairway Contracting was the only firm that responded and their bid is \$1175.00.

Councilman Bach moved to accept the bid from Fairway Contracting, PO Box 352, Orchard Park, NY, in the amount of \$1,175.00 to repair a damaged water service valve at 227 Cook Road. The bid does not include final restoration work, topsoil, seeding, contaminated soil removal, rock removal, permits or fees. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #405  
Repair of Cook  
Rd water valve  
approved.

Councilwoman Friess moved to authorize the Supervisor to sign the 2011 Erie County Department of Senior Services Congregate Dining Program (County lunch program held at the Aurora Senior Center). Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #406  
Supv. auth to  
sign Erie  
County Sr.  
Dining Prog  
contract.

Councilman Collins moved to approve the following budget transfer to bring a dog control budget line out of a negative balance; seconded by Councilwoman Friess:  
From: A3510.415 Boarding of Animals \$200  
To: A3510.451 Kennel Supplies \$200  
Upon a vote being taken: ayes – five noes – none Motion carried.

Action #407  
Dog control  
budget transfer  
aprvd.

Councilman Harris moved to approve the change in civil service classification of Joan A. Greenwood from Clerk Part-time to Clerk Part-time Seasonal in the Assessor's Office effective November 15, 2010 and continuing for 20 weeks. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #408  
J. Greenwood  
job  
classification  
change aprvd.

In May of 2010, a lightening strike damaged the door security system at 300 Gleed Avenue. The manufacturer, Honeywell, no longer supports or repairs the units which are not responding to the new software that has been installed. Life Safety, the company that installs and maintains the units, was successful in modifying some of the old readers to conform with the new software, but can not get the remaining 9 units to work.

Action #409  
Door key card  
readers at  
Gleed to be  
replaced.

Councilman Bach moved to approve the replacement of the existing Digi Readers (key card/fob readers) at 300 Gleed Avenue with 16 new HID Prox Readers at a cost of \$3,980 to be paid from ER1621.422. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #410  
Gleed HVAC  
duct inspection  
and analysis  
approved.

Councilman Collins moved to authorize Indoor Air Pro, Lancaster, NY, to perform a photo inspection and analysis of the duct work at 300 Gleed Avenue. The \$1600 cost of the job will be disbursed from ER1621.422. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Councilman Collins moved to table agenda item 6H – Cub Cadet Utility Vehicle because the Board has questions for the highway superintendent regarding this purchase. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #411  
Cub Cadet UV  
purchase tabled

Councilman Bach moved to approve the request from Dog Control Officer Sheryl Harris to attend a seminar on “Canine Behavior Problems” in State College, PA on 12/4 – 12/5/10. The registration fee \$219, motel approximately \$80 and mileage approximately \$180 will be disbursed from A3510.404 Dog Control Expense and Travel. Councilman Collins seconded the motion. Upon a vote being taken: ayes – four noes – none abstain – one (Harris) Motion carried.

Action #412  
DCO to attend  
dog behavior  
seminar.

Councilman Bach moved to approve the following budget transfer to cover the cost of Sheryl Harris’ attendance at the “Canine Behavior Problems” seminar:  
From: A3510.245 Dog Control miscellaneous \$200  
To: A3510.404 Expense and Travel \$200  
Upon a vote being taken: ayes – four noes – none  
abstain – one (Harris) Motion carried.

Action #413  
Dog control  
budget transfer  
for seminar  
approved.

Councilman Collins moved to refer the Reed Hill (formerly Jewett Holmwood) Subdivision Final Plat to the Planning Board for review and recommendations. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #414  
Reed Hill  
subdivision  
final plat  
forwarded to  
planning brd.

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

- GFOA Award
- Tax Receiver – October 2010 report
- Supervisor’s October 2010 report
- Work Requisition October 2010 report

#### AUDIENCE II:

Tony Rosati, Center Street, wants the Board to issue a statement to the Village encouraging innovative advertising.

#### BUSINESS FROM BOARD MEMBERS AND STAFF:

Councilman Harris thanked Rick Smith for his hard work in the water districts.

Councilman Bach thanked Mayor Kasprzak for bringing the closing of Knox Farm State Park to the forefront. Mr. Bach noted that the pad for the fuel tank at the highway garage will be poured as soon as the rain stops. He stated he had attended a meeting in Wales regarding hydro fracturing and plans to be proactive on this issue.

Councilman Collins thanked Mayor Kasprzak for his comments on Knox Farm State Park.

Supervisor Jeffe met with the CDBG selection committee and expects to hear a decision on the Town’s application in mid-December. She stated she will be placing an ad in next week’s Advertiser for a bookkeeper and various board and committee vacancies.

The November 22, 2010 Abstract of Claims, consisting of vouchers numbered 2155 through 2223, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 28,016.25
Part Town	9.24
Highway	15,631.06
Enterprise/Gleed	10,114.90
Capital	8,600.00
Trust & Agency	761.25
Trust & Agency 2	73.96
Special Districts	<u>170,771.56</u>
Grand Total Abstract	\$233,978.22

Councilman Bach moved to approve the November 22, 2010 Abstract of Claims as presented and to authorize payment of same; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #415  
11/22/10  
Abstract of  
Claims aprvd

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

Action #416  
Meeting  
adjourned.

Martha L. Librock  
Town Clerk