

February 8, 2010

A meeting of the Town Board of the Town of Aurora took place on Monday, February 8, 2010, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

Members Present:	Jolene M. Jeffe	Supervisor
	Jeffrey T. Harris	Councilman
	James F. Collins	Councilman
	James J. Bach	Councilman
	Susan A. Friess	Councilwoman

Others Present:	Edward J. Snyder	Deputy Town Attorney
	Bryan Smith	Town Engineer
	Patrick Blizniak	Supt. of Building
	Peggy Cooke	Recreation Director
	Robert Goller	Town Historian
	David Gunner	Highway Superintendent
	James Walczyk	Crew Chief
	Ronald Krowka	Chief of Police

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 a proposed local law that would establish a moratorium in regard to the use and construction of wind energy conversion systems in the Town of Aurora. The proposal is for a six-month moratorium with the possibility of a six-month extension. The notice of public hearing was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board as evidenced by the affidavits of publication and posting.

Supervisor Jeffe stated that the purpose of the proposed local law is to allow the Town time to consider the possible enactment of a local law governing the placement of the construction and major modification of Wind Energy Conversion Systems. The hearing was opened to comments from the audience.

Tony Rosati, Center Street, stated that since there is a windmill application before the Zoning Board of Appeal, maybe the Town Board should consider a moratorium of less than six months.

Hearing no further comments, Supervisor Jeffe closed the hearing at 7:10 p.m.

Councilman Bach asked what becomes of the moratorium if the wind energy law is completed before six months. Deputy Town Attorney Snyder stated that the moratorium law could be cut short with another local law.

Councilwoman Friess moved to adopt Local Law No. 2 of 2010; seconded by Councilman Harris:

TOWN OF AURORA

LOCAL LAW 2 - 2010

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, TO ESTABLISH A MORATORIUM IN REGARD TO THE USE AND CONSTRUCTION OF WIND ENERGY CONVERSION SYSTEMS IN THE TOWN OF AURORA.

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. PURPOSE

The Town Board of the Town of Aurora has under review the possible enactment of a local law governing the placement of the construction and major modification of Wind Energy Conversion Systems. At the present time, wind towers are not a permitted use in any district within the Town of Aurora. In the event the Town determines to permit Wind Energy Conversion Systems within the Town, it must determine areas within which wind towers are acceptable. The Town Board may choose to consider the placement and construction of commercial and/or private Wind Energy Conversion Systems. There are many considerations for commercial and non-commercial Wind Energy Conversion Systems including requirements to be included in an application, detailed construction plans, specific information in regard to proposed wind towers, and other considerations which include requiring a special use permit for such commercial uses. Factors involved in the determination of use include, but are not limited to, minimum lot area, setbacks, maximum overall height, lighting, compliance with regulatory agencies, safety and security requirements, noise requirements, fire hazard protection, impact on wildlife species and habitat, and compliance with regulations such as the New York State Environmental Quality Review Act. Any adoption of a local law permitting Wind Energy Conversion Systems requires an in-depth study of provisions, and in particular the location. The Board finds that it is in the best interest of the Town for a moratorium on the construction and use of Wind Energy Conversion Systems, both commercial and non-commercial, as may be determined within the Town.

SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the provisions of Article 16 of the Town and Section 10 of the Municipal Home Rule Law.

SECTION 4. MORATORIUM AND DURATION

The Town Board of the Town of Aurora hereby declares a temporary six (6) month moratorium on the consideration and approval of commercial and non-commercial Wind Energy Conversion Systems. This law shall be in effect for six (6) months from and after its adoption. There shall be the possibility of one (1) additional 6-month period of extension imposed, after proper notice and a public hearing, to be held within forty-five (45) days prior to the expiration of said moratorium.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other party of this Local Law which can be given effect.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon the adoption by the Town of Aurora Town Board and filing with the New York Secretary of State.

Action #41
LL 2-2010
Wind energy
conversion
moratorium
adopted.

Upon a vote being taken: Councilman Harris – aye; Councilman Bach – aye;
Councilwoman Friess – aye; Councilman Collins – aye;
Supervisor Jeffe – aye Ayes – five Noes – none
Motion carried.

* * * * *

Councilman Collins moved to approve the minutes of the January 19, 2010 work session. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #42
1/19/10
minutes aprvd.

Councilman Collins moved to approve the minutes of the January 25, 2009 Town Board meeting. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #43
1/25/10
minutes aprvd.

BUSINESS FROM AUDIENCE I: none

UNFINISHED BUSINESS: none

NEW BUSINESS:

In September 2009 the Town Board adopted a resolution to enter into a memorandum of understanding (MOU) with the Village of East Aurora and Erie County Water Authority and to apply for a High Priority Planning Grant from NY State for a feasibility study to determine the viability of consolidating the Town and Village water systems into the ECWA system. It was later determined that this was not a high priority matter and the grant was not awarded. The following is a revised resolution for an application to the NY State Local Government Efficiency grant program for the feasibility study.

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

WHEREAS, the Village of East Aurora (the “Village”) has constructed water system facilities within the Village, which are owned entirely by the Village; and

WHEREAS, the Village Department of Public Works provides all operational, maintenance, billing and capital improvement services with respect to its water system; and

WHEREAS, the Erie County Water Authority (ECWA) provides bulk service supply to the Village for the benefit of its residents; and

WHEREAS, the Village provides bulk service supply to several Town Water Districts within the Town of Aurora;

WHEREAS, the ECWA provides direct service and/or lease management services to various other communities within the region and for these areas, the ECWA provides operational, maintenance, billing and in some cases capital improvements services; and

WHEREAS, several other neighboring communities in southern Erie County are currently converting or considering converting to ECWA direct service/lease management due to anticipated cost savings; and

WHEREAS, the Town believes there may be opportunities to reduce costs and improve efficiencies for their residents by having the ECWA takeover water service within the Town and the Village, thereby eliminating or reducing future involvement and responsibility of the Town and Village with respect to its water system facilities; and

WHEREAS, the ECWA has certain water system standards that the Town and Village must comply with prior to becoming a lease-management or direct service customer, and such standards may require improvements which the Town and Village must identify and determine the financial impact of; and

WHEREAS, the Town in collaboration with the Village of East Aurora and the ECWA is submitting an application to the New York State Local Government Efficiency (LGE) Efficiency Planning Grant Program to study the feasibility of consolidating/regionalizing water services; and,

WHEREAS, the LGE Grant Program has announced that it will accept applications for its “Efficiency Planning Grant Project”, where the maximum grant request is \$26,000, plus a required 10 percent matching local share; and

WHEREAS, the LGE Grant Program provides technical assistance and awards financial support for projects that will improve municipal efficiency and reduce costs through shared services, cooperative agreements, mergers, consolidations and dissolutions; and

WHEREAS, opportunities may exist between the Village, Town and the ECWA to work collaboratively to find ways to improve efficiencies, reduce service costs, and provide for a sustainable water infrastructure for their respective ratepayers; and

WHEREAS, an application entitled the “Village of East Aurora, Town of Aurora and Erie County Water Authority Water Consolidation Study” would consist of a detailed feasibility study to determine the viability of consolidating the Village and Town water systems into the ECWA countywide system as a direct service or lease-managed customers for the benefit their ratepayers; and

WHEREAS, the Town, Village, and ECWA will work cooperatively to share all necessary information in a timely manner to facilitate this grant application and feasibility study; now, therefore,

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an Memorandum of Understanding (MOU) with the Village and the ECWA that will be contingent on the awarding of the grant; and **BE IT FURTHER**

RESOLVED, that the Town Board of hereby authorizes the Supervisor to apply for, an Efficiency Planning Grant from the New York State Department of State in an amount not to exceed \$26,000, with a local match of 10 percent (\$2890) to be paid by the Town and Village in equal parts; and **BE IT FURTHER**

RESOLVED, that the Town Board hereby authorizes the commitment of matching funds in an amount not to exceed \$1445, and **BE IT FURTHER**

RESOLVED, that the Town agrees to have the Village serve as “Lead Agency” for the purpose of securing and administering the grant program, and **BE IT FURTHER**

RESOLVED, that Grantmakers Advantage, Inc., the Village’s grant consultant, be authorized to prepare and submit said application for funding, and **BE IT FURTHER**

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all financial and/or administrative processes related to acquisition of said funding.

Action #44
Grant for
water
consolidation
study with
ECWA and
Village
approved.

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

Councilman Harris moved to approve the following budget transfers necessary to correct 2009 budget lines that were overspent at the end of the fiscal year; seconded by Councilman Collins:

		From:	To:
A 9010 800	STATE RETIREMENT	17,005.00	
A 1220 103	SUPERVISOR CLERK		5.00
A 1355 100	ASSESSOR		5.00
A 1355 401	OFFICE SUPPLIES		20.00
A 1410 100	TOWN CLERK		25.00
A 1420 100	TOWN ATTORNEY		
A 1620 103	CUSTODIAN		450.00
A 1620 204	HIGHWAY BUILDING DRAINAGE		1,170.00
A 1620 205	LIBRARY DOOR		840.00
A 1620 220	OFFICE EQUIPMENT		125.00
A 1620 439	JANITORIAL SUPPLIES		140.00
A 1630 100	MIN BUS PERSONAL SERVICES		260.00
A 1901 1958	TAX CANCELLATIONS & REFUNDS		30.00
A 3510 413	OUTSIDE LABOR		105.00
A 3620 102	CLERICAL		5.00
A 3620 106	ASSISTANT BUILDING INSPECTOR		10.00
A 5010 401	OFFICE SUPPLIES		30.00
A 6772 114	PART-TIME RECREATION PERSONNEL		230.00
A 6772 116	PART-TIME KITCHEN HELP		5.00
A 6772 401	SUPPLIES		355.00
A 7020 100	DIRECTOR OF RECREATION		5.00
A 7020 112	SECRETARIAL		30.00
A 7110 424	MAINTENANCE OF EQUIPMENT		5.00
A 7142 100	SUMMER PLAYGROUND SPORTS		20.00
A 7142 400	SUMMER PLAYGROUND VENDORS		555.00
A 7180 400	AQUATIC CLUB VENDORS		1,550.00
A 7180 426	MAINTENANCE OF POOL		15.00
A 7181 100	TENNIS		2,905.00
A 7181 400	TENNIS SUPPLIES		125.00
A 7195 400	SKATING VENDORS		700.00
A 7205 100	ARTS/THEATER/DANCE INSTRUCTOR		1,125.00
A 7310 400	YOUTH EDUCATIONAL VENDOR		2,600.00
A 7310 400	YOUTH EDUCATIONAL SUPPLIES		160.00
A 7510 100	TOWN HISTORIAN		
A 7550 100	INDEPENDENCE DAY		60.00
A 7550 413	INDEPENDENCE DAY VENDOR		1,535.00
A 7550 413	INDEPENDENCE DAY		100.00
A 7550 420	MISC. CELEBRATIONS		65.00
A 7560 411	CONCERTS VENDOR		1,515.00
A 7989 401	STAFF TRAINING VENDOR		125.00
B 8020 404	EXPENSE AND TRAVEL	200.00	
B 8020 409	OUTSIDE CONSULTANT		200.00
DB 5110 413	OPERATED RENTAL EQUIPMENT	1,920.00	
DB 5130 432	MATERIALS AND SUPPLIES		45.00
DB 5142 100	WAGES		245.00
DB 9060 800	HOSPITAL AND MEDICAL INSURANCE		1,630.00

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

Action #45
Year-end 2009
budget transfer
approved.

Erie County Legislator John Mills has been contacted by Town residents who are requesting a lower speed limit on Darling Road. The majority of Darling Road is in the Town of Aurora and a small portion is in the Town of Wales. The Wales town board would have to submit a TE-9 for the portion of the road in their town.

Action #46
TE-9 Speed
Study
authorized for
Darling Road.

Councilman Bach moved to authorize a TE-9 traffic study for Darling Road in the Town of Aurora. Councilman Harris seconded the motion.
Upon a vote being taken: ayes – five noes – none Motion carried.

Highway Superintendent Gunner and Crew Chief Jim Walczyk presented several types of Welcome to the Town of Aurora signs to the Board for their consideration.

Action #47
 Welcome to
 Aurora sign
 approved.

Councilman Bach moved to approve the format of the large (36" by 36") sign that reads "Welcome to the Town of Aurora" depicting a rising sun and having the wording "A Right to Farm Community" at the bottom of the sign. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Councilman Collins moved to approve the request from Highway Superintendent David Gunner to attend the following Cornell Local Roads Program workshops:

Action #48
 Highway
 Supt.
 authorized to
 attend (2)
 road program
 workshops.

April 6, 2010 – Niagara County Cooperative Extension, Lockport, NY
 May 11, 2010 – Erie County Cooperative Extension, East Aurora, NY
 The registration fees, \$40 each workshop, will be disbursed from A5010.405 Highway Administration – expense and travel. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Councilman Bach moved to approve the request from Randy Taylor and Craig Thrasher, Assistant Disaster Preparedness Coordinators, to attend the 2010 Crossing Borders Emergency Preparedness Conference on March 18-19, 2010 in Buffalo, NY. The registration fee of \$200 per person and reimbursement for mileage and parking fees will be disbursed from B3640.405 Disaster Preparedness – expense and travel. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #49
 R. Taylor &
 C. Thrasher
 authorized to
 attend
 Emergency
 Prep.
 Conference

Councilwoman Friess moved to approve the purchase of a Jacobsen Rough Gang Rotary Mower Model HR-311 in the amount of \$42,273.32 (includes delivery charges) from S.V. Moffett Co., Inc., 33 Thruway Park Drive, West Henrietta, NY. The price of the mower is per New York State Contract #PC64364, Lot 11, Item 5 - \$42,108.32 plus \$165.00 delivery allowance per NYS OGS. The cost of the mower is being paid as part of the \$215,000 B.A. N. approved by the Town Board. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #50
 Purchase of
 Jacobsen
 Mower
 model HR-
 311 at
 increased
 amt. aprvd.

Quotes for 300 each of 14 gallon and 18 gallon recycling totes/bins were received from:

	<u>14 gallon</u>	<u>18 gallon</u>
Orbis/Norseman Plastics Toronto, Ontario	\$5.35 ea/ \$1,605 total includes delivery	\$5.95 ea/\$1,785 total includes delivery
Rehrig Pacific Co. Los Angeles, CA (headquarters)	\$5.50 ea/\$1,650 plus \$250 shipping	\$6.00 ea/\$1,800 plus \$336 shipping

Toter.com – responded that they no longer produce the type of bins/totes we are requesting.

Councilwoman Friess moved to approve the purchase of (600 total) recycling totes/bins from Orbis/Norseman Plastics, Toronto, Ontario, Canada in the amount of \$1,605 for 14 gallon bins and \$1,785 for 18 gallon bins. Funds will be disbursed from Special District budget line SR8189.401 Recycling Services. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #51
 Purchase of
 recycling
 totes
 approved.

Councilman Collins moved to approve the following 2009 budget transfer:

From: DB 5110.433 General Repairs – Materials & Supplies	\$75.00
(current balance \$3,531.52)	
To: DB 5130.432 Machinery – Materials & Supplies	\$75.00
(current balance \$60.04)	

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

Action #52
2009 Highway
budget transfer
approved.

Action #53
S. Chamberlin
job
classification
change
approved.

Councilman Harris moved to approve the work classification change for Highway Employee Sean Chamberlin from Laborer Step 7 (current rate \$20.20/hour) to Truck Driver Step 4 at a rate of \$20.88 per hour effective February 20, 2010. Funds for this step change are budgeted for 2010. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #54
J. Harris appt
liaison to
Village Board
first quarter
2010.

Councilman Collins moved to appoint Councilman Jeffrey Harris as the Town's liaison to the Village Board for the first quarter of 2010. Councilwoman Friess seconded the motion. Upon a vote being taken:
ayes – five noes – none Motion carried.

The Town's current garbage and recycling contract with Waste Management provides service to one, two, and three-family residences with the Town having the option to designate dwellings with four or more units to have garbage pick-up.

Supervisor Jeffe moved to approve the following multi-unit properties to receive garbage and recycling service through the Town's contract with Waste Management, contingent upon the property owners paying the 2010 garbage service fee. Future years' fees will be included on the Town property taxes:

1887 Davis Road (PO West Falls) – 5 units
1929 Davis Road (PO West Falls) – 4 units

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

Action #55
Garbage pick-
up for two
multi-unit
buildings on
Davis Road
approved.

Supervisor Jeffe has appointed Judy Reischuck, 98 Maryann Drive, East Aurora, to the position of Assistant to the Supervisor, and is requesting Board approval of the rate of pay for Mrs. Reischuck.

Councilman Harris moved to set the pay rate for Judy Reischuck, Assistant to the Supervisor, at \$19.30 per hour. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #56
J. Reischuck
rate of pay as
Asst. to
Supervisor set.

Councilman Harris moved to authorize the Supervisor to sign the 2010 Agreement with the Boys and Girls Club of East Aurora whereby the Boys & Girls Club will conduct programs and provide services to the youth of the Town of Aurora and the Town will pay the Boys & Girls Club \$42,000.00 (in four installments). Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #57
Supv. auth. to
sign Boys &
Girls Club of
EA agreement.

Councilman Collins moved to approve the request from Recreation Director Peggy Cooke to attend the New York State Recreation and Park Society annual Conference on March 21-24, 2010, in Saratoga, New York. The cost of the conference (\$365.00) plus Thruway tolls (\$11.00) will be disbursed from A7020.404 Rec. Administration – Expense and Travel

(\$300) and Rec. Administration – Dues and Subscriptions (\$76.00).
Councilwoman Friess seconded the motion. Upon a vote being taken:
ayes – five noes – none Motion carried.
(Note: there is no hotel fee since Mrs. Cooke will be staying with
relatives.)

Action #58
Recreation Dir.
to attend
NYSRPS
conference.

Councilwoman Friess moved to table the review of the rule signs
for West Falls Park and put this item on the February 16, 2010 work
session agenda. Councilman Collins seconded the motion. Upon a vote
being taken: ayes – five noes – none Motion carried.

Action #59
Review of W.
Falls Park rules
tabled.

Councilman Collins moved to approve the following budget
transfer to correct an input error in the 2010 Budget:
From: A1990 Contingency \$2,600.00
To: A7140.440 Playground/Recreation Program Supplies \$2,600.00

Action #60
Budget transfer
to correct
playground/rec
2010 budget
line (input
error)

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

Councilwoman Friess moved to set 7:00 p.m. Monday, February
22, 2010 at the Town Hall Auditorium, 300 Gleed Avenue, East Aurora,
NY, as the time, date and place for a Public Hearing on the Open
Development Area application submitted by Gregory and Kathleen
Schneider for 686 Quaker Road. Councilman Bach seconded the motion.
Upon a vote being taken: ayes – five noes – none Motion carried.

Action #61
Public Hearing
set for 686
Quaker ODA
application.

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

- Letter re: Grant Award Notification for the Aurora Public Works and Highway General Efficiency Planning Study in the amount of \$25,000.
- Historian's 2009 Annual Report
- Tax Receiver – January 2010 Report
- Town Clerk – January 2010 Report
- Recreation Director – January 2010 Report
- Letter from J. Lincoln re: support of Village/Town consolidation
- Building Department – January 2010 Report
- EAPD – January 2010 Report
- Senior Center – January 2010 Director's Report

BUSINESS FROM AUDIENCE II – none

BUSINESS FROM BOARD MEMBERS AND STAFF:

Councilman Collins asked how often the County supplies new vans for the Going Places Van Service. Peggy Cooke responded that the County orders all the vans at one time and it takes quite a while for them to do this.

Councilman Bach spoke about Climate Smart Communities and asked the Board to read the information he gave them. He noted that there is grant funding available for solar panels.

Supervisor Jeffe thanked Susan Mascia for her invaluable help and wished her well in her new job. The Supervisor noted that she has received one quote for microphones for the auditorium and will be getting more in the near future.

Bill Adams, Planning Board, thanked the Town Board for attending the February Planning Board meeting.

The 2009 Encumbered Abstract (dated 2/8/10), consisting of vouchers numbered 2466 through 2482, was presented to the Board for audit and authorization of payment from the following funds:

General	\$3,306.38
Highway	1,841.38
Enterprise (Gleed)	15.20
Special Districts	<u>2,555.31</u>
Grand Total Abstract	\$7,718.27

The February 8, 2010 Abstract of Claims, consisting of vouchers numbered 122 through 202, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 41,482.20
Highway	15,847.94
Enterprise (Gleed)	2,370.51
Capital	4,067.79
Special Districts	<u>311,595.48</u>
Grand Total Abstract	\$375,363.92

Councilman Collins moved to approve the February 8, 2010 – 2009 Encumbered Abstract of Claims and the February 8, 2010 Abstract of Claims as presented and to authorize payment of same. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #62
Abstracts of
Claims
approved.

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

Action #63
Meeting
adjourned.

Martha L. Librock
Town Clerk