

A meeting of the Town Board of the Town of Aurora took place on Monday, September 27, 2010, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

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

Others Present:	Ronald Bennett	Town Attorney
	Bryan Smith	Town Engineer
	Patrick Blizniak	Superintendent of Building
	David Gunner	Highway Superintendent
	William Adams	Planning Board Member

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

Supervisor Jeffe began by commenting on the proposed 2011 budget, noting that New York State retirement increases and State aid reductions presented challenges in developing the budget.

Councilwoman Friess moved to approve the minutes of the September 13, 2010 Town Board meeting; seconded by Councilman Collins. Upon a vote being taken: ayes – five	noes – none	Action #322 9/13/10 Town Board meeting minutes approved.
	Motion carried.	

BUSINESS FROM AUDIENCE I:

Dave Thomason, South Grove Street, asked the Board to consider increasing the Independence Day 2011 budget line. He also noted that the fireworks fund is currently short of the amount needed to go forward with the 2011 fireworks display at Hamlin Park.

Tony Rosati, Center Street, asked if the Town would be matching funds for the proposed new fire house.

UNFINISHED BUSINESS:

Councilman Bach moved to set Tuesday, October 12, 2010 at 7:00 p.m. as the date and time for a public hearing on the proposed Wind Energy Conversion local law to be held at the Town Auditorium, 300 Gleed Avenue, East Aurora, NY. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five	noes – none	Action #323 WECS Local Law public hearing set for 10/12/10.
	Motion carried.	

The Town Board reviewed the SEQRA short environmental assessment form for the local law to rezone 232 Ellicott Road from agricultural to industrial.	Action #324 Negative Declaration issued for 232 Ellicott rezoning.	
Councilman Harris moved to issue a negative declaration for SEQRA purposes in that the rezoning will not result in adverse environmental impacts. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five	noes – none	Motion carried.

Councilman Harris moved to adopt the following Local Law for the Town of Aurora; seconded by Councilman Bach:

TOWN OF AURORA

LOCAL LAW 7-2010

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, BY AMENDING THE ZONE MAP.

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. This Local Law will amend the boundaries of the Zone Map to transfer the described property from its present location in an A Agriculture Zoning District to an I Industrial Zoning District.

SECTION 2. SECTION 116-6, ZONE MAP

Section 116-6(A), Zone Map, of the Codes of the Town of Aurora is amended as follows:

The present Zone Map adopted heretofore describing the district boundaries within the Town of Aurora is amended to transfer and place the following described property from its present classification as A Agriculture Zoning District to the classification of I Industrial Zoning District:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Aurora, County of Erie and State of New York, being part of Lot No. 60, Township 9, Range 6 of the Holland Land Company’s Survey bounded and described as follows:

BEGINNING at a point in the center line of Ellicott Road (f/k/a Griffin Mills Road) 1017.08 feet easterly as measured along said center line of Ellicott Road, from the point of intersection of said center line of Ellicott Road with the westerly line of said Lot No. 60, said point of beginning, being also the southeast corner of premises conveyed to Jack Fitzsimmons and Alfreda his wife by deed recorded in Erie County Clerk’s Office in Liber 4395 of Deeds at page 336; thence northerly along the easterly line of premises conveyed to Fitzsimmons by deed aforesaid 175 feet to the northeast corner thereof; thence westerly and along the north line of premises so conveyed to Fitzsimmons 119 feet to the

northwest corner thereof and at a point in the easterly line of lands conveyed to the Buffalo Shale Products Corporation by deed recorded in the Erie County Clerk's Office in Liber 1933 of Deeds at page 550; thence northerly and along the easterly line of lands conveyed to the Buffalo Shale Products Corporation 425 feet to a southwest corner of lands conveyed to Buffalo Brick Corporation by deed recorded in Erie County Clerk's Office in Liber 6498 of Deeds at page 100; thence easterly and along the southerly line of lands so conveyed to Buffalo Brick Corporation 225.15 feet to the southeast corner thereof and at a point in the east line of lands conveyed to Alexander W. Mack, Betty Marie Mack and Velma Pearl Bush by Deed recorded in the Erie County Clerk's Office in Liber 3892 of Deeds at page 547; thence southerly at an interior angle of 90° 43' and along the east line of lands so conveyed to Mack and Bush, 600 feet to the center line of Ellicott Road; thence westerly along the center line of Ellicott road 106.32 feet to the point or place of beginning.

SECTION 3. EFFECTIVE DATE

Action #325
Local Law 7-
2010 adopted:
Rezoning 232
Ellicott Road

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 Bach – aye; Councilman Collins – aye; Supervisor Jeffe – aye ayes – five noes – none

Unanimously adopted.

* * * * *

Councilwoman Friess moved to table the highway fuel tank repair issue due to lack of information; seconded by Councilman Collins. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #326
Hwy. fuel tank
repair tabled.

NEW BUSINESS:

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

TOWN OF AURORA
RESOLUTION IN SUPPORT OF
THE MILL ROAD OPEN SPACE PROJECT

WHEREAS, the Town of Aurora is committed to defining, inventorying and evaluating the Town's priority open space resources and working with the community to develop and promote a plan for the protection of these resources; and

WHEREAS, the Town of Aurora has an opportunity to protect sixty (60) acres of land located along the west side of Mill Road with distinctive scenic beauty and wildlife habitat; and

WHEREAS, this property was identified as one of the priority properties for protection in the Open Space Plan adopted by the Town Board in March of 2010; and

WHEREAS, the 2003 Final Report Regional Comprehensive Plan for the Town of Aurora, Elma, Holland and Wales and the Village of East Aurora states in its Findings and Recommendations that, "A part of the passive recreational resources in the Town includes the scenic nature of many of the areas and roads throughout the area." The first one specifically listed is Mill Road; and

WHEREAS, this property has approximately 1,612 feet of frontage along Mill Road; and

WHEREAS, this property is located along the recently established Southtowns Scenic Byway and the creation of a scenic overlook at this location will add a destination of note to the Scenic Byway.

NOW, THEREFORE, BE IT RESOLVED, that the Aurora Town Board offers its support to this project in concept and encourages the Open Space Committee to work with the Town Board and Town staff members and consultants to explore opportunities to develop and fund this project.

Action #327
Resolution
supporting Mill
Road Open
Space project
concept
adopted.

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

Councilman Bach moved to approve the following rate of pay increases for the following East Aurora Swim Team (EAST) coaches:

<u>Employee:</u>	<u>Current Rate:</u>	<u>New Rate:</u>
Anna Davidson	\$9.20 per hr.	\$12.00 per hr.
Paula Zagrobelny	\$8.70 per hr.	\$12.00 per hr.
Tess Felton	\$8.20 per hr.	\$10.00 per hr.
Jonathan Derr	\$9.85 per hr.	\$10.00 per hr.

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

Action #328
EAST coaches
pay increase
approved.

Councilwoman Friess moved to approve a ski club program through the recreation department and Buffalo Ski Club. Registrations for Buffalo Ski Club will be processed through the Town Recreation Department. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #329
Buffalo Ski Club
program
approved.

Councilwoman Friess moved to approve offering a Town ski club group rate for Kissing Bridge. Registrations for Kissing Bridge will be paid on-line directly to Kissing Bridge. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #330
Kissing Bridge
ski club program
approved.

Supervisor Jeffe stated that a revenue line and an expense line for ski club will be added to the 2010 budget at the next meeting.

Councilman Harris moved to authorize the Supervisor to enter into and sign the following agreement with the Aurora Ice Association (AIA) whereby the AIA will have use of the Town's warm-up hut at their Riley Street location; seconded by Councilman Bach:

AGREEMENT

AGREEMENT made this 27th day of September, 2010, by and between

TOWN OF AURORA,
A Municipal Corporation with offices at
300 Glead Avenue and 5 South Grove Street
East Aurora, New York 14052

hereinafter referred to as the “Town”, and

AURORA ICE ASSOCIATION, INC.
681 Main Street
East Aurora, New York 14052

hereinafter referred to as the “Association”.

WHEREAS, the Association operates the Time Warner Cable Classic Ice Rink at 41 Riley Street in the Village of East Aurora, and

WHEREAS, the Association has requested the use of a concession/warm-up hut owned by the Town for use at the ice rink,

NOW, THEREFORE, the parties agree as follows:

1. INSURANCE: The concession/warm-up hut is owned by the Town of Aurora. The Town is insured under the Town of Aurora policy with Badger and Gunner Insurance. Such insurance will continue in its new location in accordance with the confirmation of Jeffrey Gunner, associate of Badger and Gunner Insurance. The Association shall maintain liability insurance naming the Town as an additional insured referencing the use of the hut. A Certificate of Insurance shall be issued to the Town prior to the date of use and shall remain in effect during the period of use.
2. DATES: The hut shall be used from October 2, 2010 until April 16, 2011.
3. MAINTENANCE: The Association shall be responsible for the maintenance of the hut during its use. Upon termination of this Agreement, the hut shall be returned to the Town in the same condition as it was at the beginning of this Agreement.
4. CONSIDERATION: The consideration for the use of the hut is the agreement with the Association to provide the Town with two (2) two-hour sessions, the first on Wednesday, December 29, 2010, and the second on Wednesday, February 23, 2011. Each session will be from 1:00 p.m. to 3:00 p.m.
5. INDEMNITY: The Association shall hold the Town harmless and indemnify it at all times against any loss, damage, costs, expense or liability (including attorney fees) resulting to any person or property by reason of any use of the hut or of any act or thing done or admitted in, upon or about such hut and premises.
6. RELOCATION: The building to be moved from Hamlin Park to 41 Riley Street, East Aurora, New York will be moved and returned by volunteers of Aurora Ice Association, Inc. with no cost to the Town.

7. SEVERABILITY: If any provision of this Agreement or any application thereof shall be invalid or unenforceable, the remainder of the Agreement and any other application of such provision shall not be affected thereby.
8. BINDING EFFECT: The provisions of this Agreement shall be binding upon and inure to the benefit of both parties and their respective successors and assigns.
9. HEADINGS: Headings are for convenience and reference only and shall not be used to limit or otherwise affect the meaning of any provision of this Agreement.
10. COUNTERPARTS: This Agreement shall be simultaneously executed in two or more counterparts, each of which shall be deemed a fully enforceable original but all of which together shall constitute one and the same Agreement
11. GOVERNING LAW: This Agreement shall be construed in accordance with and governed by the laws of the State of New York.
12. MODIFICATION: No changes, additions or interlineations made to this Agreement shall be binding unless initialed by both parties.
13. NON-WAIVER: No delay or failure by either party to exercise any right under this Agreement, and no partial or single exercise of that right, shall constitute a waiver of that or any other right unless otherwise expressly provided herein.
14. ENTIRE AGREEMENT: This Agreement supersedes all agreements previously made between the parties relating to the subject matter.

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

Action #331
Supervisor
authorized to
sign
Agreement
with AIA .

*Councilwoman Friess recused herself due to the fact that she is Secretary to the AIA Board.

Councilman Collins moved to approve the following series of Recreation Department classes, in conjunction with the East Aurora Cooperative Market, that will be held at the Aurora Senior Center:

October 19	Make Jam with Deb from Deb's Delights
October 26	Healthy Lunch Box by Jill Chiacchia
November 16	Thanksgiving Pies by Karen from Daily's
November 30	Vinegars & Fall Herbs by Mark Hess of Peppermint Farms

Action #332
New rec.
programs with
EA Co-op. Mkt
approved.

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

Action #333
Boy Scout
Troop 599 to
camp at W.
Falls Park

Councilman Bach moved to approve the request from Boy Scout Troop 599 of East Aurora to camp at JP Nicely West Falls Park overnight from Saturday, October 2, 2010 to Sunday, October 3, 2010, contingent upon receipt of an insurance certificate naming the Town of Aurora as additional insured. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Councilwoman Friess moved to approve the following budget transfers as requested by Recreation Director Peggy Cooke:

Expense Accounts:

From: A7140.113 Reg. Play Instruct. (payroll)	\$283.65	
To: A7140.412 Field Trips	\$283.65	
From: A7140.400.2 Playground supplies	\$30.00	
To: A7140.413 Bus Rent	\$30.00	
From: A7140.400.2 Playground supplies	\$141.03	
To: A7142.400.2 Summer Playgrnd. Supplies	\$141.03	
From: A7141.100 Tot Programs (payroll)	\$717.58	
A7181.400.2 Tennis Supplies	\$ 78.47	
A7142.100 Summer Playgrnd. Sports	\$ 66.52	
A7142.400.1 Summer Playgrnd. Vendor	\$485.24	
A7141.400.2 Tot Program Supplies	\$150.00	
A7550.421 ASCAP Fees	\$117.11	
To: A7181.100 Tennis (payroll)	\$ 1,614.92	
From: A7550.421 ASCAP Fees	\$106.96	
To: A7205.400.02 Arts/Theater Supplies	\$106.96	
From: A7550.103 Reunion Weekend (payroll)	\$100.00	Action #334
A7140.400.2 Playground Supplies	\$ 19.87	Recreation
To: A7550.418.2 Eater Egg Hunt Supplies	\$119.87	budget
		transfers
		approved.
From: A7550.421 ASCAP Fees	\$55.00	
To: A7550.420 Misc. Celebrations	\$55.00	

Revenue Accounts:

From: A2081 Independence Day	\$938.48
To: A7550.100 Independence Day (payroll)	86.56
A7550.413.1 Independence Day Vendor	\$851.92
From: A2056 Youth Educational Programs	\$1201.27
To: A7250.100 Arts/Crafts (payroll)	\$1201.27

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

Councilwoman Friess moved to table the Water Improvement Area 7 PRV maintenance issue until a quote revision reflecting the Town's participation is received. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #335
 WIA 7 PRV
 maintenance
 tabled.

Councilwoman Friess moved to authorize Justice Court Action in reference to Aurora Town Code Chapter 116 Article V Section 116-58 (A) Expiration of Permits and Chapter 65 Article I Section 65-15(A) Certificate of Occupancy required for:

Mary Rudloff, 1987 Lewis Road, PO South Wales, Town of Aurora, NY 14139

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

Action #336
 Justice court
 action auth for
 1987 Lewis
 Road.

The September 27, 2010 Abstract of Claims, consisting of vouchers numbered 1830 to 1904, was presented to the Board for audit and authorization from the following funds:

General	\$ 62,081.97
Part Town	90.24
Highway	13,433.57
Enterprise/Gleed	22,415.69
Capital	3,732.44
Trust & Agency	761.25
Special Districts	<u>59,452.18</u>
Grand Total Abstract	\$161,967.34

Councilman Collins moved to approve the September 27, 2010 Abstract of Claims as presented and to authorize payment of same. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #341
9/27/10
Abstract of
Claims aprvd

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

Action #342
Meeting
adjourned.

Martha L. Librock
Town Clerk