

April 11, 2011

A meeting of the Town Board of the Town of Aurora took place on Monday, April 11, 2011, 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 P. Bennett	Town Attorney
	Bryan Smith	Town Engineer
	Patrick Blizniak	Superintendent of Building
	David Gunner	Superintendent of Highways
	Robert Goller	Town Historian
	William Adams	Planning Board member

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

Councilman Collins moved to approve the minutes of the March 28, 2011 Town Board meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – five	noes – none	Motion carried.	Action #93 3/28/11 TB minutes aprvd.
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BUSINESS FROM AUDIENCE I: none

UNFINISHED BUSINESS:

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

RESOLUTION REGARDING SEQR REVIEW
FOR 300 GLEED AVENUE
10-YEAR CAPITAL IMPROVEMENT PLAN

WHEREAS, a Bond Resolution prepared by Hodgson Russ LLP has been submitted for consideration by the Town Board which involves improvements to the Town building located at 300 Gleed Avenue in the Village of East Aurora; and

WHEREAS, CRA Engineering has prepared the plans for capital improvements to the facility which involve replacement, rehabilitation or remodeling of the structure, including upgrading the building to meet current building and/or fire codes; and

WHEREAS, the New York State Environmental Quality Review Act sets forth the requirements for environmental review as defined by 6 New York Codes Rules and Regulations Part 617 (6 NYCRR); and

WHEREAS, 6 NYCRR Section 617.5 identifies Type II actions which are not subject to review under the State Environmental Quality Review Act; and

WHEREAS, 6 NYCRR Section 617.5 (c)(2) specifically exempts replacement, rehabilitation or construction of a structure or facility in kind on the same site including upgrading buildings to meet building and/or fire codes from review under the State Environmental Quality Review Act; and

WHEREAS, CRA Engineering has opined that the proposed capital improvement plan is the type of construction exempted from the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, based upon the foregoing and the referenced documents, the Town Board of the Town of Aurora hereby finds that the 10-year capital improvement plan for the Town facility located at 300 Gleed Avenue is not subject to the State Environmental Quality Review Act.

Upon a vote begin taken: Councilman Harris – aye; Councilwoman Friess – aye; Councilman Bach – aye; Councilman Collins – aye; Supervisor Jeffe – aye	Motion carried.	Action #94 SEQR resolution for Gleed bond adopted.
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The following resolution was offered by Councilman Collins, seconded by Councilman Harris, to wit;

A BOND RESOLUTION, DATED APRIL 11, 2011, OF THE TOWN BOARD OF THE TOWN OF AURORA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE TOWN BUILDING LOCATED AT 300 GLEED AVENUE, AT AN ESTIMATED MAXIMUM COST OF \$877,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$877,000, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR, AND DETERMINING THAT THIS BOND RESOLUTION SHALL BE SUBJECT TO A MANDATORY REFERENDUM

WHEREAS, the Town Board (the "Board") of the Town of Aurora, Erie County, New York (the "Town"), believes that it is in the best interest of the Town to undertake a capital improvements project as described herein, and to finance such project by the issuance of obligations of the Town; and

WHEREAS, the Board has previously adopted, with respect to the proposed project, a Negative Declaration or other appropriate documentation (concluding that the proposed project will not have a significant adverse impact on the environment), pursuant to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law; and

WHEREAS, the Board will, by motion, provide for a mandatory referendum on this bond resolution, in accordance with the Local Finance Law and Town Law, and such referendum will be by a single proposition.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board (by the favorable vote of not less than three-fifths of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a capital improvements project consisting primarily of the partial reconstruction and renovation of, and the construction of improvements to, the Town building located at 300 Gleed Avenue (and the site thereof), substantially as described in (but not to be limited by) a plan prepared by the Town with the assistance of CRA Infrastructure & Engineering, Inc. that is available for public inspection in the offices of the Town Clerk (the "Plan"), such project to include, without limitation and to the extent as and where required, sidewalk replacement, concrete stair rehabilitation and replacement, redirection of warehouse gutters; rehabilitation of roof, build out of first floor for Town offices, installation of sprinklers, carpet replacement, masonry rehabilitation, replacement of gutters and downspouts, installation of a new phone system, and the replacement of the fire alarm system and HVAC unit, as well as the purchase of original furnishings, equipment, machinery and apparatus required in connection with the purposes for which such building and site are used, all ancillary or related work required in connection therewith and all associated preliminary and incidental costs (collectively, the "Project" or the "Purpose"). The estimated maximum cost of the Project is \$877,000.

SECTION 2. The plan for the financing of the Project consists of the issuance of serial bonds of the Town in an amount not to exceed \$877,000, hereby authorized to be issued pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. The repayment of the principal amount of such serial bonds (and the interest payable thereon) is to be ensured by the levy and collection of a tax on the taxable real property of the Town, such tax to be levied and collected in installments in such years and in such amounts as shall be determined by the Board.

SECTION 3. It is hereby determined that such purpose is a class of objects or purposes described in subdivision 12 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 25 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged to the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and Section 30.00 of the Local Finance Law (relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes) as well as Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and the details as to the sale and issuance of the bonds herein authorized (and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes), are hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) If the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

2. Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. This bond resolution is subject to a mandatory referendum. A proposition for the approval or disapproval of this bond resolution shall be submitted as a proposition to the qualified voters of the Town at the special voter referendum to be held on June 14, 2011, and this bond resolution shall take effect upon the approval of the proposition by such voters of the Town at such special voter referendum. The Town Clerk is hereby authorized and directed to give notice of submission of such proposition at such special voter referendum in accordance with the applicable provisions of Town Law and Election Law, as determined by the Town Attorney and the Town's Bond Counsel.

SECTION 14. Such form of the proposition and the form of the notice of special voter referendum shall be approved by the Town Board at a subsequent meeting.

SECTION 15. This bond resolution shall take effect upon approval of such proposition (in accordance with the provisions of the Local Finance Law) by such qualified voters at such special voter referendum.

SECTION 16. In addition to the foregoing, the Town Board hereby authorizes and directs the Town Clerk to do the following:

(a) To maintain and distribute copies of the Plan and this resolution, ready for public review and inspection in the Office of the Town Clerk and any and all other locations deemed necessary by the Town Clerk and the Town Attorney to comply with New York State law regarding referenda; and

(b) To take all necessary steps, with assistance of the Town Attorney and the Town's bond counsel, to ensure that such proposition is properly placed before the duly qualified voters of the Town at the special voter referendum to be held on June 14, 2011.

SECTION 17. If the proposition is approved, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

* * *

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Councilman Harris	voting	AYE
Councilwoman Friess	voting	AYE
Councilman Bach	voting	AYE
Councilman Collins	voting	AYE
Supervisor Jeffe	voting	AYE

AYES: Five

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

Action #95
Gleed Ave.
reconstruction
and renovation
bond adopted –
mandatory
referendum.

* * *

NEW BUSINESS:

Councilwoman Friess moved to adopt the following resolution authorizing a dog census in the Village of East Aurora; seconded by Councilman Collins:

WHEREAS, Article 7, Section 113 sub 6, of the New York State Agriculture and Markets Law (NYS A&M Law) provides that the governing body of any municipality in which dog licenses are issued, may, either individually or in cooperation with other municipal entities, require it's dog control officer or animal control officer or any other authorized agent to ascertain and list the names of all persons in the municipality owning or harboring dogs, or in lieu thereof, such municipality may contract to have the same done; and

WHEREAS, Article 7, Section 110 sub 4 (a)(b), License Fees, of the NYS A&M Law states in part – any municipality issuing dog licenses pursuant to this article is hereby authorized to provide for the assessment of additional surcharges; and

WHEREAS, the Aurora Town Board realizes that the State of New York and County of Erie have identified rabies cases; and

WHEREAS, for the health and safety reasons it is important to the Town of Aurora to know where dogs are being harbored.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Aurora authorizes the Dog Control officer to plan and conduct a Dog Census in the Village of East Aurora, beginning in April 2011, with the cost of the Dog Census not to exceed \$700.00. An additional charge of \$5.00 will be applied to those dogs identified during the Census as unlicensed as per Article 7 Section 110 sub 4 (a)(b) of the NYS A&M Law.

Action #96
Village dog
census
authorized.

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

Councilwoman Friess moved to authorize Cathy McGee, 1778 Center Street, East Aurora, NY, to count dogs during the 2011 Village of East Aurora Dog Census, at a rate of \$1.00 for each dog counted by her. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #97
C. McGee
authorized as
dog census
taker.

Councilwoman Friess moved to approve the hiring of Joyce Wohlfeil, 280 Jewett Holmwood Road, East Aurora, as a Recreation Attendant PT to work at the Senior Center on an as needed basis effective April 12, 2011, at a rate of \$10.46 per hour. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #98
J. Wohlfeil
appt. PT
employee for
Senior Center.

Councilman Collins moved to change the Civil Service employment classification of recreation department employees Dawn DiFilippo and Patricia Monroe from Clerk Typist PT to Clerk PT Seasonal effective April 12, 2011 through September 12, 2010. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #99
P. Monroe &
D. DiFilippo
civil svc. titles
changed to
clerk PT
seasonal.

The Western New York Stormwater Coalition, of which the Town of Aurora is a member, is seeking funding for a project entitled Western NY Stormwater Coalition: Storm Sewer Mapping Project. The focus of the project is to map storm sewer conveyance systems for the MS4 communities in Erie and Niagara Counties.

Councilman Collins moved to authorize the Supervisor to sign the Cooperating MS4 Letter of Commitment pertaining to the proposed project entitled: Western NY Stormwater Coalition: Storm Sewer Mapping Project, whereby the Town of Aurora agrees to the following roles and responsibilities as a project partner should the project receive funding:

1) Town of Aurora will make available existing storm sewer maps, both paper and electronic files, for the purpose of utilizing existing information and planning field work.

2) Town of Aurora will assist a field crew during the data collection component of the project in their respective MS4.

3) Town of Aurora will contribute in-kind services to help meet the required local match of 25%. The in-kind services will be salary and fringe for municipal staff participating in the data collection component of the field work conducted in their respective MS4.

Action #100
 Supv. auth.
 to sign WNY
 stormwater
 letter for
 mapping
 project.

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

Councilman Bach moved to approve the quote of \$89 per ton from Modern Corporation to remove and dispose of scrap tires that the highway department has collected from Town residents. Funds will be disbursed from SR8189.401. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #101
 Modern
 Corp. to
 removed &
 dispose of
 scrap tires

Councilwoman Friess moved to approve the hiring of James Kittner, 7 Victoria Heights, East Aurora, as a Part Time employee (maximum 19.5 hours per week) in the Parks Department at a rate of \$10.00 per hour effective April 18, 2011 and as on-call PT wingman for the winter months. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #102
 J. Kittner
 hired as PT
 park
 employee -
 (winter-
 wingman)

Councilwoman Friess moved to approve the hiring of the following as Part Time Seasonal employees to work in Parks, Highway and Cemeteries:

<u>Name</u>	<u>Address</u>	<u>Pay Rate</u>	<u>Eff. Hire Date</u>
Jason Buranich		\$10/hour	May 16, 2011*
Scott Drosendahl	38 Longmeadow	\$10/hour	May 16, 2011*
Brian Fentzke	801 Olden Road	\$10/hour	May 16, 2011
Andrew Kurtzhaltz	352 Prospect Ave.	\$10/hour	June 13, 2011
Ned Winter	481 Linden Ave.	\$10/hour	May 16, 2011
Jack Grady	108 Park Pl.	\$10/hour	April 18, 2011
Nathaniel West	134 Buffalo St.	\$10/hour	June 13, 2011
Ryan Denz	1005 E. Main St.	\$10/hour	May 16, 2011

* Contingent upon receipt of employment application prior to start date. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #103
 PT seasonal
 parks/hwy
 employees
 approved.

Councilman Collins moved to approve the request from Nicole Serra, Assistant to Supervisor, to attend the Association of Towns of the State of New York: Eleventh Annual Town Finance School on May 4-6, 2011 in Rochester, NY. The cost of the seminar (\$200 registration fee; \$128 hotel; and \$81 mileage reimbursement) will be disbursed from A1220.404 Supervisor Expense and Travel. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #104
 N. Serra to
 attend
 finance
 school.

Councilman Bach moved to approve the request from Patrick Blizniak, Superintendent of Building, to allow Wendy Potter-Behling, building department clerk, to attend Code Enforcement Basic Training Program classes sponsored by the NYS Department of State on March 22-24; April 26-28; May 24-26; and June 21-23 at the Erie County Fire Training Academy in Cheektowaga, NY. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none

Action #105
 W. Potter-Behling to attend Code Enf. Basic training.

Motion carried.

Quotes to repair the drainage intakes in the parking lot at 300 Gleed were received from:

Sergi Construction, Inc., 775 Jewett Holmwood Road, EA	\$1,750.00
Tom Greenauer Development, Inc., Springbrook, NY	\$2,450.00

Councilman Collins moved to authorize the repair of damaged DI's (drainage intakes) in the parking lot at 300 Gleed Avenue and to accept the quote from Sergi Construction, Inc., 775 Jewett Holmwood Road, East Aurora, NY, in the amount of \$1,750.00. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none

Action #106
 Gleed drainage intakes to be repaired.

Motion carried.

Councilwoman Friess moved to authorize the Supervisor to sign the annual maintenance agreement with Central Business Systems for the Minolta Bizhub 160 Copier, in the amount of \$300 for the term 4/6/11 to 4/5/12. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none

Action #107
 Bizhub copier maintenance agreement approved.

Motion carried.

Quotes for baseball trophies were received from:

	Trophy size and cost		Total
Ad Manufacturing	10"- \$4.05ea	12"- \$4.25ea	\$1022.50
Trophy Depot	10"- \$5.40ea	12"- \$6.40ea	1400.00
Dinn Bros.	10"- \$5.50ea	12"- \$5.75ea	1387.50

Councilman Bach moved to authorize the purchase of baseball trophies from Ad Manufacturing, Bellrose, NY (www.adtrophy.com), in the amount of \$1022.50. Funds will be disbursed from A7310.440.2 Baseball supplies. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none

Action #108
 Purchase of baseball trophies from Ad Manufacturing auth.

Motion carried.

Councilwoman Friess moved to authorize the Supervisor to sign the eWASTE Alliance Partnership Network document to allow the town to participate in the electronic waste collection program through Regional Computer Recycling & Recovery, Victor, NY. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none

Action #109
 Supv. auth to sign electronic waste program documents

Motion carried.

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

- Assessor – March 2011 Report
- Building Dept. - March 2011 Report
- Tax Receiver – March 2011 Report
- Town Clerk – March 2011 Report
- Senior Center Director – March 2011 Report
- EAPD – March 2011 Report
- Water District Inspection Report

BUSINESS FROM AUDIENCE II: none

BUSINESS FROM BOARD MEMBERS AND STAFF:

Councilman Collins noted that he met with Geoff Gunner, Badger & Gunner Insurance, to review the Town's insurance coverage and everything seems fine. He is also reviewing the Gleed leases and will have recommendations in the near future.

Supervisor Jeffe attended the Supervisor's meeting in Elma; the EAUFSD School Board meeting; and the Rural Transit Volunteer Recognition meeting.

The Board congratulated Jim Collins on becoming a first-time grandfather.

The April 11, 2011 Abstract of Claims, consisting of vouchers numbered 541 to 640, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 21,828.95
Part Town	50,312.93
Highway	7,910.61
Enterprise/Gleed	6,110.24
Capital/Majors Park	65.00
Special Districts	<u>60,440.27</u>
Grand Total Abstract	\$146,668.00

Councilwoman Friess moved to approve the April 11, 2011 Abstract of Claims as presented and to authorize payment of same; seconded by Councilman Collins. Upon a vote being taken: ayes – five
noes – none
Motion carried

Action #110
4/11/11
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 #111
Meeting
adjourned.

Martha L. Librock
Town Clerk