

October 24, 2011

A meeting of the Town Board of the Town of Aurora took place on Monday, October 24, 2011, at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

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

Others Present:	Ronald P. Bennett	Town Attorney
	Bryan Smith	Town Engineer
	Patrick Blizniak	Superintendent of Building
	Donna Bodekor	Senior Center Director
	Chuck Snyder	Planning Board
	David Gunner	Highway Superintendent
	William Adams	Planning Board

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 the 2012 Preliminary Operating Budget for the Town. The notice 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 opened the Public Hearing at 7:03 p.m. and gave a PowerPoint presentation on the preliminary budget. Highlights of the budget summary were:

- Tax distribution: School 65%, County 22%, Town 13%
- Challenges: Sales and mortgage tax rates remain flat; 18% increase in pension costs; 8% increase in medical insurance.
- Appropriations are down over 5%; fund balance use is down by half; vehicle replacement plan will continue; seasonal personnel being used for Parks department.
- Aurora's tax cap, base on a formula issued by the State Comptroller's office, is 3.5% and the 2012 tax increase is below the cap.
- 2012 Tax rates: General Fund - \$2.84/\$1000 A.V.  
Part Town - \$2.71/\$1000 A.V.  
Highway - \$1.51/\$1000 A.V.

Supervisor Jeffe asked if anyone in the audience wished to comment on the 2012 Preliminary Budget.

Mark Carey, Castle Hill Road, asked what the bottom line is – are residents going to pay more or less. He asked if the budget would be printed in the Advertiser, stating he wants everyone to know what's going on. The Board responded that it would be too expensive to print the entire budget in the paper and that the budget is available on the Town website and at Town Hall. Supervisor Jeffe told Mr. Carey that she would be more than willing to meet with him one-on-one to go over the budget.

Hearing no further comments or questions, the hearing was closed at 7:25 p.m.

\* \* \*

Councilman Bach moved to approve the minutes of the October 11, 2011 Town Board meeting; seconded by Councilwoman Friess.	Action #298
Upon a vote being taken: ayes – five noes – none Motion carried.	10/11/11 meeting minutes aprvd

BUSINESS FROM AUDIENCE I: none

UNFINISHED BUSINESS:

The Board reviewed Part 2 of the Full SEQRA Environmental Assessment Form for the Mint Meadow Open Development Area. They determined that the project will not have a significant impact on the environment.

Councilman Harris moved to proclaim a negative declaration for purposes of SEQRA for the Mint Meadow Open Development Area project. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five	noes – none	Motion carried.	Action #299 Mint Meadow ODA – SEQRA neg. declaration
---	-------------	-----------------	---

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

**RESOLUTION  
APPROVING OPEN DEVELOPMENT AREA PLAN  
TO SPLIT SBL# 164.00-1-21.11 BUFFALO ROAD (MINT MEADOW ROAD)  
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 required public road frontage for standard lot development (known as “Open Development Area”); and

**WHEREAS**, Billington Road Properties, LLC (“the Applicant”) has filed an Open Development Area application to subdivide SBL# 164.00-1-21.11 located at the end of Mint Meadow Road, into four parcels, one (1) measuring 1.137 acres ±; two (2) measuring 1.0015 acres ±; and the remaining parcel measuring 11.48 acres ± , all of which are lacking required public road frontage; and

**WHEREAS**, a private drive extending from Mint Meadow Road currently has two (2) residences built in 1955, which private road does not meet the Code requirements of the Open Development Area, and

**WHEREAS**, the Applicant proposes to sell the three (3) one acre ± parcels fronting on the private drive, and

**WHEREAS**, the approval of the application will require the applicant to widen the existing private drive and construct a fire apparatus turnaround area which will correct a nonconforming preexisting condition, which access shall be subject to a Maintenance Agreement approved by all property owners using the private drive, and

**WHEREAS**, the Town Board has reviewed the SEQRA Full Environmental Assessment Form, submitted as part of the application, determining that the proposed use will not have a significant impact on the environment, and

**WHEREAS**, the Town of Aurora Planning Board has reviewed the proposed Open Development Area plan and has filed a recommendation of support of the application, 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.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Town Board of the Town of Aurora approves the Open Area Development application submitted by Billington Road Properties, LLC, to split SBL# 164.00-1-21.11, located at the end of Mint Meadow Road, into four parcels, all of which are lacking required public road frontage; and **BE IT FURTHER**

**RESOLVED**, that the applicant is required to widen the existing private drive and construct a fire apparatus turnaround area, prior to development on any of the four (4) parcels, which will correct a nonconforming preexisting condition, which access shall be subject to a Maintenance Agreement approved by all property owners using the private drive, and **BE IT FURTHER**

**RESOLVED**, that approval by the Town Board of the Town of Aurora is expressly for SBL#164.00-1-21.11 and any future development on the parcels 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 the split of SBL# 164.00-1-21.11 Buffalo Road (Mint Meadow Road) into four (4) parcels is approved. Action #300  
Mint Meadow  
Road ODA  
approved.

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

Duly adopted this 24<sup>th</sup> day of October, 2011.

\* \* \*

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

**RESOLUTION DETERMINING REAL PROPERTY AS SURPLUS**

WHEREAS, the Town of Aurora is the owner in fee simple of real property located at 44 Jewett Holmwood Road (SBL#175.00-1-32.1) in the Town of Aurora, and

WHEREAS, such property contains two (2) older buildings which no longer are used or needed by the Town, deemed surplus real property, and

WHEREAS, Town Law Section 64 provides for the adoption of a resolution for the sale of public property, which such resolution shall be subject to a permissive referendum,

NOW, THEREFORE, be it

RESOLVED, the Town Board determines that the subject property located at 44 Jewett Holmwood Road (SBL# 175.00-1-32.1) in the Town of Aurora is no longer needed and is deemed surplus, and be it further

RESOLVED, the Town Board will determine the method whereby the property will be offered for sale, and be it further

RESOLVED, upon determination of the method of sale, a resolution will be adopted incorporating such method, which resolution shall be subject to a permissive referendum. Action #301  
Town's  
property at 44  
Jewett  
Holmwood  
declared  
surplus

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

Duly adopted this 24<sup>th</sup> day of October, 2011.

\* \* \*

Councilwoman Friess moved to authorize the Supervisor to sign the proposal from Conestoga-Rovers & Associates (CRA) for the Reed Hill Subdivision Public Improvement Permit (PIP) Construction Inspection, whereby CRA will provide on-site inspection services during the construction associated with the waterline installation, pavement, drainage facilities and storm piping installation, grading, and erosion control for a fee, under this agreement, not to exceed \$49,000. Councilman Collins seconded the motion. Action #302  
Sup. auth to  
sign Reed Hill  
PIP Inspection  
agreement with  
CRA.

Upon a vote being taken: ayes – four noes – none abstain – one (Bach) Motion carried.  
(The Reed Hill Subdivision developer has given the Town \$58,735.00 to be held in escrow towards this expense.)

Councilman Bach moved to approve the request from Donna Bodekor, Senior Center Director, to attend the Network in Aging conference on November 3, 2011 in Clarence, NY. The registration fee of \$50 will be disbursed from A6772.404 Expense & Travel. Councilwoman Friess seconded the motion.  
 Upon a vote being taken: ayes – five noes – none Motion carried.

Action #303  
 D. Bodekor authorized to attend conference.

Councilman Collins moved to reappoint Glen Diemer to the Board of Assessment Review for a five-year term effective October 1, 2011 and terminating September 30, 2016. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #304  
 G. Diemer appointed to Brd. of Assessment Review

Supervisor Jeffe moved to approve the following amendment to the 2011 Town Operating Budget:  
 Create budget line A1620.140 Operation of Buildings – Overtime  
 Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #305  
 2011 Budget amended – overtime line added to Op. Bldg.

Councilman Bach moved to approve the following budget transfer for the newly created overtime line:

From: A1990 Contingency \$500  
 To: A1620.140 Op Buildings – Overtime \$500  
 Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #306  
 Budget transfer for Op. Bldg. overtime line approved.

Councilwoman Friess moved to add the following to the Erie County Tax Roll for non-payment of water bills in accordance with Town Law Article 12 Section 198:

<u>Property Owner</u>	<u>Service Address</u>	<u>Mailing Address</u>	<u>Billing Source</u>
Wassim S. Issa	7002 Davis Road W. Falls, NY SBL#199.00-4-32	Same	ECWA \$221.36
Estate of David R. Starch	315 Grover Road East Aurora, NY SBL#175.09-1-15	Same	ECWA \$57.68
Stanley N. Sobczyk, ETAL	1080 Olean Road East Aurora, NY SBL#188.01-2-18	Same	ECWA \$69.12
Susan Tomasello Richard Tomasello	1110 Lawrence Ave. East Aurora, NY SBL#165.13-4-9	Same	Town of Aurora \$312.25
Timothy Cordier Donna Cordier	328 Cook Road East Aurora, NY SBL#176.00-2-16	Same	Town of Aurora \$260.90

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

Action #307  
 Unpaid water bills to go on tax roll.

Councilman Harris moved to approve the change to the Civil Service classification of Joan Greenwood from Clerk Part-time to Clerk Part-time Seasonal in the Assessor's office effective October 31, 2011 for a 20 week period. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #308  
J. Greenwood  
title PT to PT  
Seasonal

Councilwoman Friess moved to authorize the following budget transfer to cover the cost of the purchase of a new riding lawnmower that is in compliance with the Department of Labor safety regulations:

From: A1990 Contingency                      \$2950  
To: A7110.210 Parks – Equipment                      \$2950

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

Action #309  
Budget  
transfer for  
riding lawn  
mower aprvd

Councilman Collins moved to authorize the purchase of a Scag STC48V-26BS lawnmower from Kens Service and Sales (NYS Contract #64363) for an amount not to exceed \$5842.50. Funds will be equally distributed from A7110.210 Parks – Equipment and ER1621.422 Enterprise/Gleed – Repair and Maintenance. Proceeds from the sale of the surplus Cub Cadet mower will be returned to the General Fund to offset a portion of this expense. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #310  
Purchase of  
Scag riding  
lawn mower  
aprvd.

Councilwoman Friess moved to authorize the following budget transfers to correct deficits in the budget lines receiving the funds:

From: A5010.416 Highway Admin. – Medical Supplies                      \$35.07  
To: A5020.404 Highway Admin. – Exp. & Travel                      \$35.07

From: DB5112.413 Highway Permanent Repairs - Paver                      \$5,547.35  
To: DB5112.433 Highway Permanent Repairs – Materials                      \$5,547.35

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

Action #311  
Highway  
budget  
transfers  
approved.

Councilman Bach moved to authorize the following budget transfer to correct a deficit in the budget line receiving the funds:

From: A6772.404 Programs for Aging – Travel & Exp.                      \$400  
To: A6772.401 Programs for Aging – Supplies                      \$400

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

Action #312  
Programs for  
aging (Sr.  
Center)  
budget  
transfer  
approved.

Councilwoman Friess moved to accept with regret the resignation of Colleen Siener as Secretary to the Parks and Highway Departments effective October 28, 2011. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #313  
C. Siener  
resignation as  
parks/hwy  
secy.

Action #314  
E. Deveso  
hired as  
parks/hwy  
secy.

Councilwoman Friess moved to approve the hiring of Elizabeth Deveso, Prospect Ave., East Aurora, as Secretary to the Highway and Parks Departments – seasonal part-time at a rate of \$11.50 per hour effective October 25, 2011. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #315  
Resignation  
of J. Griffis  
from  
planning brd.

Councilman Collins moved to accept with regret the resignation of James Griffis from the Planning Board and Conservation Board effective immediately. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

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

- September 2011 Work Requisition report
- Small Claims Assessment Review results
- Senior Center September 2011 Report
- Supervisor’s September 2011 Report

BUSINESS FROM BOARD MEMBERS & LIAISONS:

Councilman Bach congratulated Donna Bodekor on the success of the Senior Center, especially the last 10 years at their King Street location and on all the good work she does.

Supervisor Jeffe stated she is working with Drescher and Malecki on finalizing the budget and she performed two weddings this week.

BUSINESS FROM AUDIENCE II: none

STAFF REPORTS:

Pat Blizniak noted that the first code review meeting is on 10/25/11.

Donna Bodekor thanked everyone who attended the 10<sup>th</sup> Anniversary celebration of the Senior Center being at the King Street location.

The October 24, 2011 Abstract of Claims, consisting of vouchers numbered 1970 to 2049, was presented to the Board for audit and authorization of payment from the following funds:

General	\$42,057.79
Part Town	1,604.00
Highway	8,223.88
Enterprise/Gleed	9,964.25
Trust & Agency	2,110.97
Trust & Agency 2	584.70
Special Districts	<u>113.75</u>
Grand Total Abstract	\$64,659.34

Councilman Harris moved to approve the October 24, 2011 Abstract of Claims as presented and to authorize payment of same. Action #316  
10/11/11  
Councilwoman Friess seconded the motion. Upon a vote being taken: Abstract of  
ayes – five noes – none Motion carried. Claims aprvd

Councilman Collins moved to adjourn; seconded by Councilman Action #317  
Bach. Upon a vote being taken: ayes – five noes – none Meeting  
Motion carried. adjourned.

Martha L. Librock  
Town Clerk