

January 23, 2012

A meeting of the Town Board of the Town of Aurora took place on Monday, January 23, 2012, at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	James F. Collins James J. Bach Jeffrey T. Harris	Councilman Councilman Councilman
Absent/Excused:	Jolene M. Jeffe Susan A. Friess	Supervisor Councilwoman
Others Present:	Ronald P. Bennett Bryan Smith Patrick Blizniak David Gunner Peggy Cooke William Adams Charles Snyder Joe Orłowski Sheryl Harris Donna Bodekor Ronald Krowka	Town Attorney Town Engineer Superintendent of Building Highway Superintendent Recreation Director Planning Board Planning Board Recreation Dept. Dog Control Officer Senior Center Director Chief of Police

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

Councilman Bach moved to approve the minutes of the January 9, 2012 Town Board meeting, including the Organizational meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – three noes – none	Motion carried.	Action #14 1/9/12 meeting minutes approved.
---	-----------------	--

AUDIENCE I: none

UNFINISHED BUSINESS:

A public hearing on a proposed local law amending the Open Development Area Town Code was held on January 9, 2012. Subsequent discussion led to another amendment to the code which resulted in the need for a further public hearing.

Councilman Bach moved to set February 13, 2012 at 7:00 p.m. at the Town Auditorium, 300 Glead Avenue, E. Aurora, as the date, time and place for a further public hearing on a proposed Local Law Amending Chapter 79 of the Town Code. Councilman Harris seconded the motion. Upon a vote being taken: ayes – three noes – none	Motion carried.	Action #15 Further public hrq set for LL to amend Ch. 79 of Town Code
---	-----------------	--

Councilman Harris moved to adopt Local Law 1 of 2012; seconded by Councilman Bach as follows:

TOWN OF AURORA

LOCAL LAW 1-2012

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 CHAPTERS 99 AND 116.

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. CHAPTER 99, SUBDIVISION OF LAND

Section 99-1, Title; Effective Date

This Chapter shall be known as “Subdivision of Land” within the Town of Aurora, County of Erie and State of New York. With the prior amendment to this Chapter as of June 12, 1995, all prior subdivision regulations relating to the Town of Aurora were deemed to have been repealed and the section enacted October 1, 2008 is in effect.

Section 99-4, Definitions

This section is amended by deleting the definitions of “Major Subdivision” and “Minor Subdivision” in their entirety.

Section 99-4.1, Public improvement permit application procedure

This section is amended to delete 99-4.1(D) and to change 99-4.1(E) to 99-4.1(D)

Section 99-6, Sketch Plan

Section 99-6(A) is amended to delete the requirements of twelve (12) copies of the sketch plan, and to substitute a minimum of twenty (20) copies of the sketch plan.

Section 99-6 shall be amended by adding 99-6(F) as follows:

Upon receipt of the Sketch Plan by the Town Board, no alterations or improvements to the property may be made, e.g., excavation, topsoil stripping, etc., without final plat approval or by special permission from the Town Board. Complete supervision by the Town’s engineer must also be provided.

Section 99-7, Preliminary Plat

Section 99-7(A)(4) is amended to delete a minimum of twelve (12) copies of the preliminary plat, and to substitute a minimum of twenty (20) copies of the preliminary plat.

Section 99-8, Final Plat

Section 99-8(A)(3) is amended to delete a minimum of twelve (12) copies of the subdivision plat and the construction plans, and to substitute a minimum of twenty (20) copies of the subdivision plat and the construction plans.

Section 99-8.1, Consolidation of Hearings; Waiver of Requirements

Section 99-8.1 is deleted in its entirety.

Section 99, Attachment 1, Standard Schedule of Fees

Attachment 1 is amended by deleting the word *Major* from Subsection A and deleting Subsection B in its entirety.

SECTION 3. CHAPTER 116, ZONING

Section 116-34.

Section 116-34(D) is amended by adding Section 116-34(D)(4) as follows:

Political Signs and Banners. This Chapter shall in no event be construed or employed to restrict the political process within the Town of Aurora. Such political signs shall not exceed four (4) square feet, shall be located on private property, shall be placed no earlier than thirty (30) days prior to the voting day, and shall be removed within two (2) days thereafter.

Section 116-56, Exceptions to Permit Requirements

Section 116-56 shall be amended by designating the present provision as (A) and adding Subsections (B)(1) and (B)(2) as follows:

(B)(1) The Town of Aurora Superintendent of Building is delegated with the authority to issue Zoning Verification Permits under the circumstances in Section 280-a of the Town Law, and recognizing the exemption cited in the Building Code of New York State (BCNYS) Section 101.2, Scope, Exception 2. "Agricultural buildings including barns, shed, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes." NYS Department of State Code Division has deemed the issuance of a Zoning Permit allowable "to insure that the construction of agricultural buildings meets local zoning laws and to alert the Assessor".

(B)(2) Any agricultural proposal which requires a Town of Aurora Agriculture Zoning Verification Permit must first be reviewed by the Town of Aurora Superintendent of Building to determine whether the proposal violates any provision (s) of the Town of Aurora Zoning Law. This officer's determination is based upon information submitted on a Building Department supplied Application/Form by the applicant. Such determination is subject to review and change if the project is modified at a subsequent date. The Superintendent of Building reserves the right to request further information if it is deemed necessary. A disapproval of the application by the Building Department Officer means the project, as designed, cannot proceed for the reasons provided. If the applicant disagrees with the Zoning Officer's determination, the applicant may appeal to the Town of Aurora Zoning Board of Appeals.

B(3) All Zoning Verification Permit applications will be accompanied by a site plan in the form of a survey marked with proposed changes with all lot line setback distances noted, along with an application fee as established by the Town Board.

Section 116-58, Expiration of Permits

Section 116-58(A) is amended to read as follows:

A. A building permit, occupancy permit or Zoning Verification permit shall expire and be automatically nullified one (1) year after the date of issuance unless the construction has been completed within such period or unless the occupancy has been substantially established within such period.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Upon a roll call vote being taken: Councilman Harris – aye
Councilman Bach – aye
Councilman Collins - aye
Ayes – three Noes – none Motion carried.

Action #16
LL 1 – 2012
adopted.
Amend
Chapters 99
and 116

* * * * *

A bid opening for a 2012 4X2 pickup truck was held on January 12, 2012.
The low bidder was DeLacy Ford of Elma, NY.

Councilman Bach moved to approve the bid of \$15,986.00 from DeLacy Ford, 3061 Transit Road, Elma, NY, for a new 2012 4X2 pickup truck and to authorize the purchase of same with funds to be disbursed from A7110.210 Parks Equipment - \$7993.00 and SR8189.200 Rubbish Equipment - \$7993.00. Councilman Harris seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #17
Bid for 4x2
pickup truck
for parks &
rubbish aprvd

NEW BUSINESS:

Councilman Bach moved to approve the baseball diamond layout for the fields behind the Town building at 300 Glead Avenue. The layout consists of six diamonds – 1 full size; 1 small softball; and 4 T-ball. Councilman Harris seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #18
Glead baseball
diamond
layout
approved.

Councilman Harris moved to authorize the Recreation Director and the Baseball Commission to commence fundraising for the Glead Avenue baseball diamond project contingent upon the brochure having the correct wording regarding the donation(s) being tax deductible and any legal language required. Councilman Bach seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #19
Fundraising for
Glead baseball
diamonds
approved
contingent on
rewording of
brochure.

Councilman Bach moved to authorize setting up a Trust and Agency Account for the funds collected for the baseball diamond project and to authorize the Supervisor's office to produce a written procedure for how the donations will be collected, deposited and recorded. Councilman Harris seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #20
TA account to
be set up for
baseball
diamond
donations –
written
procedure to be
created.

Councilman Harris moved to accept a \$500 donation from the Southtowns Piecemakers Quilting Guild to be used towards the purchase of a new podium/speaker system for the Aurora Senior Center. Councilman Bach seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #21
Donation for
Senior Ctr
podium
accepted.

Quotes for a podium with speaker system were received from:

S&B Computer & Business Products	\$ 799.09
Sentry Business Products	\$ 899.90
Eaton Office Supply Co., Inc.	\$ 824.46
ATD American	\$1,123.00

Action #22
Purchase of
new podium
with speaker for
Senior Ctr.
approved.

Councilman Bach moved to approve the purchase of a podium with speaker system from S&B Computer & Business Products in the amount of \$799.09. Funds will be disbursed from TA1000.0090 (\$500) and A6772.401 (\$299.09). Councilman Harris seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Councilman Harris moved to declare the current podium (Town ID# 2249) as surplus equipment to be properly disposed of. Councilman Bach seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #23
Sr. Center podium (ID 2249) declared surplus.

Due to medical leave of the assistant dog control officer, DCO Sheryl Harris is requesting to advertise for an additional part time assistant.

Action #24
DCO to advertise for assistant.

Councilman Harris moved to authorize Dog Control Officer Sheryl Harris to advertise for an additional assistant. Councilman Bach seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Councilman Harris moved to approve the application for a temporary use permit for the East Aurora Driving Society to use the Neil and Barb Chur Equestrian Park at Knox Farm State Park for the 37th Annual East Aurora Carriage Drive on July 28-29, 2012. Councilman Bach seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #25
EA Driving Society permit for Knox equestrian park approved

The BOCES Principal, Steve Ruszczyk, is requesting approval from the Town to operate a student-run coffee shop at 300 Gleed to provide students who attend the BOCES program with the opportunity to participate in a “real world” job venture. The coffee shop will be run by students of Southside Academy under the supervision of BOCES staff. Councilman Collins has reviewed the plans and discussed the request with Mr. Ruszczyk and believes it is a good idea, noting that the area where the coffee shop will be is approximately 4’x8’ and will be adjacent to the Bistro/cafeteria.

Councilman Harris moved to approve the request from Erie 2 BOCES Southside Academy to run the “Southside Academy Coffee Shop” at 300 Gleed Avenue during the hours of 8:30 a.m. to 1:30 p.m. on days when school is in session. Councilman Bach seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #26
BOCES to have coffee shop at 300 Gleed.

Councilman Harris moved to authorize the request from Elaine Schiltz to roll over 18 hours of 2011 vacation time to 2012. Councilman Bach seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #27
E. Schiltz 2011 vacation roll-over aprvd

Councilman Bach moved to authorize the Supervisor to sign an undertaking for the benefit of the NY State Department of Transportation in connection with work affecting state highways and any permits received by the Town for activities and operations upon highways and right-of-ways controlled by the State of New York. Councilman Harris seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #28
Supv. authorized to sign NYSDOT undertaking

A culvert on Emery Road in the vicinity of Emery Park is scheduled to be replaced by the County of Erie. An existing 10” waterline owned by the Town (Water District 18) needs to be relocated with the highway right-of-way. An application for approval of the plans needs to be signed by the Supervisor and submitted to the New York State Department of Health since the Town owns the waterline.

Councilman Bach moved to authorize the Supervisor to sign the NY State Department of Health application for approval of plans to relocate a 10” waterline on Emery Road for purposes of replacing an existing culvert. Councilman Harris seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #29
Supv. to sign NYSDOH application for Emery Rd water line relocation

Councilman Harris moved to approve the request from Nicole Serra, Assistant to the Supervisor/Bookkeeper, to attend the NYSGFOA seminar on February 15 and 16, 2012 in Springville, NY. Registration (\$140) and mileage reimbursement (\$16.20) will be disbursed from A1220.404 Supervisor – Expense and Travel. Councilman Bach seconded the motion. Upon a vote being taken: ayes – three noes – none
 Motion carried.

Action #30
 N. Serra to attend NYSGFOA seminar in Springville.

Butterwood Desserts (aka: BBH Industries, Inc.) currently located on Davis Road in West Falls is planning to move to an empire zone in downtown Buffalo, NY. General Municipal Law Article 18B – New York State Economic Development Zones - requires a public hearing to address any business moving from one municipality into another municipality’s empire zone.

Action #31
 Public hearing set for Butterwood Desserts relocation to empire zone.

Councilman Bach moved to set a public hearing on February 13, 2012 at 7:00 p.m. at the Town Hall Auditorium, 300 Glead Avenue, East Aurora, to solicit comments regarding the relocation of BBH Industries, Inc. (dba Butterwood Desserts), currently located at 1863 Davis Road in West Falls, to the Downtown Buffalo Empire Zone. Councilman Harris seconded the motion.
 Upon a vote being taken: ayes – three noes – none Motion carried.

Action #32
 DCO to park dog control truck at home on temporary basis.

DCO Sheryl Harris is requesting to park the dog control truck at her residence in order to shorten response time for call-outs until the assistant DCO is back to work or an additional assistant is hired.

Councilman Bach moved to authorize DCO Sheryl Harris to park the dog control truck at her residence at 1362 Main Street, E Aurora, until the assistant DCO is back at work or an additional assistant is hired, whichever comes first. Councilman Harris seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

A letter from the NY State Comptroller’s office and the Leave Benefit Audit performed by the Comptroller’s office cited the Town of Aurora with crediting employees with unearned vacation time. After a thorough review of employees’ dates of hire, full time status and current records of vacation time accrued vs. earned vacation time accrued, the following chart has been determined to be the corrected record upon which any and all future vacation time will be based.

Councilman Harris moved to accept and approve the following vacation record list as current (year 2012) vacation that employees are entitled to and to be used in determining employee’s earned vacation time in the future.

Name	Department	Vacation as of 2012 (listed in hours)
Blizniak, Patrick	Building	168
Bodekor, Donna	Senior Center	184
Cooke, Peggy	Recreation	160
Granville, Claire	Court	104
Harris, Sheryl	Dog Control	144
Kramer, William	Building	128
Miller, Sheryl	Town Clerk	136
Potter-Behling, Wendy	Building	128
Schiltz, Elaine	Recreation	160
Serra, Nicole	Supervisor	0
Swanson, Jamie	Assessor	152
Theodorakos, Margaret	Court	160

Vacation Chart continued:

Employees covered by CSEA (union contract):		Vacation as of 2012 (listed in hours)
Bove, Michael		200
Chamberlin, Sean		136
Drosendahl, David		176
Evens, Michael		0
Hart, Timothy		200
Smith, Richard Sr.		168
Spahn, David		200
Suttell, Jason		88
Walczyk, James		200

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

Action #33
 Vacation hours for current employees approved

* * * * *

In 2011 the Town submitted an application to NYSERDA in an effort to see if funding was available for an energy audit for 300 Gleed Avenue, especially in the area where renovations will be occurring. The response from NYSERDA was a “notice to proceed” based on a cost of \$5616 of which NYSERDA would pay 50% and the Town would pay 50%. An energy audit will be performed by CJ Brown Energy who will then plan a potential energy efficiency improvement presentation which will assist the Town in energy conservation measures.

Councilman Bach moved to authorize the Supervisor to sign the NYSERDA agreement and notice to proceed for CJ Brown to perform an energy audit of 300 Gleed Avenue, whereby the Town will pay \$2808 (to be disbursed from ER1621.414) and NYSERDA will pay \$2808. Councilman Harris seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #34
 Supv. auth. to sign NYSERDA agreement for Gleed Ave. energy audit

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

- Tax Receiver – 2011 Annual Report
- Town Clerk – 2011 Annual Report
- Building Department – 2011 Annual Report
- EAPD – December 2011 Report
- Senior Center – December 2011 Report

BOARD MEMBERS AND LIAISONS:

Councilmen Harris and Bach both attended the West Falls Fire Department installation of officers; Councilman Bach also participated in a webcast on Hazard Mitigation which covered how to identify hazards and claim funds.

AUDIENCE II: none

The 2011 Encumbered Abstract of Claims dated January 23, 2012, consisting of vouchers numbered 2437 to 3461, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 6,601.01
Part Town	99.90
Highway	672.37
Enterprise/Gleed	7,300.01
Capital	<u>2,090.00</u>
Grand Total Abstract	\$16,763.29

The January 23, 2012 Abstract of Claims, consisting of vouchers numbered 34 to 123, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 76,958.12
Part Town	18.48
Highway	50,346.90
Enterprise/Gleed	11,969.99
Capital	65.00
Trust & Agency	1,849.97
Special Districts	<u>262,139.85</u>
Grand Total Abstract	\$403,348.31

Councilman Bach moved to approve the 2011 Encumbered Abstract of Claims and the 2012 Abstract of Claims, both dated 1/23/2012, and authorize payment of same. Councilman Harris seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #35
Abstracts of
Claims
approved.

Councilman Bach moved to adjourn; seconded by Councilman Harris. Upon a vote being taken: ayes - three noes – none Motion carried.

Action #36
Meeting
adjourned.

Martha L. Librock
Town Clerk