

July 23, 2012

A meeting of the Town Board of the Town of Aurora took place on Monday, July 23, 2012, 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
	Susan A. Friess	Councilwoman
	James J. Bach	Councilman
	Jeffrey T. Harris	Councilman
Others Present:	Ronald Bennett	Town Attorney
	Bryan Smith	Town Engineer
	Patrick Blizniak	Supt. of Building
	Barbara Halt	Receiver of Taxes
	Robert Goller	Historian/Webmaster
	Chuck Snyder	Planning Board
	Carol Griffis	Library Board
	Al Fontanese	Library Board
	William Adams	Planning Board

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

Councilwoman Friess moved to approve the minutes of the July 9, 2012 Town Board meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #262  
7/9/12 Twn Brd  
meeting min.  
approved.

Councilman Bach moved to approve the minutes of the July 17, 2012 Town Board work session; seconded by Councilman Collins. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #263  
7/17/12 Work  
session minutes  
approved.

AUDIENCE I: none

#### UNFINISHED BUSINESS:

Proposals for engineering services for the Aurora Town Library roof replacement/renovation project were received from:

TVGA Consultants	\$14,500 plus \$1500 expense allowance
Nussbaumer & Clarke, Inc.	\$13,300 (hourly; not to exceed)
Wm. Schutt & Associates	\$9,900 (lump sum)
CRA Engineering	\$8,500 (lump sum)

Councilman Harris moved to approve the proposal from CRA Infrastructure & Engineering, Inc., in the amount of \$8,500, for professional engineering services for the Aurora Town Library roof replacement/renovation project. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #264  
CRA  
engineering  
proposal for  
library roof  
approved.

#### NEW BUSINESS:

Councilman Bach moved to authorize the Supervisor to sign the following agreement with the East Aurora Union Free School District (EAUFSD) whereby the EAUFSD will use exercise equipment owned by the Town and will move the equipment from 300 Gleed Avenue to either the Middle School or High School:

**AGREEMENT**

AGREEMENT made this 23<sup>rd</sup> day of July, 2012, by and between

TOWN OF AURORA  
5 South Grove Street  
East Aurora, New York 14052

hereinafter referred to as the "Town", and

EAST AURORA UNION FREE SCHOOL DISTRICT  
430 Main Street  
East Aurora, New York 14052

hereinafter referred to as the "School".

WHEREAS, the Town acquired ownership to certain exercise equipment included in the purchase of the real property at 300 Gleed Avenue, East Aurora, New York, and

WHEREAS, the School has a need for fitness equipment at the East Aurora Middle School and/or High School, and

WHEREAS, the Town has negotiated a lease for the area of the exercise room to a third party for other purposes,

NOW, THEREFORE, the parties agree as follows:

1. **EQUIPMENT**: Upon request of the School, the Town will provide to the School certain exercise equipment set forth in annexed as Exhibit "A".
2. **TERM**: The term of this Agreement shall be on an annual basis, extended from year to year. Either party may terminate this Agreement with sixty (60) days written notice of termination prior to each anniversary date.
3. **MAINTENANCE**: The School shall maintain the equipment in good repair, condition and working order at its sole expense.
4. **DISCLAIMER**: The School acknowledges that the Town makes no representation in regard to the suitability and fitness of the exercise equipment. The Town has not made and does not make any warranty or representation whatsoever either express or implied, as to the suitability and fitness of the exercise equipment. The Town shall not be liable to the School for any loss, damage or expense of any kind or nature caused, directly or indirectly by the use of the exercise equipment or maintenance thereof, or of the failure or operation thereof.
5. **RISK OF LOSS**: The School hereby assumes and shall bear the entire risk of loss for theft, damage, destruction or other injury to the exercise equipment from any and every cause whatsoever.
6. **INDEMNITY**: The School shall hold the Town harmless from and against all claims, losses, liabilities, including negligence, tort and strict liability, damages, judgments, suits, and all other proceedings and any and all costs and expenses in connection therewith include attorney's fees arising out of or in any manner connected with the use of the exercise equipment including, without limitation, claims for injury to or death of persons and for damage to the exercise equipment.
7. **ENTIRE AGREEMENT**: This Agreement constitutes the entire understanding and agreement between the Town and School and there is no understanding or agreement, oral or written, which is not set forth herein.

IN WITNESS WHEREOF, the parties have duly executed this Agreement the date and year first above written.

Exhibit A

Brand	Item	Qty.	detail
Body Master	back extension	1	2-25's + plates
Body Master	lat pull down	1	stack 300 lbs
Body Master	seated shoulder press	1	stack 250 lbs
Body Master	leg extension	1	stack 250 lbs
Body Master	butterfly	1	stack 300 lbs
Body Master	incline press	1	stack 400 lbs
Body Master	hi/lo pulling system	1	stack 150 lbs
Body Master	leg curl	1	stack 200 lbs
Body Master	leg extension	1	stack 250 lbs
Body Master	leg press	1	stack 400 lbs
Body Master	dumbbell rack	1	
Body Master	chrome dumbbell	2	3 lb
Body Master	chrome dumbbell	2	5 lb
Body Master	chrome dumbbell	2	8 lb
Body Master	chrome dumbbell	2	10 lb
Body Master	chrome dumbbell	2	12 lb
Body Master	chrome dumbbell	2	15 lb
Body Master	adjustable bench	1	
Concept 2	rower	1	
Gravatron	dip/pull up machine	1	stack 180 lbs
Nebula	adjustable bench	1	
Precor	stepper	2	a/c electric
Schwinn	bike	1	battery
Star Trac	treadmill	2	a/c electric
Tectrix	stepper	1	a/c electric
Tectrix	bike	1	battery
Tectrix	recumbent bike	1	battery
York	dumbbells	28	2 of each weight 5-70 lbs
	weight tree w/ 10 plates	1	
	dumbbell rack	1	
	rubber floor	1	
	curl bar	1	
	curl bar collar	2	
	tv's and ceiling brackets	3	

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

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Action #265  
Supv auth to sign agreement with EAUFSD for exercise equip. use.

Councilwoman Friess moved to adopt the following resolution to set a public hearing on a proposed local law to abolish the elected position of Receiver of Taxes and Assessments of the Town of Aurora; seconded by Councilman Collins:

**RESOLUTION TO SET PUBLIC HEARING**

WHEREAS, Local Law Intro. No. 3 - 2012 has been introduced to the Town Board on Monday, July 23, 2012, and

WHEREAS, Municipal Home Rule Law Section 20(5) requires a public hearing upon five (5) days' notice, and

WHEREAS, Municipal Home Rule Law Section 20(4) provides that no such local law shall be passed until it shall have then in its forum and upon the desks or table of the members at least seven (7) calendar days, exclusive of Sunday, prior to its final passage or mailed to each of them in post-paid properly addressed and secured closed envelopes or wrappers in a post box of a post office of the United States Post Office Department within the local government at least ten (10) calendar days, exclusive of Sunday, prior to its passage,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Aurora does hereby set the 13<sup>th</sup> day of August, 2012 at 7:00 p.m. at the Town of Aurora Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York, for the purpose of conducting a public hearing on the proposed Local Law to abolish the elected position of Receiver of Taxes and Assessments of the Town of Aurora.

Action #266  
Public hearing  
set on local law  
to abolish tax  
receiver position

RESOLVED, that the Town Clerk is hereby directed to publish a notice of said public hearing in the East Aurora Advertiser.

Upon a vote being taken: ayes - five                      noes - none

Duly adopted this 23<sup>rd</sup> day of July, 2012.

\* \* \* \* \*

Councilman Bach moved to accept the following donations, totaling \$525.00, to be used exclusively for the Gleed baseball/softball diamond project, with funds to be deposited to TA1000.112:

Action #267  
Baseball  
diamond project  
donations  
accepted.

<u>Donor Name</u>	<u>Amount</u>	<u>Date Received</u>
Donald & Margaret Wynes	\$25.00	6/22/12
Douglas & Ellen Hayes	\$500.00	7/17/12

Councilman Collins 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:

- Tax Receiver – June 2012 report
- Work Requestions – June 2012 report
- Supervisor's June 2012 report

Supervisor Jeffe stated that in an effort to save paper, monthly reports will be included with the Abstract for the Board to review prior to meetings, instead of being in the meeting packets.

**BUSINESS FROM BOARD MEMBERS:**

Councilwoman Friess stated that 1) Mr. L. Fial has invited the Board to view the proposed open development property on Grover Road; 2) Ed Paolini from the Erie County Sewer Authority is preparing a letter to be sent to Geneva Road residents/property owners regarding a time-frame for the sewer project on their road; and 3) the SC Johnson/RecycleBank information is on the town website and all town residents are encouraged to participate in an effort to help promote recycling and to win \$100,000 for the town's recycling program.

Supervisor Jeffe noted that she and Councilman Collins attended an Eagle Court of Honor for Cody Link, Elliot Martynkiewicz, Jonathan Metzger and Alex Pierce. Congratulations were extended to all four for attaining the rank of Eagle Scout.

The Supervisor also attended a supervisors and mayors round-table with Senator Patrick Gallivan where they discussed the tax cap, mandate relief and member dollars/member items.

AUDIENCE II:

Carol Griffis, Aurora Library Board Trustee, commented on the new governance system being proposed for the Buffalo/Erie County Library system, noting there is a meeting on 7/24/12 in Hamburg, NY.

STAFF REPORTS: none

The July 23, 2012 Abstract of Claims, consisting of vouchers numbered 1294 to 1438, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 61,233.66
Part Town	925.52
Highway	152,924.91
Enterprise/Gleed	16,275.31
Capital (Baseball)	10,145.46
Capital (Gleed Reno)	107,731.60
Trust & Agency	473.66
Special Districts	<u>523,516.62</u>
Grand Total Abstract	\$ 873,226.74

Councilman Harris moved to approve the 7/23/12 Abstract of Claims as presented and to authorize payment of same. Supervisor Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #268  
7/23/12  
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 #269  
Meeting  
adjourned.

Martha L. Librock  
Town Clerk