

January 28, 2013

A meeting of the Town Board of the Town of Aurora took place on Monday, January 28, 2013, at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	James F. Collins	Councilman
	James J. Bach	Councilman
	Susan A. Friess	Councilwoman
	Jolene M. Jeffe	Supervisor
	Jeffrey T. Harris	Councilman
Others Present:	Ronald P. Bennett	Town Attorney
	Bryan Smith	Town Engineer
	David Gunner	Highway Superintendent
	Timothy Bailey	Planning Board
	Al Salter	Zoning Board
	William Adams	Planning Board
	Charles Snyder	Planning Board
	Robert Goller	Town Historian

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

Councilwoman Friess moved to approve the January 14, 2013 Town Board meeting minutes; seconded by Councilman Harris. Upon a vote being taken: ayes – five	noes – none	Motion carried.	Action #24 1/14/13 TB meeting minutes aprvd
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AUDIENCE I: none

UNFINISHED BUSINESS:

The Town Board reviewed the short form SEQRA for the request for an Open Development Area at SBL#199.00-2-8.21 Grover Road in the Town.

Councilwoman Friess moved that the Town Board, based on information and analysis from Part II of the SEQR form, agrees the proposed action of creating an Open Development Area at SBL#199.00-2-8.21 Grover Road will not result in any significant adverse environmental impacts and authorized the Supervisor to sign the short form SEQR as officer in the lead agency. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five	noes – none	Motion carried.	Action #25 Grover Rd. ODA SEQR.
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Councilman Bach moved to approve the following resolution; seconded by Councilwoman Friess:

**RESOLUTION
APPROVING OPEN DEVELOPMENT AREA PLAN
FOR
SBL#199.00-2-8.21 GROVER 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 adequate public road frontage for standard lot development (known as “open development area”); and

WHEREAS, the Applicant has filed an Open Development Area application for a 1-Lot Open Development on an approximately 4.83 acre parcel (SBL# 199.00-2-8.2) located along the west side of Grover Road, to the north of Olden Road; 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; and

WHEREAS, the Building Department has stated that: 1) the land is of such character that it can be used safely for building a home; 2) the driveway will be a minimum of twenty (20) feet in width and composed of hardpan composite; 3) only one single family home will be built on this parcel; and 4) accumulated groundwater will be collected and diverted to the west of the property to a ravine running north-south; and

WHEREAS, the Building Department has recommended approval contingent upon the granting of a front yard setback variance by the Zoning Board of Appeals; and

WHEREAS, on December 20, 2012, the Town of Aurora Zoning Board of Appeals granted a front yard setback variance of fifty-five (55) feet to allow construction of a dwelling a minimum of twenty (20) feet from the front yard line at SBL#199.00-2-8.21 Grover Road.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Aurora approves the Open Area Development application for SBL# 199.00-2-8.21 Grover Road; and **BE IT FURTHER**

RESOLVED, that the Town Board of the Town of Aurora acknowledges that compliance with all other standards, requirements and conditions, including those specified by the Building Department as noted above is in the public interest and will substantially secure the objectives of the modified standard; and **BE IT FURTHER**

RESOLVED, that approval by the Town Board of the Town of Aurora is expressly for SBL# 199.00-2-8.21 Grover Road, and any future development 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**

Action #26
Grover Road
ODA approved.

RESOLVED, that said Open Development Area Plan for SBL#199.00-2-8.21 Grover Road is approved.

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

NEW BUSINESS:

Proposals for electronics recycling service (collection and disposal of electronic equipment/e-waste) were received from:

Sunnking, Inc.

4 Owens Road, Brockport, NY

\$0.07 per lb.

Rochester Computer Recycling & Recovery, LLC

7318 Victor Mendon Rd., Victor, NY

\$0.086 per lb.

Action #27
Electronic
waste
agreement with
RCR&R
approved.

Councilman Collins moved to authorize the Supervisor to sign the electronics recycling service agreement with Rochester Computer Recycling & Recovery, LLC (RCR&R) giving RCR&R exclusive right to collect and dispose of electronic equipment designated for recycling or disposal. The term of this agreement shall be for twelve months from the March 14, 2013. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

In September 2011, an inspection deposit of \$58,735.00 was put in escrow for the Reed Hill Subdivision public improvement permit (PIP). Inspection services through 12/31/12 total \$65,254.93. The developer will be asked to deposit an additional \$17,000. Town Engineer Bryan Smith spoke with the project contractor and it was determined how much work is left to be done and the amount of inspection time that will be needed for that work.

Councilman Collins moved to request an additional \$17,000.00 inspection deposit from the developer of the Reed Hill Subdivision to be deposited to TA1000.0111 to cover the remaining inspection services for the project. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #28
Additional
inspection
deposit for
Reed Hill PIP
approved.

Proposals for Bond Counsel services for Town bonding including the Luther Road Bond, Water District 6 Bond and for refinancing approximately \$10 million in USDA bonds for several Town water districts were received from:

Orrick, Herrington & Sutcliffe, LLP	\$12,465.00
Hodgson Russ, LLP	\$12,000.00

Councilwoman Friess moved to authorize the Supervisor to sign a Bond Counsel agreement with Hodgson Russ, LLP for 2013 bond counsel services for the Town in an amount not to exceed \$12,000.00. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five
noes – none Motion carried.

Action #29
Supv. auth. to
sign Bond
Counsel
agreement with
Hodgson Russ

Councilman Bach moved to approve the following meeting and seminar attendance policy; seconded by Councilman Collins:

TOWN OF AURORA
MEETING/SEMINAR ATTENDANCE APPROVAL POLICY
BE IT RESOLVED,

SECTION 1:

That during the year 2013, Town department heads or officials, or their designees, whose expenses have been allowed in the 2013 Budget are hereby authorized to attend the regular luncheon/dinner meetings of the various official organizations relating to their official duties as Town department heads or officials noted below. The cost of such meals shall not exceed \$35.00 per luncheon or dinner. Necessary expenses (mileage and/or tolls) incurred in traveling to or from said are hereby determined a legitimate Town expense for which such officials shall be reimbursed.

- Town Board – Association of Erie County Governments
- Town Clerk – Erie County Town Clerk’s Association; Association of Erie County Governments
- Tax Receiver – Erie County Tax Receivers Association
- Assessor – Erie County Assessor’s Association
- Highway Superintendent – Erie County Highway Superintendent’s Association
- Senior Center Director – Erie County Senior Center Director’s Assoc.
- Assessor – Erie County Assessor’s Association
- Building Department - NFBOA

SECTION 2:

That during the year 2013, the Town Assessor or his designee is hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- New York State Assessors' Association Annual Training School, Ithaca, NY (Reimbursed by NYS Office of Real Property Services)
- New York State Assessors’ Association Conference

SECTION 3:

That during the year 2013, the Building Inspector/Code Enforcement Officer or his designee is hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- New York State Building Officials Conference
- Niagara Frontier Building Officials Education Conference
- Stormwater Management Conference

SECTION 4:

That during the year 2013, the Court Clerks are hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- New York State Magistrates' Association of Court Clerks

SECTION 5:

That during the year 2013, the Town Justices are hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- New York State Magistrates' Association Conference

SECTION 6:

That during the year 2013, the Highway Superintendent or his designee is hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- New York State Association of Town Superintendents of Highways Conference
- New York State Association of Towns Training School and Annual Meeting
- Cornell Local Roads Program For Highway Superintendents
- WNY Water Works training

SECTION 7:

That during the year 2013, the Supervisor and Council Members are hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- Industrial Development conferences as necessary
- Association of Towns Training School
- Association of Towns Finance School
- Chamber of Commerce sponsored meetings and events

SECTION 8:

That during the year 2013, the Recreation Director is hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- NYS Parks and Recreation
- NYS Parks and Trails

SECTION 9:

That during the year 2013, the Town Clerk or her designee is hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- New York State Town Clerks' Association Annual Conference
- New York State Archives Seminars
- New York State Town Clerks' Regional Seminars

SECTION 10:

That during the year 2013, the Tax Receiver or her designee is hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- New York Association of Tax Receivers and Collectors Annual Conference

SECTION 11:

That the Planning Board Chairman and Planning Board Members (including alternates) be permitted to attend the following training and educational session with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- New York State Association of Towns Training School at Houghton, NY
- Erie County Department of Planning sponsored training schools

SECTION 12:

That the Zoning Board Chairman and Zoning Board Members (including alternates) be permitted to attend the following training and educational session with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- New York State Association of Towns Training School at Houghton, NY
- Erie County Department of Planning sponsored training schools

SECTION 13:

That the Dog Control Officer be permitted to attend the following training and educational session with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- Webster/NYS Agriculture and Markets Animal Control Seminar

SECTION 14:

That the Town Historian be permitted to attend the following training and educational session with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- Government Appointed Historians of WNY Meeting/Conference

SECTION 15:

That the Bookkeeper (Assistant to Supervisor) be permitted to attend the following training and educational session with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- NYS Association of Towns Finance School

SECTION 16:

That the Director of the Aurora Senior Center be permitted to attend the following training and educational session with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts:

- Network in Aging Seminar/Conference

SECTION 17:

That during the year 2013, all Town officials and employees be and hereby are authorized to be paid \$0.45 per mile for the use of their personal automobiles on all Town business.

SECTION 18:

That all conferences, seminars, lectures and meetings not falling within a pattern of regular attendance and not listed in this resolution, and **not exceeding \$400.00** in reimbursable expenses, including mileage reimbursement, may be approved for attendance by the Supervisor pursuant to Section 77-b of the General Municipal Law. Conferences, seminars, lectures and meetings, not listed in this resolution, and/or **exceeding \$400.00** and/or **overnight travel in any amount** shall require the approval of the Town Board.

SECTION 19:

That all expenses incurred, including but not limited to meals, mileage, and lodging, will not exceed that amount which is budgeted in each departments' expense and travel and/or mileage lines for 2013.

Action #30
2013 Meeting
& seminar
attendance
policy adopted

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

Councilman Collins moved to accept a \$1,000.00 donation from the Aurora Historical Society to be used toward the first phase of the Historian's Digitization project. The funds will be deposited into TA1000.0084. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #31
\$1,000 AHS
donation for
historian
project
accepted.

Councilwoman Friess moved to approve the following budget transfer to cover unexpected 2012 year-end costs:
From: ER1621.406 Gleed – telephone \$5,000.00
To: ER1621.422 Gleed – repair and maintenance \$5,000.00
Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #32
2012
Enterprise
fund budget
transfer apvd

Councilman Collins moved to declare a battery backup surge protector, Town inventory ID#2050, as surplus inventory to be recycled. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #33
Back-up surge
protector
declared
surplus.

Councilman Bach moved to approve the request from Explore & More Children's Museum to hold its 4th Annual Touch-A-Truck event on Sunday, May 19, 2013 at the Southside Municipal Center. The museum will use parking lots on both sides of the building (one for the trucks, the other for visitors; the grass area adjacent to the east and south sides of the building (not the ball diamond/soccer fields) and the gymnasium during the event.

Action #34
E&M Touch
A Truck event
approved.

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

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

SUPPORT FOR NYS-CONTACT INFORMATION FOR VACANT STRUCTURES

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and
WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and
WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and
WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and
WHEREAS, the Town of Aurora Town Board hereby supports the passage of said bills.
NOW THEREFORE, BE IT RESOLVED that the Town of Aurora hereby supports the passage of said Bills and respectfully requests that the State Representatives who represent constituents in the Town of Aurora support the passage of said Bills.

Action #35
Brd supports
pending
legislation re:
vacant &
foreclosed
property contact
info

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

Councilwoman Friess moved to authorize the Supervisor to sign a one-year agreement (February 2013 through February 2014) with New Wave Energy Corporation, 434 Delaware Ave., Buffalo, NY, whereby New Wave Energy will arrange for the delivery of electricity for all Town electric accounts. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #36
 Supv auth to sign agreement for electric delivery with New Wave

Councilman Collins moved to authorize payment No. 8 in the amount of \$712.50 and payment No. 9 (final) in the amount of \$17,718.65 to NewCal Construction, Inc., 10994 Tinkham Road, Darien, NY, for work performed from through January 1, 2013 on the 300 Gleed Avenue Town Hall Renovation project. Councilman Collins seconded the motion. Upon a vote being taken: ayes - five noes – none Motion carried.

Action #37
 Pymts 8 & 9 (final) to NewCal for Gleed reno approved.

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

- Tax Receiver – Annual 2012 report
- EAPD - December 2012 report
- Work Requisitions – December 2012 report

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Councilman Harris: 1) attended the East Aurora Fire Department installation dinner; and 2) attended a meeting for the new fire hall.

Councilman Bach met with Police Chief Krowka and Erie County Sheriff Tim Howard regarding gun safety. He noted that gun trigger locks are available free of charge at the police station.

Supervisor Jeffe attended the West Falls Fire Company installation dinner.

AUDIENCE II: none

STAFF REPORTS:

Highway Superintendent David Gunner attended the West Fall Fire Company installation dinner.

The 2012 Encumbered Abstract of Claims dated January 28, 2013, consisting of vouchers numbered 2442 to 2470, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 19,063.63
Part Town	628.45
Highway	92.52
Enterprise/Gleed	4,638.37
Special Districts	<u>21,143.93</u>
Grand Total Abstract	\$ 45,566.90

The Abstract of Claims dated January 28, 2013, consisting of vouchers numbered 46 to 116, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 51,616.32
Part Town	1,519,173.24
Highway	18,631.58
Enterprise/Gleed	1,583.78
Capital (Major Park)	78.98
Capital (Gleed Reno)	18,431.15
Special Districts	<u>51,221.27</u>
Grand Total Abstract	\$1,660,736.32

Councilwoman Friess moved to approve the 2012 Encumbered Abstract of Claims and the 2013 Abstract of Claims, both dated 1/28/2013, and authorize payment of same. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #38
1/28/13 2012
encumbered
and 2013
abstracts of
claims aprvd.

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

Action #39
Meeting
adjourned.

Martha L. Librock
Town Clerk