

February 10, 2014

A meeting of the Town Board of the Town of Aurora took place on Monday, February 10, 2014, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris	Councilman
	Susan A. Friess	Councilwoman
	Jolene M. Jeffe	Councilwoman
	Charles D. Snyder	Councilman
	James J. Bach	Supervisor
Others Present:	Ronald P. Bennett	Town Attorney
	Robert Goller	Town Historian
	Randy West	Village Trustee

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

Councilman Harris moved to approve the minutes of the January 21, 2014 Town Board work session; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #37
1/21/14 wk sess
minutes aprvd

Councilwoman Jeffe moved to approve the minutes of the January 27, 2014 Town Board meeting; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #38
1/27/14 TB mtg
minutes aprvd

AUDIENCE I: none

UNFINISHED BUSINESS:

Supervisor Bach stated that the Town and the Village of East Aurora are at an impasse about which municipality is responsible for the Brooklea bridge (culvert). The Board discussed the Town's options.

Action #39
Twn Atty
directed to
prepare for
judgment re:
Brooklea
bridge

Councilman Harris moved to direct the Town Attorney to prepare the appropriate pleadings to present to the NYS Supreme Court asking for a declaratory judgment as to who is responsible for the Brooklea bridge/culvert. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Supervisor Bach noted that no action will be taken regarding agenda item 5B – reinstating payment of two vouchers that were previously pulled. Mr. Bach stated that he received notice from the Village Administrator that the Village's insurance would be covering payment to Webster Szanyi LLP for professional services rendered for Wierzbic v. Town of Aurora, et al.

NEW BUSINESS:

Councilwoman Jeffe moved to add item 6F- 5th Ave. Catering lease addendum to tonight's agenda; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #40
Item 6F –
addendum to
5th Ave lease
added to
agenda

Councilwoman Friess moved to change the Civil Service titles of recreation department employees Dawn DiFilippo and Patricia Monroe from Clerk Typist Part Time to Clerk Typist Part Time Seasonal for twenty (20) weeks effective March 10, 2014 (through July 27, 2014). Upon a vote being taken: ayes – five noes - none Motion carried.

Action #41
Rec clerks title
change from
PT to PT
seasonal aprvd

Councilwoman Friess moved to declare the following three (3) computers as surplus equipment:

- VS-KDS/52X Max (Town Inventory ID1947)
- Dell Optiplex320
- Dell Optiplex210L

The hard-drives will be removed and destroyed and the remaining material will be recycled. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #42
3 computers
declared
surplus
inventory

Councilman Snyder moved to authorize Justice Court action in reference to Aurora Town Code Chapter 116-36B – Off-season storage of Recreation Vehicles for:

Judson & Barbara Heater
976 Olean Road
East Aurora, NY 14052

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

Action #43
Justice Court
action for RV
storage
violation
authorized

The Town's purchase of two property parcels on Mill Road included \$7,000.00 to be held in escrow for capping of the gas well on the property (\$5,000) and below-ground installation of a gas line on the property (\$2,000).

Councilwoman Friess moved to commit the \$7,000.00 escrowed for the Mill Road property purchased by the Town to Capital Fund HB – Mill Road. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #44
Monies for
Mill Rd
property
escrow
committed to
capital fund

Councilwoman Jeffe moved to (re)appoint the following persons, originally appointed at the 1/6/2014 Organizational meeting, who did not file their oath cards in a timely manner:

<u>Name</u>	<u>Committee</u>	<u>Term</u>
Dale Morris	Open Space	1/1/14 – 12/31/16
John Wilger	Disaster Advisory	1/1/14 – 12/31/14
Ronald Krowka	Disaster Advisory	1/1/14 – 12/31/14
John Voss	Disaster Advisory	1/1/14 – 12/31/14
Roger LeBlanc	Disaster Advisory	1/1/14 – 12/31/14
David Thomason	Disaster Advisory	1/1/14 – 12/31/14

Action #45
Late oath card
filers
reappointed

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

Councilman Harris moved to approve the following addendum to the 5th Avenue Catering, LLC lease and to authorize the Supervisor to sign same:

FIRST ADDENDUM TO LEASE AGREEMENT

This Addendum is attached to the current lease, effective January 1, 2014, between the Town of Aurora, 300 Gleed Avenue, East Aurora, NY 14052 and Fifth Avenue Catering, LLC, 300 Gleed Avenue, East Aurora, NY 14052, effective January 1, 2014 to terminate December 31, 2014. The following amendment is hereby made to the lease and is effective January 1, 2014:

1. Section 1. Premises. The lease for 128 square feet (8ft x 16ft) of space in the warehouse is hereby increased by 72 square feet effective January 1, 2014. The total new square feet of warehouse space to be leased is 200 square feet (10ft x 20ft).

2. Section 3. Rent. The provisions of section 3 remain the same with the exception of the increase in annual rent for warehouse space. The Lessee agrees to pay the Town EIGHT HUNDRED SIXTEEN DOLLARS (\$816) (at \$4.08/sq. foot) for warehouse space to be paid in equal monthly installments of \$68.00 payable in advance on the 1st day of each month by check made payable to the Lessor.

Action #46
5th Ave.
Catering lease
addendum
approved/Supv
auth to sign

3. Affirmation. All other terms and conditions of the lease remain in full force and effect unless amended herein.

Councilwoman Friess 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:

- Town Clerk – January 2014 Report
- Recreation – January 2014 Report
- Senior Center – January 2014 Report

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Councilman Snyder stated that the Records Room renovation project is on schedule.

Councilwoman Friess stated she is meeting with the Erie County Sewer District 8 Board of Managers tomorrow.

Supervisor Bach noted that he will meet with CSEA representatives regarding a new contract on 2/12/2014.

AUDIENCE II: none

STAFF REPORTS: none

The 2013 Encumbered Abstract of Claims dated February 10, 2014, consisting of vouchers numbered 2398 to 2401, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 1,536.50
Enterprise	3,100.00
Capital (Baseball)	<u>468.63</u>
Grand Total Abstract	\$ 5,105.13

The Abstract of Claims dated February 10, 2014, consisting of vouchers numbered 106 to 206, was presented to the Board for audit and authorization of payment from the following funds:

General	\$31,100.88
Part Town	192.50
Highway	34,052.64
Enterprise/Gleed	8,539.09
Trust & Agency	316.49
Special Districts	<u>93,630.04</u>
Grand Total Abstract	\$167,831.64

Councilwoman Jeffe moved to approve the 2013 Encumbered Abstract of Claims and the 2014 Abstract of Claims, both dated 2/10/2014, and authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #47
2/10/2014
Abstracts of
Claims aprvd.

Councilwoman Friess moved to enter into executive session to discuss pending litigation, with no action being taken during the session; Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #48
Board enters
exec session

Action #49
Board exits
exec session

Councilwoman Friess moved to come out of executive session; seconded by Councilwoman Jeffe. Upon a vote being taken: ayes – five noes – none Motion carried.

Councilwoman Friess moved to adjourn at 8:40 p.m.; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #50
Meeting
adjourned.

Martha L. Librock
Town Clerk