

A meeting of the Town Board of the Town of Aurora took place on Monday, July 12, 2010, 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
	James J. Bach	Councilman
	Susan A. Friess	Councilwoman
	Jeffrey T. Harris	Councilman

Others Present:	Ronald Bennett	Town Attorney
	Bryan Smith	Town Engineer
	Patrick Blizniak	Building Inspector
	David Gunner	Highway Superintendent
	William Adams	Planning Board Member
	Ron Krowka	Police Chief
	Al Kasprzak	Village Mayor
	Randy West	Village Trustee

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

Councilman Collins moved to approve the minutes of the June 22, 2010 work session; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #235 6/22/10 Work session minutes aprvd.
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Councilwoman Friess moved to approve the minutes of the June 28, 2010 Town Board meeting; seconded by Councilman Bach. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #236 6/28/10 Town Board mtg. minutes aprvd.
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BUSINESS FROM AUDIENCE I:

Marion Dombrowski, Jewett Holmwood Road, read from a prepared statement citing her concerns about the proposed Jewett Holmwood Subdivision.

UNFINISHED BUSINESS:

Councilman Collins moved to adopt Local Law 3-2010 of the Town of Aurora; seconded by Councilwoman Friess:

TOWN OF AURORA
LOCAL LAW 3-2010

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 CHAPTER 55, DOGS AND OTHER ANIMALS.

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. SECTION 55-23, PENALTIES FOR OFFENSES

Chapter 55, Dogs and Other Animals, is amended by adding the following section:

§ 55-23. Penalties for offenses.

Any person violating the provisions of this article shall, upon conviction thereof, be punished by a fine not exceeding \$25 for the first offense, a fine not exceeding \$50 for the second offense, and a fine not exceeding \$100 for the third and subsequent offense.

SECTION 3. EFFECTIVE DATE

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

Upon a vote being taken: Councilman Harris – aye; Councilwoman Friess – aye; Councilman Bach – aye; Councilman Collins – aye; Supervisor Jeffe – aye	ayes – five	noes – none	Motion carried.	Action #237 LL 3-2010 adopted. (Penalty fees for dogs-at-large.
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Councilman Bach moved to adopt Local Law 4-2010 of the Town of Aurora; seconded by Councilwoman Friess:

TOWN OF AURORA
LOCAL LAW 4-2010

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 CHAPTER 84 IN REGARD TO REGULATION OF PARKS.

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 84, PARKS

Section 84-1 (F) shall be amended to read as follows:

- F. Dogs, cats and other animals. No person shall bring or keep any dogs, cats or other animals in any park area, except that in West Falls Park and Majors Park, it shall be permitted to have dogs on a leash.

SECTION 3. EFFECTIVE DATE

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

Upon a vote being taken: Councilman Harris – aye; Councilwoman Friess – aye; Councilman Bach – aye; Councilman Collins – aye; Supervisor Jeffe – aye		Action #238 LL 4-2010 adopted (park rules)
ayes – five noes – none	Motion carried.	

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Supervisor Jeffe moved to adopt the following resolution approving the Jewett Holmwood Subdivision Preliminary Plat; seconded by Councilman Bach:

**RESOLUTION APPROVING PRELIMINARY PLAT
FOR JEWETT HOLMWOOD LLC**

WHEREAS, Jewett Holmwood LLC (hereinafter referred to as the “Applicant”), has applied for the subdivision of property for one family residences located on Jewett Holmwood Road, and

WHEREAS, pursuant to Section 99-6 of the Aurora Code, a sketch plan was previously submitted and accepted by the Town Board, and

WHEREAS, the applicant has applied for approval of a preliminary plat pursuant to Section 99-7 of the Town Code, and

WHEREAS, in compliance with Section 99-7(A), the applicant has submitted the following:

1. Full Environmental Assessment Form.
2. Payment of required fees.
3. Affidavit declaring the names and addresses of the adjacent and opposite property owners.
4. Represented that the application complies in all respects with the sketch plan previously approved.
5. Submitted a Storm Water Pollution Prevention Plan (SWPP) together with the recommendation of the Storm Water Management Officer to approve its modification or disapprove, the Storm Water Pollution Prevention Plan, and

WHEREAS, the application was referred to the Planning Board which has submitted to the Town Board a written recommendation for approval subject to conditions and modifications, and

WHEREAS, the Town Board conducted a public hearing on the preliminary plat, at which public hearing the applicant submitted an Affidavit stating the names and addresses that have been notified by certified mail, return receipt requested, of each owner within 500 feet of any boundary of the subdivision, and

WHEREAS, the submission by the applicant of a preliminary plat indicates all roads and public improvements to be dedicated in all districts for water, sewer, fire or utility

improvements, and

WHEREAS, the preliminary plat conforms to existing zoning requirements and subdivision regulations with any exceptions noted on the plan, and

WHEREAS, the preliminary subdivision application for approval requires the plat and Storm Water Pollution Prevention Plan complies with the performance and design criteria and standards set forth in Chapter 96, Storm Water Management, of this Code, and

WHEREAS, the applicant has now requested approval of the preliminary plat by the Town Board,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby grant approval of the preliminary plat submitted by Jewett Holmwood LLC for the Jewett Holmwood Subdivision, subject to the terms, provisions and conditions annexed to this approval and made a part hereof, and be it further

Action #239
Jewett
Holmwood
Subdivision
Preliminary
Plat approved
with terms,
provisions, &
conditions

RESOLVED, that there shall be compliance with the attached terms, provisions and conditions in consideration for final plat approval pursuant to Section 99-8 of Chapter 99.

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

Duly adopted this 12th day of July, 2010.

TERMS, PROVISIONS AND CONDITIONS

1. There shall be full compliance with all sections of the Codes of the Town of Aurora as presently codified and existing at the time of the application for final plat approval.
2. All documentation submitted by the applicant, including any terms and conditions of the proposed subdivision, are incorporated by reference and made a part hereof with full and complete binding effect.
3. Subject to the provisions for the Pintabona property at 25 Jewett-Holmwood Road (SBL#175.00-1-8) as set forth in a letter dated June 28, 2010 from the attorney representing the applicant in regard to the following:
 - A. A 15' buffer will be created between the Pintabona property and the right-of-way. At Pintabona's request, the Project Sponsor will either 1) plant at least fifty evergreen trees; 2) erect a 4' high concrete wall the design of which will be approved at Final Plat for the first 60' of the Pintabona buffer and plant at least fifty evergreen trees; or 3) erect a 4' high concrete wall the design of which will be approved at Final Plat for the first 150' of the Pintabona buffer and plant at least five evergreen trees. Location of evergreen trees shall be shown on final plat.
 - B. Pursuant to Town Law Section 277(7), the Town Board as the approving entity expressly waives and allows for first, a reduction in the right-of-way adjoining the Pintabona property from 66' to 56'.

- C. Lot 1 as shown on the Subdivision Preliminary Plat shall front on Jewett-Holmwood Road. Any variation will be subject to ZBA approval.

4. In consideration of the potential removal of trees near the top of the bank or along the slope of Cazenovia Creek and construction of a structure near the top of the bank of Cazenovia Creek, the applicant shall comply with the following:
 - A. Any tree removed within 20' from the top bank as shown on the subdivision plan or on the slope near Cazenovia Creek shall be replanted with ground stabilization vegetation with deed restrictions to be recorded setting forth this condition, with the deed restrictions to be approved by the Town Attorney.
 - B. If any structure, as defined by the Aurora Town Code or any portion of any structure, is constructed within 20' from the top of the bank as shown on the subdivision plan, then a geotechnical report or slope stability study must be submitted as a condition precedent to the issuance of a building permit for such structure, with said deed restrictions subject to approval by the Town Attorney. Failure to comply will result in the required removal of any construction completed prior to the approval by the Town of the geotechnical report and slope stability study.

5. Town Law Section 277 sets forth the terms and provisions for subdivision review, approval of plats and additional requisites. All provisions shall apply where applicable.

6. All required deed restrictions shall be clearly stated in detail with the filed subdivision map. All such deed restrictions are subject to the prior approval of the Town Board, the Town Attorney and the Town Engineer.

7. The consideration of streets is subject to and conditioned upon approval of the Town Highway Commissioner, the East Aurora Fire Department, and the Aurora School System.

8. A title restriction and condition of ownership of real property shall be the requirement for maintenance of sidewalks affecting each lot, including but not limited to, snow and ice removal subject to the deed restrictions by the Town Attorney.

9. The applicant may file a final plat for approval. The Town reserves the right in its sole discretion to modify and alter the provisions of the preliminary plat in consideration for approval of the final plat.
10. The deed restrictions will prevent construction in all Federal wetlands or disturbance of such wetlands in any manner in violation of the Clean Water Act, United States Army Corp. of Engineer regulations, or any other regulations affecting the wetlands.
11. The deed restrictions shall include prohibition upon cutting or harvesting of healthy trees and no construction of structures as shown on the plan for lots bordering Commerce Green with restrictions to be recorded in deed restrictions to be approved by the Town Attorney.
12. The sewer system shall be installed with a pump house to be located in the cul-de-sac adjoining Lots 18 through 22. The system shall be approved by the Erie County Health Department and be installed in a manner which accounts for future use by Commerce Green.
13. The applicant agrees to construct sufficient pavement widening on Jewett Holmwood Road for traffic travelling westbound as required to accommodate a future left turn lane, either initially at subdivision construction or at the Town's request in the future.
14. All lighting shall be installed in strict compliance with the Town Code specifications.
15. Recreation fees shall be paid to the Town in accordance with the conditions of approval and as fees required by the Town Code.
16. An application for approval of a final plat shall be deemed an acknowledgment of the conditions set forth herein for approval of the preliminary plat.

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In June 2007 the Town of Aurora and Village of East Aurora entered into an agreement for Police Services, whereby the Village would provide police services to the Town outside the Village. The Agreement was written as to terminate on the 31st day of May 2010, but would automatically extend until May 31, 2013 unless either the Village or the Town gave notice to the other party at least sixty (60) days prior to the termination date.

At their March 22, 2010 meeting the Aurora Town Board voted to notify the Village of East Aurora of its desire to review the Police Services Agreement with the intent to renegotiate the terms. Supervisor Jeffe sent a letter to the Village notifying them of the Town's position to terminate the contract in order to begin negotiations.

On April 12, 2010, the Town Board approved an agreement that extended the Police Services Contract for a period of ninety (90) days commencing on June 1, 2010 and terminating on August 31, 2010. During that time the Advisory Committee (Supervisor Jeffe, Councilwoman Friess, Trustee West and Trustee Shea) met on several occasions and made modifications to the original agreement. At their July 6, 2010 meeting the Village Board approved the addendum to the agreement for police services.

Councilman Collins moved to authorize the Supervisor to sign the following Addendum to the Agreement for Police Services dated June 19, 2007; seconded by Councilwoman Friess:

**ADDENDUM TO THE AGREEMENT FOR POLICE SERVICES
DATED JUNE 19, 2007**

Revise Section 2.8 Advisory Committee to read as follows:

The Town and Village Boards acknowledge that compliance with the terms of this Agreement requires the coordination of the Town and Village in the implementation of this Agreement. An Advisory Committee consisting of two (2) Village Trustees and two (2) Town Council members, will be designated by the Village and Town Boards and be required to meet, at a minimum, on a quarterly basis and upon the request of such representatives of the Town or Village. The Police Chief will be present at each meeting upon the request of the Committee.

2.8.1 Negotiation and recommendation of budgets and expenditures

1. The Advisory Committee (AC) shall meet with the Police Chief and/or designee to review department budget estimates prior to the deadline for filing with the budget officer for the preparation of the annual Village Budget.
2. The AC shall review with the Chief of Police and/or designee the budget estimates for the Police Department. The AC shall represent the interests of the Village and the Town with the common goal of controlling and reducing costs that will also continue to support an efficient and effective level of service. The AC may offer suggestions which they believe could result in cost savings or service efficiencies that will benefit the needs of both the Police Department and the taxpayers of the Village and the Town.
3. At the completion of that negotiation, and no later than January 1st the AC shall vote to recommend that the budget proposed by the Chief of Police and /or designee, which may have been revised to incorporate any changes agreed to as a result of the above-referenced negotiation, be included in the tentative village budget. The recommendation shall be determined by a majority of the AC. The results of the vote shall be either the recommendation, or the failure to recommend, the proposed budget as submitted by the Chief of Police and/or designee.
4. The AC shall submit in writing the results of the negotiation and its vote, which will be filed with the proposed budget for the Police Department. Upon receipt of the proposed budget and the results of the vote of the AC (recommendation or non-recommendation to approve), the Budget Officer shall incorporate the proposed budget into the Village's tentative budget, which must be filed with the Village Board no later than February 15th. The Budget Officer shall provide copies of any findings of the AC, and the results of its vote, to the Village Board.
5. The process described above for negotiation of the annual Police Department budget shall be invoked prior to the approval by the Village Board of any Police Department expenditure of \$10,000 or greater that is not identified in the Police Department's current budget."
6. The AC will be responsible for establishing and presenting a cost analysis of various options for police service, including Town-wide administration, to be presented to the Town Board, Village Board, and the public no later than **May 31, 2012**.

Revise Section 8: Term to read as follows:

- 8.1 Notwithstanding any provisions to the contrary, the term of this Agreement shall be extended for a period commencing on the 1st day of June, 2010 and terminating on the 31st day of May, 2012.
- 8.2 This Agreement is automatically extended commencing on the 1st day of June 2012 for a one (1) year term unless the Village or the Town should give notice to the other party at least sixty (60) days prior to such date that the Agreement shall terminate at the end of the then existing two (2) year term. In no event shall the Agreement extend past May 31, 2013.

<p>RATIFICATION: The Village and Town agree the above referenced additions and/or modifications in this <i>Addendum to the Agreement for Police Services</i> dated the 19th day of June, 2007 by and between the Village and Town are hereby made and entered into and all other terms, provisions and conditions of that Agreement for Police Services shall remain in full force and effect.</p>	<p>Action #240 Addendum to Police Services Agreement approved.</p>
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Upon a vote being taken: ayes – five noes – none Motion carried.

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Councilman Bach moved to adopt the following resolution setting a public hearing on Local Law Intro 5-2010; seconded by Councilman Harris:

RESOLUTION TO SET PUBLIC HEARING

WHEREAS, Local Law Intro. No. 5-2010 has been introduced to the Town Board on Monday, May 10, 2010, 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

<p>RESOLVED, that the Town Board of the Town of Aurora does hereby set the 9th day of August, 2010 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 create of Wind Energy Conversion System Code for the Town of Aurora.</p>	<p>Action #241 Public hearing set for wind energy code.</p>
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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 12th day of July, 2010.

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In 2007 the New York State Department of Transportation requested to appropriate 399± s.f. of property at 550 Main Street, Town of Aurora (PO East Aurora), New York as part of the Main Street Reconstruction project. The Town agreed to the appropriation in return for compensation of \$5,800.00. In order to receive payment from the NYSDOT, a resolution approving this transaction needs to be sent to the NYSDOT.

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

WHEREAS, in 2007 the Town of Aurora signed an agreement of adjustment with the New York State Department of Transportation whereby the NYSDOT proposed to acquire land at 550 Main Street, East Aurora for the Main Street Reconstruction project;

NOW, THEREFORE BE IT RESOLVED that the Aurora Town Board reaffirms the Agreement of Adjustment with the New York State Department of Transportation (NYSDOT) whereby the NYSDOT proposed to acquire 399± s.f. of property located at 550 Main Street, East Aurora, New York for Project SH 5433; East Aurora Village; Main Street – Map 53 Parcel 56. The NYSDOT will compensate the Town of Aurora in the amount of \$5,800.

Action #242
 Agreement
 with NYSDOT
 for Main St.
 easement
 approved.

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

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

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Town of Aurora Town Board hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employee’s Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/ Ends	Participates in Employer’s Time Keeping System (Y/N)	Days/ Month (based on Record of Activities)
Elected Officials					
Supervisor	Jolene Jeffe	6	01/01/10-12/31/11	N	20
Board Member	James Collins	6	01/01/10-12/31/13	N	6
Board Member	James Bach	6	01/01/10-12/31/10	N	6
Board Member	Susan Friess	6	01/01/10-12/31/13	N	6
Receiver of Taxes	Barbara Halt	6	01/01/10-12/31/13	N	20
Town Justice	Jeffrey Markello	6	01/01/10-12/31/13	N	11
Town Clerk	Martha Librock	7	01/01/10-12/31/13	N	20
Highway Superintendent	David Gunner	8	01/01/10-12/31/13	N	20

Appointed Officials

Assessor	Thelma Hornberger	7	10/01/07-09/30/13	Y	N/A
Town Engineer	Bryan Smith	6	01/01/10-12/31/11	N	10
Town Historian	Robert Goller	6	01/01/10-12/31/10	N	5

Action #243
 Standard work day resolution adopted.

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

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

**RESOLUTION
 APPROVING OPEN DEVELOPMENT AREA PLAN
 FOR
 2208 BLAKELEY 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 parcel at 2208 Blakeley Road (SBL# 188.00-1-18.2) does not have immediate frontage on an existing state, county or town highway or street shown upon a plat approved by the Town; and

WHEREAS, lack of adequate public road frontage requires approval of an Open Development Area plan; and

WHEREAS, a clerical oversight resulted in the issuance of a building permit for the parcel located at 2208 Blakeley Road (SBL# 188.00-1-18.2); and

WHEREAS, the Applicant has filed an Open Development Area application for 2208 Blakeley Road (SBL# 188.00-1-18.2) and seeks approval to construct a single family residence on the 8 acre parcel; and

WHEREAS, strict application of Chapter 79 would cause undo hardship to the property owner; 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, a narrative description of the private right-of-way, including but not limited to, ownership of the right-of-way and a maintenance plan for the right-of-way, has been recorded in the office of the Erie County Clerk in Liber 11139 of Deeds at page 9027; and

WHEREAS, the Planning Board, Building Inspector, Town Engineer and Town Supervisor have inspected the site and recommended project approval; and

WHEREAS, according to Section 79-9 of the Code, the Town Board may modify the specifications and requirements in any Open Development Area Plan, where in the Board’s judgment, such modifications are in the public interest and/or will avoid the imposition of unnecessary hardship on the applicant.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Aurora acknowledges the waiver of the development standard set in Section 79-3 of the Town Code requiring referral of the open development plan for 2208 Blakeley Road (SBL# 188.00-1-18.2) to the Town Engineer, Building Inspector, Town Attorney and the Planning Board for their review, advice and recommendations, including all the terms and provisions of Section 79-2 of the Open Development Areas Code; 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 Town Board 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 2208 Blakeley Road (SBL# 188.0-1-18.2), 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 #244
ODA for 2208
Blakeley
Road
approved.

RESOLVED, that said Open Development Area Plan is approved.

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

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Councilwoman Friess moved to schedule a joint meeting with the Village of East Aurora on Monday, August 2, 2010 at 6:00 p.m. at the Village Hall, 571 Main Street, East Aurora, NY. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes none Motion carried.

Action #245
Joint
VEA/TOA
meeting set
for 8/2/10

Highway Superintendent David Gunner wishes to install pipe in a drainage ditch on Ellis Drive in the Town of Aurora. Mr. Gunner stated there is a history of the ditch being cleaned by the Highway Department, but a closer investigation showed that there is no easement in place that would allow the Town to enter onto the property.

Councilwoman Friess moved to authorize the Supervisor to sign the following easement; seconded by Councilman Collins:

GRANT OF EASEMENT

AGREEMENT made this 12th day of July, 2010, by and between

EILEEN S. BRANIECKI
134 Ellis Drive
West Falls, (Town of Aurora), New York 14170
hereinafter referred to as the “Grantor”, and

TOWN OF AURORA
A Municipal Corporation
300 Gleed Avenue
East Aurora, New York 14052
hereinafter referred to as the “Grantee”, and

WHEREAS, the Grantor is the fee owner of certain real estate situation in the Town of Aurora, County of Erie and State of New York, by Deed dated June 17, 1983 and recorded in Liber 9233 of Deeds at page 619, and

WHEREAS, the parties hereto have determined that it is in the best interests for the Grantor to grant and the Town to accept an easement in and along the easement premises for highway drainage purposes, and

NOW, THEREFORE, in consideration of the foregoing, the parties hereto mutually as follows:

1. The Grantor hereby grants and conveys to the Town a perpetual easement of the easement premises for highway drainage purposes only, subject to the terms and conditions set forth in, along and upon the easement premises, the easement premises being described as follows:

An easement for highway drainage purposes over part of Lot No. 59, Township 9, Range 6, described as follows:- Beginning at a point in the southwest corner of Sublot No. 12 as shown on a map filed in the Erie County Clerk's Office under Cover No. 2304; thence proceeding northerly along the west line to the north line of Sublot No. 12 being a distance of 277.20 feet; thence easterly a distance of 20 feet along the north line of Sublot No. 12; thence southerly in a line parallel to the west line of Sublot No. 12 to a point located in the north line of Ellis Drive, being approximately 277.20 feet; thence westerly along the north bounds of Ellis Drive a distance of 20 feet to a point or place of beginning.

2. The right of drainage herein granted across the easement premises shall be exercised and used for highway drainage.
3. The Grantor agrees that the use hereby granted shall be limited exclusively to drainage purposes and used incidental to drainage purposes. As used herein, the term "drainage" shall connote the flow of normal and excess rainwater across the easement premises and shall not be deemed to require the installation of sewer or piping of any nature unless expressly authorized by written consent of the Grantor. The cost of such piping shall be the sole responsibility of the Grantor. The cost of such piping or its replacement shall be determined by the Grantee with said amount being placed in deposit with the Town prior to the installation of said piping. The Grantee shall install such piping at its own cost.
4. The Grantor agrees that no construction or improvement of any nature shall be placed within the easement.
5. All rights, title and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the date first above written and the date of their notarization.

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

Action #246
Drainage
easement for
134 Ellis Dr.
approved.

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

- Dog Control – June 2010 and 1st Quarter 2010 reports
- Senior Center Director – June 2010 report
- Building Department – June 2010 report
- Town Clerk – June 2010 report
- Tax Receiver – June 2010 report

BUSINESS FROM AUDIENCE II:

Deborah Carr-Hoagland, Fillmore Ave./Library Board President, stated that the (SMSI) bond resolution for the joint municipal building needs to go to a public referendum.

Randy West, E. Aurora Village Trustee, asked the Town Board if they would rescind their letter to the Village that terminated the original police services agreement.

Attorney Bennett noted that a rescission of the letter is not necessary.

Larry Lang, Davis Road, West Falls, stated that the railroad ties have been removed from the rail bed that runs along Davis Road and there is a lot of activity (trucks, ATV's, etc.) along the rail bed. He asked if barricades can be constructed to prevent this. Supervisor Jeffe responded that the Town does not own the property, but she would call the railroad company on behalf of the residents.

Bill Patterson, Grover Road, stated that he is a member of *Taxpayers for the Town* and he does not want the SMSI referendum.

Allan Kasprzak, E. Aurora Village Mayor, insisted that the Town rescind their letter that terminated the original police services agreement.

After discussion about whether or not to rescind the letter to the Village Board terminating the police services contract, Councilwoman Friess moved to amend tonight's agenda by adding item 6G – consideration of rescission of letter terminating police services contract. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #247
Agenda
amended to
add item 6G.

Councilwoman Friess moved to rescind the letter sent to the Village Board that terminated the June 2007 Police Services Agreement between the Town and the Village. Councilman Bach seconded the motion. Upon a vote being taken: ayes – four noes – one (Councilman Collins) Motion carried. Councilman Collins stated he voted no because the Town Attorney said rescission of the letter is not necessary.

Action #248
Letter to VEA
re: terminating
police contract
rescinded.

BUSINESS FROM BOARD MEMBERS AND STAFF:

Councilman Harris stated the Board used due diligence when it considered the Jewett Holmwood Subdivision Preliminary Plat.

Councilwoman Friess noted that the board didn't take any of the data for granted. Supervisor Jeffe stated:

- The budget prep documents are being sent out to department heads .
- There will be a review of which Town employees are eligible to retire under the State retirement incentives.
- Two grant-writers were interviewed and the results will be discussed at the next work session.

- The Planning Board is requesting a joint meeting with the Town Board re: comprehensive plan.
- Regarding the SMSI grant – the Town is not obligated to put a bond resolution up for referendum and not doing so will not affect future grants.

The July 12, 2010 Abstract of Claims, consisting of vouchers numbered 1250 to 1371, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 106,379.01
Part Town	281.00
Highway	47,411.47
Enterprise (Gleed)	1,490,322.35
Trust & Agency	502.20
Special Districts	<u>25,118.57</u>
	\$1,670,014.60

Councilwoman Friess moved to approve the July 12, 2010 Abstract of Claims as presented and to authorize payment of same. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried

Action #249
7/12/10
Abstract of
Claims aprvd.

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

Action #250
Meeting
adjourned.

Martha L. Librock
Town Clerk