

A meeting of the Town Board of the Town of Aurora took place on Monday, September 13, 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
	William Kramer	Code Enforcement Officer
	David Gunner	Highway Superintendent
	William Adams	Planning Board Member
	Richard Glover	Planning Board Member
	Deborah Carr-Hoagland	Library Board President
	Al Kasprzak	Village Mayor
	Libby Weberg	Village Trustee

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

The first item on the agenda was a public hearing on a proposed local law setting a three (3) month moratorium on Wind Energy Conversion Systems in the Town of Aurora. The Notice of Public hearing was published in the East Aurora Advertiser and posted on the Town Clerk's sign board as evidenced by the Affidavits of Publication and Posting.

Supervisor Jeffe opened the hearing at 7:02 p.m. and asked if anyone in the audience wished to comment. Hearing no response, the Supervisor closed the hearing at 7:03 p.m.

Councilwoman Friess moved to approve the minutes of the August 2, 2010 joint Town Board and Village Board meeting; seconded by Councilman Collins. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #289 8/2/10 Joint VEA/TOA mtg min approved.
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Councilman Bach moved to approve the minutes of the August 9, 2010 Town Board meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #290 8/9/10 Town Brd min aprvd.
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Councilman Collins moved to approve the minutes of the August 24, 2010 Town Board work session; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #291 8/24/10 Wk session minutes aprvd.
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BUSINESS FROM AUDIENCE I:

Peter Sorgi, Attorney for Reed Hill (Jewett Holmwood) Subdivision, stated that he has no objection to the Board calling another public hearing on the subdivision's preliminary plat.

UNFINISHED BUSINESS:

Councilwoman Friess moved to amend tonight's agenda to include item 5D – refer Bailey Road wind mill application back to the Zoning Board of Appeals; seconded by Councilman Bach. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #292 Windmill case referred back to ZBA
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Councilman Bach moved to adopt the following local law; seconded by Councilman Collins:

TOWN OF AURORA
LOCAL LAW 6-2010

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, TO ESTABLISH A MORATORIUM IN REGARD TO THE USE AND CONSTRUCTION OF WIND ENERGY CONVERSION SYSTEMS IN THE TOWN OF AURORA.

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. PURPOSE

The Town Board of the Town of Aurora has under review the possible enactment of a local law governing the placement of the construction and major modification of Wind Energy Conversion Systems. At the present time, wind towers are not a permitted use in any district within the Town of Aurora. In the event the Town determines to permit Wind Energy Conversion Systems within the Town, it must determine areas within which wind towers are acceptable. The Town Board may choose to consider the placement and construction of commercial and/or private Wind Energy Conversion Systems. There are many considerations for commercial and non-commercial Wind Energy Conversion Systems including requirements to be included in an application, detailed construction plans, specific information in regard to proposed wind towers, and other considerations which include requiring a special use permit for such commercial uses. Factors involved in the determination of use include, but are not limited to, minimum lot area, setbacks, maximum overall height, lighting, compliance with regulatory agencies, safety and security requirements, noise requirements, fire hazard protection, impact on wildlife species and habitat, and compliance with regulations such as the New York State Environmental Quality Review Act. Any adoption of a local law permitting Wind Energy Conversion Systems requires an in-depth study of provisions, and in particular the location. The Board finds that it is in the best interest of the Town for a moratorium on the construction and use of Wind Energy Conversion Systems, both commercial and non-commercial, as may be determined within the Town.

SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the provisions of Article 16 of the Town and Section 10 of the Municipal Home Rule Law.

SECTION 4. MORATORIUM AND DURATION

The Town Board of the Town of Aurora hereby declares a temporary three (3) month moratorium on the consideration and approval of commercial and non-commercial Wind Energy Conversion Systems. This law shall be in effect for three (3) months from and after its adoption. There shall be the possibility of one (1) additional 3-month period of extension imposed, after proper notice and a public hearing, to be held within thirty (30) days prior to the expiration of said moratorium.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon the adoption by the Town of Aurora Town Board and filing with the New York Secretary of State.

Action #293
LL 6-2010
3 mo. WECS
moratorium
adopted.

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

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Councilwoman Friess moved to table the request to rezone 232 Ellicott Road, West Falls, NY, until the Town Engineer can review the SEQRA form. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #294
Rezoning of
232 Ellicott Rd
tabled.

Councilman Collins moved to approve the quote from SimplexGrinnell LP to replace 26 escutcheon plates on the 300 Gleed Avenue sprinkler system for a fee not to exceed \$686.00 to be disbursed from ER1621.422. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #295
Repair of
Gleed fire
sprinklers
approved.

Supervisor Jeffe moved to acknowledge the completion of the Shared Municipal Services Initiative (SMSI) study and affirm the Town Board's position that it can not recommend an \$8.9 million bond to fund a joint facility on Main Street in East Aurora. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #296
SMSI study
completion
acknowledged
– referendum
not
recommended

Discussion that took place prior to the above vote:

Supervisor Jeffe noted that SMSI is a program that provides grants to two or more units of local government for the development of projects that will *achieve savings and improve efficiency* through shared services, cooperative agreements, mergers, consolidation and dissolutions. Jeffe stated that on its own the Town can not find the cost savings needed to offset the costs of the project and that possible future needs of the town court and senior center need to be factored in when considering the SMSI plan.

Councilman Collins stated that he doesn't see how this can go to referendum when people are having difficulty paying their current taxes. Collins noted that we still don't have all the actual cost savings, nor do we have any agreements with the Village for cost sharing.

Councilman Bach stated he sees the committee's recommended SMSI project as a cost to taxpayers and at this time it would be fiscally irresponsible. He added that a step-by-step approach is needed for library expansion and suggested that the Town and Village purchase the brownfield at Main and Whaley for a shared parking lot.

Councilwoman Friess thanked the SMSI committee for their time and effort. She noted that the process worked – a committee was formed; an investigation and study took place; a recommendation was derived. Friess stated that the recommended project would have too great a financial impact on the taxpayers and there are not enough cost cuts involved to put an \$8.9 million bond to referendum.

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Councilman Collins moved to refer the request from Albert (Bill) Miller for a windmill at 1600 Bailey Road, East Aurora, back to the Zoning Board of Appeals for consideration. Councilman Harris seconded the motion.
 Upon a vote being taken: ayes – five noes – none Motion carried.

Action #297
 Windmill case for 1600 Bailey referred back to ZBA.

NEW BUSINESS:

Councilwoman Friess moved to amend tonight's agenda by adding items:
 6N – Request from Town Clerk to attend NYSTCA regional meeting
 6O – Justice Court audit resolution
 6P – Reed Hill (formerly Jewett Holmwood) Subdivision

Action #298
 Agenda amended to add three items

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

Action #299
 Grover Rd. dwelling group request forwarded to Planning Brd.

Councilman Bach moved to refer the request from Leo Fial for a dwelling group at 1731 Grover Road, East Aurora, NY, to the Planning Board for review and recommendation. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
 Motion carried.

Councilman Harris moved to add the following delinquent water (out of district to Orchard Park Water District No. 15) customers to the 2011 Erie County Tax Rolls, in accordance with Town Law Article 12 Section 198, for non-payment of their water bills; seconded by Councilman Collins:

<u>Property Owner</u>	<u>Service Address</u>	<u>Mailing Address</u>	<u>Billing Source</u>
Sharon Adimey	1319 Jewett Holmwood Orchard Park, NY SBL#174.13-2-1	Same	Orchard Park \$76.79
Mark J. & Roxanne M. Carrow	4551 Transit Road Orchard Park, NY SBL#174.00-1-36.2	Same	Orchard Park \$143.64

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

The request from Patrick Blizniak, Building Inspector, for Justice Court Action was tabled.

Action #300
 OOD delinquent water added to 2011 tax rolls

Councilman Collins moved to authorize the Supervisor to sign the Polling Location Lease Agreement with the Erie County Board of Elections (ECBOE) for the Aurora Senior Center and Aurora Highway Garage whereby the ECBOE will pay the town \$200 per location for each day they are used for voting purposes. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
 Motion carried.

Action #301
 Supv auth to sign ECBOE polling lease agreement

Councilwoman Friess moved to approve the following budget transfer to cover attendance at highway workshops: Action #302
From: A7110.110 Parks - secretary \$200 Budget transfer
To: A5010.404 Highway Administration – Expense & travel \$200 apvd for Hwy
Supervisor Jeffe seconded the motion. Upon a vote being taken: Supt to attend
workshops
ayes – five noes – none Motion carried.

Councilman Bach moved to authorize Highway Superintendent David Gunner to attend Cornell Local Roads Program workshops:
9/23/10 -Road Safety Fundamentals held at Erie County Cooperative Extension, E. Aurora, NY
9/28/10 – Roadway & Roadside Drainage held at Byrncliff Resort, Varysburg, NY
10/13/10 – Pavement Maintenance held at Niagara County Cooperative Ext., Lockport, NY
The registration fee of \$40 per session (total \$120) will be disbursed from
A5010.404 Highway Administration – Expense & Travel. Action #303
Councilwoman Friess seconded the motion. Upon a vote being taken: Hwy. Supt.
ayes – five noes – none Motion carried. auth to attend
workshops

Councilwoman Friess moved to approve the Patrick Darstein's title change from Seasonal to Regular Part-time. Funds to cover the increase in hours will be disbursed from A7110.105 Parks – Seasonal. Action #304
Councilman Harris seconded the motion. Upon a vote being taken: P. Darstein title
ayes – five noes – none Motion carried. changed from
seasonal to
RPT (parks)

Councilman Harris moved to surplus the following computer components that the Highway Superintendent had been using: Action #305
Hard drive #D72400249201891 - town inventory ID #2219 Computer
KDS Monitor #3301870YA - town inventory ID #2275 components
Keyboard (no inventory ID number) declared
Councilman Bach seconded the motion. Upon a vote being taken: surplus.
ayes – five noes – none Motion carried.

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

WHEREAS, the Town of Aurora previously entered into an agreement with Erie County relating to the control of ice and snow on County Roads in the town; and

WHEREAS, the said agreement expires August 31, 2010; and

WHEREAS, the Erie County Legislature has authorized an extension of the Snow and Ice Control Agreement at a lane mile reimbursement rate increasing five percent for each year for an additional three year period as indicated below:

September 1, 2010 through August 31, 2011	\$3,077.67 per lane mile
September 1, 2011 through August 31, 2012	\$3,231.55 per lane mile
September 1, 2012 through August 31, 2013	\$3,393.13 per lane mile

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Aurora hereby Action #306
authorizes the Supervisor to enter into and execute an agreement with the Supervisor
County of Erie whereby the Town agrees to remove snow and to control authorized to
ice/snow on certain County roads in the Town of Aurora at the rate per sign snow/ice
lane mile noted above. removal
contract for
Erie County
roads in Town
Upon a vote being taken: ayes – five noes – none Motion carried.

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Justice Court records shall be examined and audited by said auditing board or a certified public accountant.

NOW, THEREFORE BE IT RESOLVED that the audit and examination of the records of the Aurora Town Justices for the year ended December 31, 2009 was performed by the auditing firm of Dresher & Malecki LLP; and

Action #313
Justice court
audit resolution
adopted.

BE IT FURTHER RESOLVED that the findings of said audit and examination were presented to the Town Board of the Town of Aurora.

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

Councilwoman Friess moved to rescind action #239 of the July 12, 2010 Town Board meeting whereby the Town Board had approved the Preliminary Plat for the Jewett Holmwood Subdivision (now known as the Reed Hill Subdivision). Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #314
Board rescinds
Jewett
Holmwood
(Reed Hill)
Preliminary
Plat approval

Prior to voting, the Supervisor informed the Board that the developer was unable to provide an affidavit stating that notice of the public hearing on the preliminary plat was mailed to property owners within 500' of the subdivision boundaries. Per Town Code, this is a requirement for subdivision preliminary plat consideration.

Councilman Collins moved to set Tuesday, October 12, 2010 at 7:00 p.m. at the Town Hall Auditorium, 300 Glead Avenue, East Aurora, NY, as the date, time and place for a public hearing on the Reed Hill (formerly Jewett Holmwood) Subdivision Preliminary Plat. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five
noes – none Motion carried.

Action #315
Reed Hill (JH)
subdivision
preliminary
plat public
hearing set

COMMUNICATIONS:

- Senior Center Director's August 2010 Report
- Building Department August 2010 Report
- Recreation Director's August 2010 Report
- Town Clerk's August 2010 Report
- August 2010 Work Requisition Report
- DCO – July 2010 Report
- EAPD – August 2010 Report
- Letter from M. & L. Dombrowski re: Jewett Holmwood Subdivision
- Memo from D. Gunner re: scholarship
- Letter from M. McCarthy re: support of rails to trails

BUSINESS FROM AUDIENCE II:

Deborah Carr-Hoagland, Library Board President, thanked the library's users and noted that 10,361 people visited the library in July 2010 and 11, 221 people visited in August 2010. She noted that the RFID system is being installed and the library will be getting taller book shelves to help address space needs.

Carol Cameron, Kandahar Drive, asked what the EAUFSD uses Sneakers for. Supervisor Jeffe responded that continuing education (adult ed) fitness classes are held there.

BUSINESS FROM BOARD MEMBERS AND STAFF:

Councilman Harris stated he had attended the open house at the Senior Center earlier in the day, noting that the open house was very well attended and he was impressed with the programs being offered. Harris commended Donna Bodekor on the great job she is doing running the Senior Center.

Councilwoman Friess stated she will be attending the ECWA annual meeting on September 16th.

Councilman Bach stated he has been helping to serve lunch at the Senior Center once a month, noting that they like seeing Board members at the Center.

Supervisor Jeffe stated she attended the 200th Anniversary celebration of the Griffins Mills Presbyterian Church. She also met with Legislator Mills, County Executive Collins and others to tour the Southtowns Scenic By-way and to visit tourist destinations in Aurora.

Supervisor Jeffe noted that she met with Kate Smith and Kevin Burns from the NYS Comptroller's office. They will be starting their audit of Town records on September 20th.

The September 1, 2010 pre-paid Abstract of Claims, consisting of vouchers numbered 1705 through 1714, was presented to the Board for audit and authorization of payment from the following funds:

General	\$13,437.21
Special Districts	<u>55,409.83</u>
Grand Total Abstract	\$68,847.04

The September 13, 2010 Abstract of Claims, consisting of vouchers numbered 1715 through 1829, was presented to the Board for audit and authorization of payment from the following funds:

General	\$17,796.96
Part Town	1,670.00
Highway	16,478.25
Enterprise/Gleed	3,765.45
Trust & Agency	2,348.62
Special Districts	<u>14,839.97</u>
Grand Total Abstract	\$56,899.25

Councilman Bach moved to approve the September 1, 2010 and September 13, 2010 Abstracts of Claims as presented and to authorize payment of same. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #316
9/1 & 9/13/10
Abstracts of
Claims aprvd

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

Action #317
Meeting
adjourned

Martha L. Librock
Town Clerk