

WS-1

A Change in Climate

By Mary Kadlecek



Photo courtesy of the Town of North Hempstead

Local communities across New York find innovative ways to **GO GREEN**

"Green is the future, and Schenectady wants to be a leader in that future," says Brian Stratton, mayor of the upstate community once known as "the City that Lights and Hauls the World."

Energy savings, renewable energy and green businesses are moving the former industrial powerhouse toward renewed technical prominence and prosperity, while reducing emissions of heat-trapping greenhouse gases and saving tax dollars. To the south along the Hudson River, the rural/suburban Town of Red Hook is also saving emissions and tax dollars, as its citizens become increasingly engaged in programs that are good for the climate.

In company with more than 40 other New York municipalities, Schenectady and Red Hook recently adopted the Climate Smart Communities Pledge, a commitment to systematically cut emissions of carbon dioxide and other greenhouse gases. From experienced "green" communities to those that are just getting started, New York's Climate Smart Communities reveal the power of local action to solve climate change.

For Schenectady, declaring itself Climate Smart was a step along a path already charted. An aggressive energy efficiency performance contract now in its third year has streamlined the city's operations and, to date, has prevented emission of more than a million pounds of carbon dioxide (the most common greenhouse gas). Money spent for energy-conserving LED traffic lights, an updated heating system for City Hall and other improvements is being paid back from the \$200,000 saved each year on electricity and natural gas bills.

For many Climate Smart Communities, a strong recycling program is the first step to saving energy and reducing greenhouse gas emissions—recycled materials do not require energy-intensive disposal, and take less energy to re-manufacture than virgin materials. On Long Island, North Hempstead targets schools, libraries and parks with a vigorous recycling program, an initiative of North Hempstead Supervisor Jon Kaiman (wearing red tie), pictured with students and school officials of the Manhasset School District.



Photo courtesy of the Town of Red Hook

Purchased with grant funding, these solar panels on the roof of the Red Hook Town Hall are on schedule to pay back the initial investment in about nine years, leaving the town with reliable energy at little or no cost and without greenhouse gas emissions.

From experienced "green" communities to those that are just getting started, New York's Climate Smart Communities reveal the power of local action to solve climate change.

But that is only one of Schenectady's ambitious green initiatives. The first-of-its-kind Green Homes program has gained national recognition for combining energy saving and affordability. And plans are in the works to "green" more city facilities and make low-carbon living available to more residents.

Mayor Stratton attributes the success of such a variety of projects in a short time to creative leveraging of city, state, federal and private resources by a large and diverse cast of characters: the Thinking Green Committee of community partners and design professionals; city staff; the regional NYSERDA Energy Smart Coordinator; local environmental groups,

and Schenectady County, which shares efficiency programs with the city.

"People are out there looking for ways to be green," he says. There is a widespread understanding that a green economy could revitalize the city. The mayor notes that the city's green initiatives are already attracting private development: Schenectady is home to the headquarters of the General Electric Company's Global Renewable Energy business and will be the site of the company's state-of-the-art battery manufacturing plant; the Golub Corporation will open an ultra-green headquarters building in the city, and several energy-related small businesses have recently located there.

Though Red Hook has largely avoided the stresses of de-industrialization, the Dutchess County community is just as determined as Schenectady to combat climate change.

"It's evident that we all have to pull together to save energy," says Red Hook Supervisor Sue Crane. Like Schenectady, Red Hook began greening itself about three years ago as an outgrowth of longtime work by concerned citizens. But the source of its climate initiatives was a deeply held "waste-not" philosophy.

"Our Conservation Advisory Council developed a recycling program for Red Hook, and those original efforts have evolved. The idea of not wasting became

and solar photovoltaic electricity (installed with an assist from a state grant) have led to such impressive reductions in energy bills and greenhouse gas emissions that the town is planning to add more panels to its solar array.

"Residents are fascinated," says Supervisor Crane. Visitors to the town hall stop to read an educational display that explains how the solar panels work, and citizens and town staff alike express enthusiasm.

Meeting New York State's climate protection goal of reducing greenhouse gas emissions 80 percent by 2050 will require making homes, businesses and public buildings carbon neutral.



Photo courtesy of the City of Schenectady

Schenectady is building affordably priced low-energy Green Homes to replace abandoned houses in older neighborhoods. Weatherized and super insulated, the four homes that are already occupied use (on average) less than half the energy of standard houses. Despite their specialized features, these homes actually cost less per square foot to build than traditional houses. The city is leveraging federal grant money to build the homes; an additional ten are currently under construction.

A number of Climate Smart Communities are working on emission inventories, reduction goals or climate action plans. For Schenectady, an initial goal of reducing greenhouse gas emissions by seven percent below 1990 levels was set in signing the 2006 U.S. Conference of

very focused, in me and in others," the supervisor says. So Red Hook sponsors a goods exchange.

"When people drive in to offload recyclables," says Supervisor Crane, "they drop off things for reuse—dishes, blankets, a chair or two, clothing—or they stroll over to see if there's anything they can use. It's a wonderful community gathering place, and people have become very committed."

In keeping with its resolve that nothing should go to waste, the town turned its attention to energy, starting with its town hall. Weatherization, energy management,

"This has gone further than I ever dreamed when I took office," she says. "I try to be careful with tax dollars and not overburden the paid staff—we're stretched so thin. But there is a lot of cooperation on these projects, and that's to the credit of both our volunteers and our staff. The people who have the new ideas are right there with the staff to get the work done."

There is no "typical" way for a community to be climate smart, though nearly all municipalities that adopt the Climate Smart Communities Pledge do name a coordinator to investigate options and spearhead planning and projects.

Become a Climate Smart Community

Many communities would like to save energy and emissions, but need a way to decide what to do and how to pay for the changes. Climate Smart Communities, supported by coordinators from NYSERDA, can help local governments find workable starting points, and then select, coordinate and fund "green" improvements.

To learn more about becoming a Climate Smart Community, contact the Office of Climate Change at (518) 402-8448, or e-mail us at climatechange@gw.dec.state.ny.us.

Communities may find the following resources useful:

Climate Smart Communities guidance—www.dec.ny.gov/energy/50845.html

NYS Energy-efficiency clearinghouse—www.nyserda.org/clearinghouse

NYSERDA Energy Smart Community Coordinators—www.getenergysmart.org/

Community Outreach/Energy Smart Communities.aspx

NYSERDA Focus on Local Government—www.nyserda.org/municipalities/default.asp



Photo courtesy of the Town of Irondequoit

Photo courtesy of the City of Syracuse

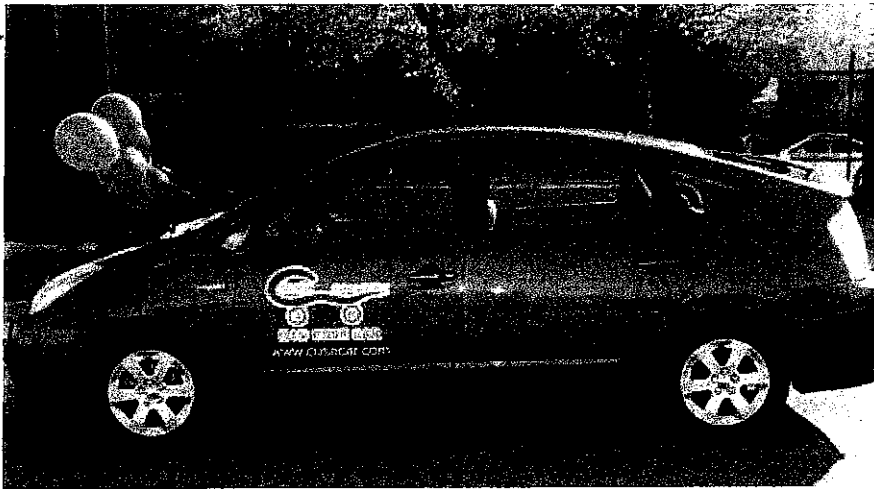


Photo courtesy of the City of New Rochelle



Syracuse's not-for-profit 'Cuse Cars program rents out low-emission cars for short-term use, which helps the city move toward carbon neutral transportation. New Rochelle's diesel hybrid electric garbage truck also helps in reaching a carbon-neutral future by costing less for fuel and emitting less greenhouse gas.

Mayors Climate Protection Agreement, and another round of goal-setting is imminent. Red Hook expects to use the outcome of its emissions inventory to set goals and begin a climate plan.

Conservation is a key element in communities' climate thinking. Even before an emissions inventory is available, most municipal governments can name some operating improvements that would save energy and greenhouse gases. Many of New York's Climate Smart Communities start by replacing inefficient boilers, light fixtures, and other energy-wasting equipment in municipal facilities. Some communities are beginning to green their vehicle fleets with cars, trucks and buses that use lower-carbon technologies or fuels. Behind the scenes, in Schenectady and other towns, improved maintenance is saving significant fuel and emissions.

Communities are reasoning that if they generate some of their own power from renewable sources, they will emit less greenhouse gas and enjoy greater security and predictability in energy price and supply. A few have completed renewable energy projects, often using the carbon-free energy to operate municipal facilities. Several other communities are considering renewable power generation as a way of turning closed landfills to productive use, following the example of the Town of Hunter where a horizontal windmill on the old landfill powers equipment that cleans landfill leachate to protect surrounding wetlands.

Meeting New York State's climate protection goal of reducing greenhouse gas emissions 80 percent by 2050 will require making homes, businesses and public buildings carbon neutral. Carbon

neutral buildings get utility and convenience from the smallest possible amount of energy, and tap carbon-free sources for the energy they do use.

While Schenectady works on energy-efficiency for new construction, other Climate Smart Communities have started the huge project of greening existing public and private buildings. The Town of Babylon's Long Island Green Homes program was the first in the nation to provide up-front funding for residents to increase home energy efficiency, with the cost paid back out of home energy savings. In western New York, the Town of Irondequoit partners with a nonprofit organization to help low- and moderate-income homeowners weatherize their homes and save money. Several other communities, including Red Hook, are exploring the possibility of providing up-front financing for home weatherization.

"We are all looking for conservation methods and innovation," says Red Hook Supervisor Crane. "We are excited about the financial and energy savings we've already realized. Our program is a wonderful evolution of an idea that has perked along."

Schenectady Mayor Stratton observes, "Green doesn't cost more if you really plan from the very beginning. When funding and assistance become available, you have to be ready with your ideas. You have to see what the future is, where the money's going, and when that happens you climb on board.

"This is very much part of the city's economic development program," he adds. "We continually try to do more and more with conservation and going green. Once you get into this green world, you don't want to go back to your old way."

Mary Kadlecik works in the NYS Office of Climate Change in Albany.

For May 7th Work Session

Evans Town Board Meeting #16

Sample
November 9, 2011

Councilman Cooper aye
Supervisor Pordum aye

RESOLUTION 2011-313 Adopt 'Climate Smart Pledge'

Councilman Cooper moved and Councilman Dash seconded,

WHEREAS, the Town Evans (hereinafter "local government") believes that climate change poses a real and increasing threat to our local and global environments which is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that Town of Evans, in order to reduce greenhouse gas emissions and adapt to a changing climate will

1. Pledge to Combat Climate Change by Becoming a Climate Smart Community

Set goals to reduce GHG emissions and adapt to predicted climatic changes. Establish a task force of local officials and community members to review the issues and propose a plan of action. Designate a point person who will oversee climate change initiatives and publicly report on progress. Work cooperatively with similar task forces in neighboring communities to ensure that efforts complement and reinforce one another. As an official signal of commitment and for access to technical resources, sign on to a

widespread climate campaign such as ICLEI Local Governments for Sustainability - Climate Protection campaign.

2. Set Goals, Inventory Emissions, Move to Action

Gather data, inventory GHG gas emissions, and establish baselines for local government operations and community sectors. Develop quantifiable interim GHG emission targets consistent with emission reduction goals and propose a schedule and financing strategy to meet them. Encourage stakeholder and public input and develop an action plan. Report emissions to The Climate Registry (TCR), which has developed a standardized method for reporting emissions inventories; use ICLEI and TCR's tools to track and evaluate progress.

3. Decrease Energy Demand for Local Government Operations

Adopt a goal of reducing electricity use by 15 percent from projected levels no later than 2015.

Existing Public Facilities. Inventory current building electricity usage and identify opportunities for conservation and efficiency retrofits. Obtain energy assessments from the New York State Energy Research and Development Authority (NYSERDA), the New York Power Authority, the Long Island Power Authority or other professionals. Consider actions such as purchasing energy efficient equipment and appliances, such as ENERGY STAR®; improving lighting, heating, and cooling efficiency; setting thermostats for maximum energy conservation; decreasing plug load from office equipment; and increasing pump efficiency in water and wastewater systems.

New Public Buildings. Achieve at least minimum U.S. Green Building Council Leadership in Energy and Environmental Design standards (LEED Silver) for all new local government buildings.

Infrastructure. Incorporate energy efficient technologies and operations and maintenance practices into municipal street lighting, traffic signals, and water and wastewater treatment facilities.

Vehicle Fleet and Commuting. Improve the average fuel efficiency of local government fleet vehicles. Discourage vehicle idling and encourage bicycling, car-pooling and public transit for employees. Consider reducing the number of vehicles; converting fleet vehicles to sustainable alternative fuels; and using electric vehicles where possible.

4. Encourage Renewable Energy for Local Government Operations

Supply as much of the local government's power, heat and hot water needs as possible from solar, wind, and small hydro through purchase or direct generation.

5. Realize Benefits of Recycling and Other Climate Smart Solid Waste Management Practices

Expand the "reduce, reuse and recycle" approach to waste management in local government operations and in the whole community. Reduce the amount of solid waste generated -- promote backyard composting, implement volume-based pricing and educate residents on how to prevent waste. Promote reuse by organizing community-wide yard sales, and providing a space for drop-off or trade of reusable goods. Provide recycling receptacles in local government buildings and outdoor spaces, require duplex printing in government offices, compost food scraps and green waste, and adopt a comprehensive green purchasing program.

6. Promote Climate Protection through Community Land Use Planning

Combat climate change by encouraging low-emissions development that is resilient to climatic changes. When updating land use policies, building codes or community plans, include provisions to combat climate change; reduce sprawl; preserve and protect open space, biodiversity, and water supplies; promote compact, transit-oriented, bikeable and walkable communities; promote infill development; minimize new development in floodplains; maintain or establish healthy community forests; and promote best forest management practices and encourage tree planting, especially along waterways, to increase shading and to absorb carbon dioxide.

7. Plan for Adaptation to Unavoidable Climate Change

Evaluate risks from unavoidable climate change, set adaptation goals and plan for adaptation. Identify climate change impacts (such as flooding, drought, and extreme temperatures) that could affect the community. Identify areas such as water supply and sewer infrastructure that may be at risk due to sea-level rise and future changes in climate. Factor risks into long-term investments and decision-making. Execute climate change adaptation and preparedness measures through local government planning, development and operations, giving priority to the highest risk areas.

8. Support a Green Innovation Economy

Identify opportunities to incorporate climate protection, sustainability and environmental goods and service industries into economic development plans. Encourage workforce

development training and school curricula that support the emerging green collar job sector, including renewable energy and energy efficiency, as well as climate smart solid waste management practices. Procure climate smart goods and services for local government operations and support modernizing of local and national electricity grids.

9. Inform and Inspire the Public

Lead by example. Highlight local government commitment to reducing energy use, saving tax dollars, and adapting to changing conditions. Demonstrate the benefits of energy savings, energy efficiency, and renewable energy projects by hosting open houses; distributing fliers; holding local meetings; working with school districts, colleges, and universities to develop climate change curricula and programs; engaging faith-based communities in climate protection; and regularly communicating community climate protection goals and progress to constituents.

10. Commit to an Evolving Process

Acknowledge that research and policy on climate protection are constantly improving and evolving. Be willing to consider new ideas and commit to update plans and policies as needed. Compare successes, cooperate and collaborate with neighboring communities to redirect less-effective actions and amplify positive results.

VOTE RESULT	ADOPTED BY ROLL CALL	
	Councilman Dash	aye
	Councilman Cooper	aye
	Supervisor Pordum	aye

RESOLUTION 2011-314 Audit of Bills

Councilman Dash moved and Supervisor Pordum seconded that all properly audited bills be paid forth out of their respective accounts as set forth in the abstract brought forth on

Date: 10/19/2011
 Abstract No. 18
 Voucher No. 1738-1962
 Prepaid: 51, 52, 53

GENERAL	196,964.76
PART TOWN	27,764.50
HIGHWAY D A	0
HIGHWAY	95,567.87
WATER	182,132.57
CAPITAL PROJECTS	204,440.21



TOWN OF AURORA SENIOR CENTER

101 King Street, Suite A
East Aurora, New York 14052
Phone: (716) 652-7934
Fax: (716) 652-9083

WS-2

MEMO

To: Jolene Jeffe and Town Board Members

From: Donna Bodekor

Date: June 11, 2012

I am requesting approval for the replacement, installation and mulching of bushes at the Senior Center. Three bushes have already been removed, two rose bushes will be removed, and the area spruced up. I have included 4 quotes, with the lowest at \$595.00 from Johnsons' Nursery. The funds will be taken from line A1620.422

Request for a Price Quote

Please complete this form and return to:

Town of Aurora Senior Center
101 King Street
East Aurora, NY 14052
716-652-7934
716-652-9083 (fax)

Quotation deadline:

Company providing quote: JOHNSON'S NURSERY
Address: 11753 EAST MAIN ST.
Contact person: MICHAEL J. TELBAN
Phone No: 652-8969

Description of product and or work requested:

3 - Emerald Arborvitae (4-5')
2 - Dwarf Boxwood (12-15')
2.5 cu. Yd Dark Hardwood Mulch (Black)
.25 cu. Yd Compost
1 - 10-10-10 fertilizer
Labor to include removal of 2 rose bushes, weed, prune, clean up & installation of materials

Location: 101 King Street
East Aurora, NY 14052

Total estimate (including labor and materials): \$ 595.00

Name of preparer: MICHAEL J. TELBAN

Request for a Price Quote

Please complete this form and return to:

Town of Aurora Senior Center
101 King Street
East Aurora, NY 14052
716-652-7934
716-652-9083 (fax)

Quotation deadline:

Company providing quote: RealTree Landscapes I. LLC
Address: 2002 French Rd. Varysburg NY 14167
Contact person: Jason Nikiel or P.O. Box 494
Phone No: 818-4761 East Aurora
NY 14052

Description of product and or work requested:

3 - Emerald Arborvitae (4-5') - around gas meter
2 - Dwarf Boxwood
2.5 cu. Yd Dark Hardwood Mulch Remove Rose bushes
.25 cu. Yd Compost
1 - 10-10-10 fertilizer
Labor to include removal of 2 rose bushes, weed, prune, clean up & installation of materials

Location: 101 King Street
East Aurora, NY 14052

Total estimate (including labor and materials): \$840

Name of preparer: Jason Nikiel

murray bros

Estimate

Date	Estimate #
5/3/2012	107

Name / Address
Senior Center 101 King st. East Aurora, N.Y. 14052

Project

Description	Qty	Rate	Total
Emerald Arborvitae (4-5')	3	68.00	204.00T
Dwf. Boxwood	2	28.50	57.00T
cu.yd Dark Hardwood Mulch	2.5	37.50	93.75T
cu.yd. Compost	0.25	42.00	10.50T
10-10-10 fertilizer	1	10.00	10.00T
Labor to include removal of 2 rose, weed, edge, prune, clean up, & installation of materials.	1	520.00	520.00T
Sales Tax		8.75%	78.33
deduct sales tax if capitol improvement form is filled out and returned		Total	\$973.58

\$895.50

Request for a Price Quote

Please complete this form and return to:

Town of Aurora Senior Center
101 King Street
East Aurora, NY 14052
716-652-7934
716-652-9083 (fax)

Quotation deadline:

Company providing quote: Adams Nurseries
Address: 5799 Genesee Street, Lancaster NY
Contact person: Jeremy Kellogg
Phone No: 683-4885

Description of product and or work requested:

3 - Emerald Arborvitae (4-5')
2 - Dwarf Boxwood
2.5 cu. Yd Dark Hardwood Mulch
.25 cu. Yd Compost
1 - 10-10-10 fertilizer
Labor to include removal of 2 rose bushes, weed, prune, clean up & installation of materials

Location: 101 King Street
East Aurora, NY 14052

Total estimate (including labor and materials): \$ 1,147.00

Name of preparer: Jeremy Kellogg

This form entitles the applicant to be considered for a waste reduction/recycling grant administered by the NYSDEC. It is NOT a full application. Upon notice from NYSDEC the applicant will be required to complete a full application.

WUS-3

Step 1 Provide some identifying information:

Applicant Town of Aurora		DEC Region 9
Check Applicant type(s):		County Erie
County <input type="checkbox"/>	City <input type="checkbox"/>	Town <input checked="" type="checkbox"/>
Local Public Authority <input type="checkbox"/>	Local Public Benefit Corporation <input type="checkbox"/>	Village <input type="checkbox"/>
School District <input type="checkbox"/>	Other District <input type="checkbox"/>	Native American tribe or nation (in NYS) <input type="checkbox"/>

Project Name or Description: **Town of Aurora Recycling Equipment Request 2012**

Project Manager: **David Gunner, Highway Superintendent**
(name & title of Municipal Employee who can provide project information)

Address: **251 Quaker Road** Phone: **716-652-4050**
East Aurora, NY 14052

E-mail: **highway@townofaurora.com**

Project category: (check all that apply)

Recycling Equipment/Structures/Facilities <input type="checkbox"/>	Recycling Collection Vehicle(s) <input checked="" type="checkbox"/>
Composting Equipment/Structures/Facilities <input checked="" type="checkbox"/>	Waste Reduction Equipment/Structures <input type="checkbox"/>

A. Total project cost **\$ 0.00** Please do NOT fill-in the green fields. They will calculate values automatically. ■

B. Percent use for Recycling/Composting **0%** (only projects from 50% to 100% dedicated qualify)

C. State Share Request (50% x A x B) **\$62,078**

Are the items in this pre-application **completely purchased?**

Are the items in this pre-application **partly purchased?**

Are the items in this pre-application **not yet purchased?**

Step 2. Provide a brief SCOPE OF WORK for your project. (one paragraph)

The Town of Aurora is requesting reimbursement for a leaf sucker purchased in 2010, a leaf blower purchased in 2011, recycling bins purchased in 2010, and a recycling truck that is planned for purchase in 2013. The leaf sucker and leaf blower are used to collect leaves and brush from the curbside in front of Town residences. Approximately 20 yards a day are mulched on each of 52 days, producing over 5,000 cubic yards of mulch annually. The mulching is done on-site, and then either delivered to homeowners in the immediate vicinity or taken to a central location for later pickup by residents.

The proposed truck will be used 10 months each year to collect leaves, brush, tires, batteries, and electronics for recycling. Currently, the pickup schedule for these items is three weeks each month for brush or leaf pickup, with the remaining week dedicated to tire, battery and electronics pickup. The vehicles used include snow plows and a dump truck, depending on what's being picked up. However, problems have been arising because some of the current vehicles used are also used for snow removal. The new truck will be used in picking up recycling, brush, tires, batteries, and electronics, freeing up the snow plows.

Money will also be used to reimburse the town for the purchase of 300 fourteen gallon and 300 eighteen gallon recycling bins provided to residents in 2010 to aid in the collection of recycling.

Municipal Waste Reduction & Recycling Capital Project Pre-Application (continued)

Step 3. Describe what will be ACCOMPLISHED with this grant (one paragraph).

This grant will support the collection of brush and leaves that will be processed into 5,000 cubic yards of mulch each year along over 100 miles of roadways in the Town of Aurora. In addition, the requested truck will help provide over 3000 Town households with an environmentally safe method of disposing of tires, electronics equipment, and batteries. These potentially hazardous materials will be sold to reprocessing centers by the Town to reduce the potential for environmental contamination and to generate a small amount of revenue to support the Town recycling program.

The mulch generated from the collection and processing of brush and leaves will be made available at no charge to residents of the Town of Aurora. It can be picked up, or delivered when workers are processing it in the recipients' neighborhoods. Last year, approximately 5000 cubic yards of mulch were provided to residents.

Step 4. Provide a BUDGET.

You may fill in the form below or submit a separate attachment for your budget.

Period Covered by this Grant Request **to**

Description of expense	Total Cost	Recycling Use Percent	Eligible Cost
Leaf sucker	\$18,990.00	100 %	\$18,900 \$0.00
Truck with collection box and modified bed	\$113,018.00	85 %	\$96,065 \$0.00
Recycle Bins	3,390.00	100 %	\$3,390 \$0.00
Leaf Blower	\$5,800.00	100 %	\$5,800 \$0.00
		%	\$0.00
		%	\$0.00
		%	\$0.00
		%	\$0.00
		%	\$0.00
		%	\$0.00

Attach an additional chart, if necessary

Total Eligible Expenses - \$124,155 0.00

State Aid Requested (50% of Total Eligible Expenses) - \$ 62,078 0.00

SUPERVISOR
JOLENE M. JEFFE
(716) 652-7590
jjeffe@townofaurora.com



TOWN CLERK
MARTHA L. LIBROCK
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA

5 South Grove Street, East Aurora, NY 14052
www.townofaurora.com

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May 30, 2012

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TDD (716) 714-1001
For the Hearing Impaired

To: Town Board Members

I am please to submit to you the attached grant proposal that with the help of our grant writer Ann Mcdonnell we should be eligible for in 2-3 years.

The grant is for reimbursement of \$62,078 for 3 past purchases and one future purchase.

Past Purchases:

ODB Leaf Vacuum- \$18990
Buffalo Turbine Leaf Blower- \$5880
Recycling Bins- \$3390

Future Purchase:

Recycling/Plow Truck \$120,000

I will be submitting in the 2013 the budget a proposal of purchasing this recycling truck. If the board declines the budget proposal we can amend the grant in the future. Because of the time it takes for the reimbursement to come back from the state it is prudent to apply now.

My planned budget request to pay for this truck is as follows:

SR1958 Rubbish Reserve Fund- \$75000
SR 1958.200 Rubbish Equipment Fund- \$10000
A7110.210 Parks Equipment Fund- \$20000
ER1621.422 Enterprise Fund- \$15000

This purchase will not affect the tax rate adversely in the 2013 budget and will solve a lot of the needs of our department.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Gunner".

David M. Gunner
Superintendent Of Highways



TOWN OF AURORA
RFQ
GLEED – DATA/VOICE WIRING
JUNE 7, 2012
10:00 a.m.

WS-5

	BIDDER	AMOUNT BID
1	Hemisphere Communications	\$11,021.00
2	Rel Comm Inc.	\$4,900.00
3	Kiercom Communications	\$14,000.00
4	Soteria-IT	\$12,265.26
5	Weydman Electric & Communications	\$20,950.00 **
6	Mac Source Communications	\$17,154.00 ***

** Received quote via fax at 10:54 am on 6/7/12 (after 10:00a.m. deadline)

*** Received quote package at 11:25 am on 6/7/12 (after 10:00a.m. deadline)

The above quotes are subject to review for adherence to specifications.

TOWN OF AURORA
RFQ
GLEED – PHONE SYSTEM
JUNE 7, 2012
10:00 a.m.

	BIDDER	AMOUNT BID
1	Hemisphere Communications	\$10,380.00
2	Rel Comm Inc.	\$7,270.00
3	Kiercom Communications	\$5,200.00 or \$8,485.00
4	Soteria-IT	\$10,490.00
5	Network Task Group	\$7,340.66
6	Comtel	\$10,399.00
7	Ronco	\$10,240.00
8	Mac Source Communications	\$7,961.00 **

** Received quote package at 11:25 am on 6/7/12 (after 10:00a.m. deadline)

The above quotes are subject to review for adherence to specifications.

WS-11

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Town Boards

Helping Your Local Cemetery Avoid a Town Takeover
Submitted by the New York State Department of State Division of Cemeteries

Many small and medium-sized cemeteries in New York are facing a series of troubling realities that cast doubt on their continued existence. An increase in cremations, combined with recent economic conditions, have created a perfect storm, leaving many cemeteries underfunded and on the verge of municipal takeover.

To ensure their perpetual maintenance, cemeteries are required by New York statutes to place a portion of all lot sales and burial fees into a permanent maintenance fund. The intent is that interest earned by the permanent maintenance fund will be used to maintain cemetery operations after all lot sale and burial fees have been secured. However, the recent economic downturn has drastically lowered interest rates and caused some cemeteries to struggle with paying for current operations.

While cemeteries are prohibited from using the principal of the permanent maintenance fund to pay for day-to-day operations, many small cemeteries operate through volunteers who are unaware of this prohibition or see no other way to keep the cemeteries operating. For years, these small rural cemeteries have operated as a sort of community servant, refusing to raise lot and internment fees, even as the costs of fuel and other goods have skyrocketed. With rising costs and a sharp decline in demand due to the increasing popularity of cremations, many cemeteries are coming to the troubling conclusion that they have no way forward and are considering allowing a town takeover of the cemetery.

When a cemetery's board is no longer able to function or the cemetery becomes abandoned, Town Law §291 requires the town in which the cemetery is located to take over care and maintenance of the cemetery. Many towns are already struggling with budget shortfalls and are unprepared for the extra burden of taking over the care and maintenance of a cemetery. Towns are usually unaware that a cemetery is struggling financially, not to mention their responsibility to take over an abandoned cemetery, leaving them unprepared for this extra expense. While cities are not required to take over a cemetery that has become abandoned, cities face the dilemma of voluntarily taking over the care of the

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cemetery or allowing it to fall into neglect and disrepair and become a blight on the community.

Fortunately, there are mechanisms for municipalities to come to the aid of a cemetery before it reaches the point of abandonment. Recently enacted General Municipal Law §165-a provides any municipality – not just towns – with the legal ability to grant assistance to a struggling cemetery and avoid a full takeover. The assistance can take two forms – monetary and in-kind aid. The purpose of this statute is to allow a municipality to help a cemetery avoid reaching the point at which it can no longer continue to operate. Such limited assistance can be much less expensive than a full takeover after a cemetery has become abandoned. A municipality considering acting under this statute should consult with the cemetery to determine the best and most productive method of assistance. The Division of Cemeteries is also available to help with that determination.

Changes in economic, funeral and societal trends are challenging the survival of local cemeteries and warrant a new approach of collaboration and cooperation between cemeteries and the local communities and municipalities they serve. Local cemeteries are a vital part of any community and a rich source of local history. Thanks to General Municipal Law §165-a, local governments now have an additional tool to help keep their local cemeteries operating, maintained and available to residents.

Resource Web sites for additional information:

www.dos.ny.gov/cmty/index.html - NYS Department of State – Division of Cemeteries

www.dos.ny.gov/cmty/pdfs/Cemeteries_Address_County.pdf - Listing of Article 15 Cemeteries

www.dos.ny.gov/cmty/cmclaw.html - Cemetery Law Manual – Compilation of related laws, rules and regulations. Includes sections mentioned in this article. ❖

Legislative Round-Up:

A Look at Some Legislation Passed in 2012

Best Value Contracts: In January, legislation that authorizes local governments to award purchase contracts on the basis of “best value” rather than the “lowest responsible bidder” standard was enacted. Best value is defined as a basis for awarding contracts that “optimize[s] quality, cost and efficiency, among responsive and responsible offerers ... and reflect[s], wherever possible, objective and quantifiable analysis.”

Local governments other than New York City will be allowed, but not required, to award purchase contracts on the basis of best value. Towns that are looking to take advantage of best value purchasing must first adopt a local

law authorizing the town to award purchase contracts on a best-value basis.

Pension Reform (Tier 6): In March, legislation that created a new tier (Tier 6) in the New York State retirement system was enacted, and it is applicable to individuals who join the state retirement system after April 1, 2012.

Members of Tier 6 are required to make pension contributions for the duration of their employment. The contribution rate is 3 percent of their gross salary until March 31, 2013. Thereafter, the percentage of the member’s contribution will be based upon their gross wages as set forth below.

Wages	Contribution Rate
\$45,000 or less	3 percent
\$45,000.01 to \$55,000	3.5 percent
\$55,000.01 to \$75,000	4.5 percent
\$75,000.01 to \$100,000	5.75 percent
More than \$100,000	6 percent

Among the other changes included with Tier 6 is a limit on the amount of reportable salary and the amount of overtime that can be included. Reportable salary may not exceed the New York State governor’s salary, which is set by law and is currently \$179,000. Overtime pay will be subject to an annual cap; pay in excess of the annual cap will not be included in the definition of wages for retirement purposes and will not be included in the calculation of final average salary. In addition, members must have 10 years of service credit, up from five years, to be vested and eligible for a service retirement benefit.

Lastly, new non-union members in the retirement system with salaries \$75,000 and above are given the option of participating in a defined contribution plan rather than the defined benefit plan.

2012-13 Budget:

- **AIM Funding:** AIM funding has remained flat from 2011-12 to 2012-13, which means that every town will receive the same dollar amount of AIM funding that they received last year. The one exception to this is for towns that had a village dissolve. In those towns, the village’s prior year’s AIM funding, or a ratable portion thereof, went to the town or towns in which the village was.
- **CHIPS Funding:** Approximately \$363.1 million has been appropriated for CHIPS, and \$39.7 million for Marchiselli aid. In addition,

- Meets or exceeds Virginia Graeme Baker Pool & Spa Safety Act compliance.
- Utilizes time-proven APSP ANSI standards by reference and integration.
- Contains barrier, decking, lighting, circulation system, pump, accessibility, diving, sanitizing equipment, filter and suction fitting provisions coordinating with the IBC and IRC.
- Covers all types of aquatic vessels including residential and public pools, portable and in-ground spas, water parks, exercise spas and hot tubs.
- Requires portable spas be certified to the latest industry standards, eliminating the need to inspect inaccessible interior components.
- The first swimming pool and spa code to address aquatic recreation facilities.
- The first swimming pool and spa code to include an energy standard for residential portable electric spas and for residential in-ground swimming pools and spas.

To download your copy of the *International Swimming Pool and Spa Code*, please visit <http://www.iccsafe.org/cs/ISPSC/Pages/default.aspx>. For more information about the APSP please visit APSP.org. ❖

Miscellaneous

Civil Service Law, §75 – Conflicts of Interest

In *Baker v. Poughkeepsie City School District*, 2012 WL 952116 (N.Y. March 22, 2012), the question was whether anyone who has testified before a hearing officer in a Civil Service Law, §75 disciplinary hearing is required to recuse himself as a member of the board of education when evaluating the hearing officer's decision.

The Court of Appeals reasoned that while involvement in the §75 disciplinary process does not automatically require recusal, anyone who is "personally or extensively involved" in the §75 disciplinary process should recuse himself from review of the §75 hearing officer's decision. "Thus, where a witness is testifying during a disciplinary hearing concerning charges levied against an individual, disqualifying himself or herself from reviewing the recommendations of the hearing officer and rendering a final determination is appropriate. ... [A] testifying witness reviewing recommendations and acting upon the charges permits that person to pass upon his or her 'own credibility as a witness.'" Based on the facts, the Court of Appeals

found that the two school board members were extensively involved in the disciplinary process. The Appellate Division decision was affirmed, resulting in the annulling of the determination by the board of education and remitting the matter to the board to be decided without the testifying board members. ❖

Town Clerks

Permits for Fireworks Displays

Under §405 of Penal Law, towns are required to review applications for permits for displays of fireworks within the town. This provision and accompanying regulations of the Department of Labor have made significant changes in permitting requirements. Attached is a sample "Request for Fireworks Display Permit" prepared by the Department of Labor, which reflects changes in state law and regulations.

Formerly, §405 authorized the issuance of permits only for "public displays" of fireworks. The section was amended to allow individuals to obtain permits for displays at private events. Additionally, the person in charge of the fireworks display must now have state certification (12 NYCRR 61-2.1 thru 61-2.7). These certification requirements are administered and enforced by the state Commissioner of Labor. A single, state-certified pyrotechnician must have overall responsibility for the fireworks display, ensuring that the display conforms to required standards. The operator has sole responsibility for authorized assistants. If these assistants are not certified pyrotechnicians, to qualify as an authorized assistant, the person must be at least 18 years old, be trained in the performance of the tasks assigned and educated with regard to safety hazards. As you can see, the sample display permit is required to identify the certified operator and state his certificate number. Additionally, assistants must be named, along with their certificate number (if certified) and their age.

New regulations to protect the public have replaced prior provisions. The Department of Labor regulations 12 NYCRR 61-2.8 provide that every outdoor fireworks show must be conducted in accordance with National Fire Protection Association (NFPA) §1123, in addition to the requirements of §405 of the Penal Law.

Chapter 4 of §1123 provides safety requirements for the display of fireworks and aerial shows and equipment. It also includes provisions regarding the storage and transportation of fireworks. Thus, the provisions of the NFPA, as incorporated into the Department of Labor regulations, provides specific provisions regarding the firing of explosives and pyrotechnics and their transportation and storage. Section 1123 also requires a site plan that must include the dimensions of the display site and location of discharge

sites, spectator viewing areas, parking areas, fallout areas and the associated separation distances.

Section 1126 of the NFPA regulates indoor displays of fireworks and provides standards for the use of pyrotechnics in relation to any theatrical, musical or similar production before a proximate audience. This section also includes storage requirements, transportation requirements and requirements regarding the actual discharge of fireworks.

These NFPA requirements are available on a "viewing only" basis at the NFPA Web site (www.nfpa.org).

Under §405 of the Penal Law, the permit application, as detailed in the attached sample permit application, must include the name of the body sponsoring the display and the names of the people in charge, their certificate numbers and identification of any individuals assisting in the display and their qualifications. Also, the permit must include the date and time of the day when the display is to be held; the location of the display; the number and kind of fireworks to be discharged; and the manner and place of storage of the fireworks prior to display. Also, the permit must include a diagram of the grounds on which the display is to be held, including the location of all buildings, highways and other means of transportation, the lines behind which the audience will be restrained and the location of all nearby trees, telegraph and telephone lines or other overhead obstructions. Significantly, the permit authority – in this case the town – may require other information necessary to protect people or property.

As a condition of granting the permit, the town must require an adequate bond or indemnity insurance policy, of which coverage may not be less than \$1 million for the payment of damages to any people or property resulting from the fireworks display. The town should ensure that the terms of the bond or indemnity insurance policy covers it and its officers and employees from any liability.

Finally, we have received questions as to whether a town must issue a permit when the applicant meets the permit requirements of law. The permit application consists of information to be provided by the entity displaying the fireworks, not standards for display. Therefore, the town, as a condition of issuing a permit, must exercise discretion to determine whether the required information protects individuals and property.

REQUEST FOR FIREWORKS DISPLAY PERMIT
Town, Village or City of _____
Ref. NY State Penal Law, Article 405.00
Application Date: _____
(A) Sponsor of the show

Name: _____

Address: _____

Phone: _____ Contact Person: _____

Display Company

Company Name: _____

Address: _____

Phone: _____ Contact Person: _____

NYS Dept. of Labor Explosives License# _____ Expires: _____

Operator – Name of the certified pyrotechnician who will be in charge of the display

Name	Certificate#	Expires
_____	_____	_____

Authorized Assistants: Names of the individuals who are authorized by the operator to work on the show, identified either by their certificate number and expiration date, if they are certified, or by their age and phone number, if they are not certified.

Name	Certificate# / Age	Expires / Phone
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Continue on a separate sheet, if necessary)

(B) Display date/time: _____ **Expected duration:** _____

(C) Display location: _____

(D) Display content: _____

(E) How will fireworks be stored prior to display: _____

(F) Rain date for display: _____

(G) If rained out how will fireworks be stored: _____

(H) For outdoor displays not before a proximate audience, attach a diagram of the area where the display will take place, showing location from where the fireworks will be discharged, the location of and distance to: all of the buildings, highways, lines of communications, location of the audience, trees, overhead obstructions or other structures or devices that could be affected by the display or fallout from it.

(I) Proof of insurance or bond (minimum \$1 million). Please attach a copy of the policy certificate or other proof of insurance or bond.

(J) For indoor displays, in addition to the information provided above, include a written plan for how you intend to use the pyrotechnics as required by the New York State Penal Law 405.10. That plan shall be submitted at least five days prior to the performance and include:

- **In addition to the state licenses and certificates already included in this application, proof of federal ATF licenses if required,**
- **Proof of experience of the pyrotechnician in charge,**
- **Proof of experience with the types of devices being used and a description of duties of any authorized assistants,**
- **Point of assembly of the pyrotechnic devices,**
- **Manner and place of storage of the pyrotechnic materials and devices,**
- **Material Safety Data Sheets (MSDS) for the pyrotechnic materials to be used,**
- **Certification that set, scenery and rigging materials are inherently flame retardant or have been treated to achieve flame retardancy,**
- **Certification that all materials worn by performers in the fallout area during the use of pyrotechnic effects are inherently flame retardant or have been treated to achieve flame retardancy,**
- **For indoor displays, attach a diagram of the area where the display will take place, showing the location from where the fireworks will be discharged, the location of, and distance to, the audience, the location of sprinklers and the fallout radius for each pyrotechnic device used,**
- **A copy of the approved permit and plan shall be kept on site and available for review,**
- **Any significant changes to the plan shall be approved prior to the performance.**

(K) I attest that the information contained in this permit application is accurate, true and complete to the best of my knowledge, and I understand that false statements made in this permit application are subject to the applicable versions of the NYS Penal Law.

Signature of Applicant

Date