

January 25, 2010

A meeting of the Town Board of the Town of Aurora took place on Monday, January 25, 2010, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

Members Present:	Jolene M. Jeffe	Supervisor
	Jeffrey T. Harris	Councilman
	James F. Collins	Councilman
	James J. Bach	Councilman
	Susan A. Friess	Councilwoman
Others Present:	Ronald P. Bennett	Town Attorney
	Bryan Smith	Town Engineer
	Patrick Blizniak	Supt. of Building
	David Gunner	Highway Superintendent
	William Adams	Planning Board
	Ronald Krowka	Chief of Police
	Deborah Carr Hoagland	Library Board Pres.
	Al Fontanese	Library Board
	George Oliver	Library Board
	Don Aubrecht	ZBA Chairman
	Wayne Nowocin	ZBA Member

Supervisor Jeffe opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the Flag. Jeffe noted that Business from Audience I near the beginning of the meeting will be limited to agenda related items; and 2) Business from Audience II near the end of the meeting will be open to comments on any item, not just agenda related topics. Supervisor Jeffe stated that the microphone situation for the auditorium is being checked into.

Councilwoman Friess moved to approve the minutes of the January 11, 2010 Town Board Meeting and Organizational Meeting.	Action #31
Councilman Harris seconded the motion. Upon a vote being taken:	1/11/10 Twn
ayes – five noes – none	Brd minutes
Motion carried.	approved.

BUSINESS FROM AUDIENCE I: none

UNFINISHED BUSINESS:

At the January 11, 2010 meeting the Board tabled renewing the agreement with Network Services for computer support. Supervisor Jeffe stated she is waiting for a detailed list of time spent in 2009 and in the meantime we will continue to operate under the terms of the 2009 contract. The Town currently has 38 users, 41 desktop computers and 1 lap top computer. This will be put on the February 16th work session agenda.

The Town's Cell Phone Policy is being revised to reflect IRS guidelines and requirements. Councilwoman Friess moved to approve the Town of Aurora Cell Phone Policy as amended; seconded by Councilman Bach:

TOWN OF AURORA
CELLULAR PHONE POLICY
(Originally adopted 6/9/2008)
(Amended 8/10/2009)
(Amended 1/25/2010)

It is the policy of the Town of Aurora that all town cellular phones provided to town employees and public officials shall be used for the purpose of supporting town business. The purpose of this policy is to facilitate effective town operations relating to cellular phone usage, encourage the responsible use of town provided cellular phones, provide guidelines for appropriate cellular phone use and help manage cellular phone usage costs.

Definition:

“Cellular phone” is deemed to include cellular radiotelephones and other wireless technology that is capable of transmitting and receiving wireless radiotelephone signals.

Authorized Users:

The Town Clerk will maintain a list of those employees and public officials to whom cellular phones are provided for use in connection with their duties as town employees or officials. This list and phone usage will be reviewed annually by the Town Board during annual budget preparation.

Terms of Use:

1. Cellular phones shall be used only for necessary phone calls in furtherance of town business purposes.
2. Town cellular phones may not be used by anyone other than the employee or public official to whom the phone has been issued, or another town employee or public official with a need to use the phone for town business.
3. Employees and public officials shall have no expectation of privacy in the use of town cellular phones. All cellular phones and records related to them, including all itemized bills from the carrier are the property of the town and subject to freedom of information laws. The records and information about or stored on the phones may be used by the town as it deems warranted.
4. Cellular phone service contract rights and equipment shall be the property of the town and any applicable determinations or changes as to them shall be made by Town Board direction.
5. Town cellular phones shall not be used for the purpose of illegal transactions, harassment, obscene or offensive behavior, or other violations of town policies.
6. Town cellular phones are valuable and should be handled with care. If loss, theft, or damage to a town cellular phone results from the negligence of the employee or public official to whom such phone is assigned, the employee or public official will be required to reimburse the town for the repair or purchase of replacement equipment. Such reimbursement shall be paid within 30 days.
7. An employee or public official may not make personal long-distance calls, except in an emergency. The employee or public official must reimburse the town for the cost of the call.
8. The town reserves the right to recover from any employee or public official those cellular phone expenses deemed to be unreasonable, excessive, personal, unauthorized, or unwarranted.
9. The town reserves the right to recover from an employee or public official where such employee or public official fails to return a town issued cellular phone upon request.
10. The town may discontinue cellular phone privileges at any time.
11. Cellular phones shall not be used when operating a vehicle or operating any form of equipment or in violation of any state or federal laws.
12. Charges or fees for occasional personal cellular phone calls will be the responsibility of the employee or public official. Each month each employee and public official with a town issued cellular phone will be provided a copy of the bill for the phone assigned to him/her and shall indicate the calls on the bill which were not for town purposes. The cost for those calls shall be paid by the employee or public official within 30 days of receipt of the copy of the bill. All personal calls will be charged back to the employee based on their hourly rate (i.e., an employee earning \$20 per hour would be required to

reimburse the Town at a rate of \$0.33 per minute). Reimbursement, along with a copy of the cell phone bill indicating which calls were personal calls, shall be made to the Town Clerk.

- 13. Failure of the employee or public official to document an/or highlight personal phone calls on the monthly bill will result in the value of all use **as personal**, including monthly service charge and fair market value of the cell phone, to be reported on Form W-2 as income to the employee.
- 14. Failure of the employee or public official to reimburse the Town for personal use of a Town-issued cell phone in accordance with this policy within thirty (30) days of the account setting forth the invoice details will result in the fair market value of the cell phone, plus monthly service charges and any individual call charges to be reported on Form W-2 as income to the employee or public official.
- 15. The failure to comply with this policy may result in the loss of cellular phone use privileges and/or the imposition of disciplinary action by the Town Board.

Town Board Review:

The Town Board shall audit all monthly bills for cell phones issued to Town employees and public officials.

The Town Board shall conduct regular cost-benefit analyses to determine whether the current cellular phone usage is advantageous to the town, as well as whether cellular phone service plans should be changed in order to reduce costs and to maximize the benefit to the town.

Personal Cellular Phone Usage:

Personal cellular phones should not be used during working hours except for calls of emergency or under special conditions approved by the Town Board.

Town employees/public officials that carry personal cellular phones during working hours shall not use personal cellular phones when operating a vehicle or operating any form of equipment.

Personal cellular phones if needed should be utilized during lunch and break time.

Failure to comply with this policy may result in negation of authorization to carry personal cellular phones during working hours and or the imposition of disciplinary action.

I have read this cellular phone policy and understand its guidelines and agree to abide by them.

Signature

Date

Print Name

Town Issued Cell #

Upon a vote being taken: ayes – five noes – none Motion carried. Action #32
 Amended Cell
 Phone policy
 approved.

* * * * *

NEW BUSINESS:

Supervisor Jeffe asked if written confirmation of the SMSI grant extension had been received. Bryan Smith responded no. Jeffe requested all the Board members receive a copy of the SMSI Engineering Report to be reviewed prior to the February 16th work session.

Action #33
J. Jeffe appointed
to SMSI
Committee.

Councilwoman Friess moved to appoint Jolene Jeffe to fill the vacancy on the SMSI Committee. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Councilman Harris moved to designate Wayne Francis as the employee designated by the Town as being primarily responsible for periodically performing repairs and maintenance on Town vehicles and equipment (as noted in section 9.03 of the CSEA union contract) effective March 1, 2010. The stipend attached to this designation is not retroactive and is payable at the end of the 12 month period during which the employee holds the designation. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #34
W. Francis
designated to
receive stipend
for machine and
vehicle repair
and maintenance.

Councilman Harris moved to proclaim March 11, 2010 as “World Kidney Day” in New York State and the Town of Aurora in the hope that all possible support will continue to be extended to chronic kidney disease patients in New York and throughout the country and the world. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #35
3/11/10
proclaimed
World Kidney
Day in Aurora

Supervisor Jeffe stated that the Town Board would like to attend the February meeting of the Planning Board and be put on the agenda to discuss the proposed Wind Energy moratorium and other issues.

Councilwoman Friess moved to set a public hearing for a proposed local law on a moratorium on wind energy and to adopt the following; seconded by Councilman Harris:

RESOLUTION TO SET PUBLIC HEARING

WHEREAS, Local Law Intro. No. 1-2010 has been introduced to the Town Board on Monday, January 25, 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

RESOLVED, that the Town Board of the Town of Aurora does hereby set the 8th day of February, 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 establish a moratorium in regard to the use and construction of Wind Energy Conversion Systems in the Town of Aurora.

RESOLVED, that the Town Clerk is hereby directed to publish a notice of said public hearing in the East Aurora Advertiser. Action #36
Public Hrg set
for LL on wind
energy
moratorium.
Upon a vote being taken: ayes – five noes – none
Duly adopted this 25th day of January, 2010.

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Supervisor Jeffe stated that we are researching the deed and survey to the Town owned property at 44 Jewett Holmwood Road.

The Town of Aurora is requesting proposals for general liability, automobile liability, public official's liability and excess/umbrella insurance coverage for the Town. Proposals should be delivered to the Town Clerks office on or before March 2, 2010.

Councilman Bach moved to set a Special Town Board Work Session Tuesday, February 9, 2010 at 7:00 p.m. at the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, NY. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five
noes – none Motion carried. Action #37
Special work
session set for
2/9/10.

Councilman Collins moved to approve the request from Dr. John Newton and the Mandala School to use the Town Hall Chapel to host a free education-based speaker series on February 25, March 4 and March 11, 2010 from 7 p.m. – 9 p.m. Approval is contingent on receipt of a certificate of insurance naming the Town as additional insured. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #38
Mandala
School to use
Chapel for
lecture series.

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

- DCO December 2009 Report
- DCO 4th Quarter 2009 Report
- Tax Receiver – 2009 Report
- Town Clerk – 2009 Annual Report

BUSINESS FROM AUDIENCE II:

Al Fontanese, Hubbard Road, asked for the date of the next SMSI Committee meeting. Bryan Smith stated he will schedule a meeting for a date before February 16th and will notify the committee.

Tony Rosati, Center Street, commented on the Wind Energy Moratorium and asked if the draft moratorium was available. The Supervisor responded that a local law to set a moratorium was prepared, but the actual wind energy code has not been developed.

Bill Voss, Blakeley Road, asked if the SMSI cost analysis is available for review. The response was that it is available in the Town Clerk's office.

BUSINESS FROM BOARD MEMBERS AND STAFF:

Councilwoman Friess asked if the requirement for reporting hours worked could be discussed at a work session.

Supervisor Jeffe thanked the Board for a productive work session on 1/19/10.

Highway Superintendent Gunner stated that he is in the process of having Town signs updated.

The "2009 Encumbered" Abstract of Claims dated January 25, 2010, consisting of vouchers numbered 2424 to 2465, was presented to the Board for audit and authorization from the following funds:

General	\$11,785.26
Highway	6,419.56
Enterprise/Gleed	5,505.67
Capital	21,305.65
Special Districts	<u>991.27</u>
Grant Total Abstract	\$46,007.41

The Abstract of Claims dated January 25, 2010, consisting of vouchers numbered 36 to 121, was presented to the Board for audit and authorization from the following funds:

General	\$ 53,394.56
Part Town	1,220,612.94
Highway	22,820.83
Enterprise/Gleed	18,610.98
Trust & Agency	467.63
Special Districts	<u>256,730.48</u>
Grand Total Abstract	\$1,572,637.42

Councilman Collins moved to approve the Abstracts of Claims; seconded by Councilwoman Friess.

Discussion: Councilman Collins commented on check no. 33992/voucher no. 2273, noting that according to the 2010 budget, the line this check/voucher is being paid from is over-budget. He stated that it would need a budget transfer and until that occurred, this would not be paid.

Councilman Collins amended his motion to read as follows: to approve the "2009 Encumbered" and the 2010 Abstracts of Claims minus the payment to Medco Supply Company, check no. 33992/voucher no. 2273. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #39
Abstracts of
Claims
approved.

Supervisor Jeffe moved to adjourn the meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #40
Meeting
adjourned.

Martha L. Librock
Town Clerk