

A meeting of the Town Board of the Town of Aurora took place on Monday, May 10, 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
	Judy Reischuck	Assistant to Supervisor
	William Kramer	Code Enforcement Officer
	Jeff Markello	Town Justice
	Peggy Cooke	Recreation Director
	David Gunner	Highway Superintendent
	William Adams	Planning Board member
	Richard Glover	Planning Board member
	Don Owens	Planning Board Chairman
	Tom Malecki	Drescher/Malecki – Auditors
	Mike Marino	CRA Engineering

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 the proposed Jewett Holmwood Residential Subdivision Preliminary Plat. The notice of public hearing was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board as evidenced by the Affidavits of Publication and Posting. The Supervisor opened the hearing at 7:05 p.m.

Peter Sorgi, Attorney for the developer; Robert Hill, project developer – Jewett Holmwood LLC; and Al Hopkins, Metzger Civil Engineering were introduced to the Board and audience. Mr. Sorgi stated that the project began several years ago. In 2007 the Planning Board recommended that the sketch plan be approved and in 2008 the Town Board approved the project sketch plan. This month the Planning Board voted to recommend approval of the preliminary plat. The project consists of 33 residential lots (single family homes) on approximately 40 acres. The subdivision will have a sewer pump station and force main which will connect to the Erie County Sewer District. The entrance to the subdivision will be from Jewett Holmwood Road near the intersection of Route 20A. Mr. Sorgi stated that Erie County highway department is agreeable to widening the shoulder on Jewett Holmwood Road to allow cars to go around vehicles that are turning left into the subdivision.

Supervisor Jeffe asked if anyone in the audience wished to comment.

Jennifer Dombrowski, Jewett Holmwood Road, stated she is deeply opposed to the project. Ms. Dombrowski stated the population does not warrant this development; it will have a negative impact on wildlife and result in lost habitats; and she asked why a new development should be approved when housing foreclosures are increasing.

Marion Dombrowski, Jewett Holmwood Road, stated she is opposed to the project and cited the following concerns: traffic safety since the entrance to the project is only 150' from the intersection of Jewett Holmwood and Rte. 20A; project is inconsistent with the character of the Town; homes on lots 22 and 23 will be too close to the cliff edge; and the project will result in watershed contamination.

Melissa Dispensa, Quaker Road, stated that traffic in that area is and will continue to be a problem especially since the turn onto Jewett Holmwood from eastbound Route 20A is a switchback. Mrs. Dispensa noted that the traffic study was done during a blizzard when there was a school snow-day. She also mentioned an easement that goes across lot no. 1 in the proposed subdivision.

Leslie Stewart, Jewett Holmwood Road, stated her concern is with the traffic situation. She noted that in the nine years she has lived there, there have been at least five accidents at or near her property. Ms. Stewart stated that the speed limit on Jewett Holmwood needs to be lowered.

Supervisor Jeffe noted that she had received an email from Kathleen Carney, Jewett Holmwood Road, in which Ms. Carney states her opposition to the subdivision.

Hearing no further comments or questions, the Supervisor closed the public hearing at 7:30 p.m.

Councilwoman Friess moved to approve the minutes of the April 26, 2010 Town Board meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #168
4/26/10 Town Board minutes approved.

BUSINESS FROM AUDIENCE I: NONE

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

Mike Marino, CRA Engineering, presented the 2010 MS4 Stormwater Annual Report. It covers the reporting period ending March 9, 2010 and includes progress and project plans identified in the Town's Stormwater Management Program Plan (SWMPP). Mr. Marino noted that the Town is in compliance, but still needs to develop a formal stormwater management plan to help developers and to enable the coordinator (Bill Kramer) to plan inspections, etc. The report needs to be submitted to the NYSDEC by June 1, 2010, and requires the Supervisor's signature. Supervisor Jeffe stated she wanted to further review the document and will put this on the May 24, 2010 meeting agenda.

Tom Malecki of Drescher & Malecki LLP, Auditors for the Town, presented the findings of the audit performed for the year ending December 31, 2009. The presentation addressed findings that they believe to be material weaknesses in internal control in the following areas (including, but not limited to): Accounting System; Governmental Accounting Proficiency and Preparation of Financial Statements; Town Policies; Tax Receiver's Procedures; Budgetary Controls; and Bid Process. Mr. Malecki addressed fund balances, particularly the Part-Town Fund, noting that this fund is driven by police services spending. Since 2006, the police services contract expense has increased 36%. Mr. Malecki also stated that a decision of where the Town Hall is to be located should be made in the near future.

Town Justice Jeff Markello stated that construction on the Board/Court Bench in the Village Board Room is progressing nicely. He noted that there are surplus monies available from the 2008 JCAP grant, the 2009 JCAP grant and there is money allocated for a furniture allowance. Justice Markello is requesting that the Board approve Item No. 4 – Computer Work Cabinet and Workstation from the bid submitted by Telco Construction, Inc., for contract #2010-1 in the amount of \$1,100.00.

Councilwoman Friess moved to award Item No. 4 of Contract No. 2010-1 – Board/Courtroom Renovation – Computer Cabinet and Workstation in the amount of \$1,100.00 to Telco Construction, Inc. Payment will be disbursed from unexpended NYS Justice Court Assistance Program (JCAP) grant funds. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #169
Computer cabinet – item 4 of Court Room renovation contract approved

Councilman Harris moved to approve the request for a new recreation program entitled Memorial Day Fishing Derby to be held at Majors Park on Monday, May 31, 2010. The proposed budget includes revenues from registration (\$240) and expenses for a lifeguard, 20 trout plus delivery and event certificates (\$237). Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #170
Recreation program - Memorial Day fishing derby approved.

Councilman Bach moved to approve the request from Aurora Waldorf School, 525 West Falls Road, to use JP Nicely West Falls Park for a school sponsored camping event on Thursday, May 27 through 5:00 p.m. on Friday, May 28, 2010 contingent on receipt of a certificate of insurance naming the Town of Aurora as additional insured. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #171
Aurora Waldorf School camping at WF Park approved.

Councilman Collins moved to approve the following 2010 Recreation seasonal personnel and hourly rates:

NAME & ADDRESS	CIVIL SERVICE TITLE	PAY RATE
Danny Potter 772 Warren Drive, EA	Rec. Attendant - Seasonal	\$7.25/hr.
Amy VanTuyl 170 Pratt Street, EA	Lifeguard – Seasonal	\$7.70/hr

Action #172
 Seasonal recreation employees and pay rates approved.

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

Councilman Collins moved to amend Town Board Action No. 159 of the April 26, 2010 meeting by making the following changes and/or corrections:

Patrick Dayton	rate should be \$7.30/hour not \$7.20
Derek West	rate should be \$7.25/hour not \$7.15

Action #173
 Amends Action #159 to correct recreation employees pay rates.

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

Quotes for a new Cub Cadet ZFS-48 Lawn Mower were received from:

Saville’s Outdoor Power Equipment	\$3383.00
Lamb & Webster	\$3390.00
Home Depot	\$3999.00

Supervisor Jeffe moved to approve the purchase of a new Cub Cadet ZFS-48 Lawn Mower from Saville’s Outdoor Power Equipment, 3906 N. Buffalo Road, Orchard Park, NY, for \$3383.00. Payment for the mower, not to exceed \$3383, will be disbursed from ER1621.422 Enterprise Fund (Gleed) – repair and maintenance. Councilman Bach seconded the motion.

Action #174
 Purchase of Cub Cadet mower for Gleed and Cemetery approved.

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

Councilwoman Friess moved to approve the hiring of Jason R. Buranich, 640 Quaker Road, East Aurora, NY, as a Seasonal Part Time Parks Department employee at the rate of \$7.25 per hour to be paid from A7110.105, with a starting date of June 28, 2010. Councilman Collins seconded the motion.

Action #175
 J. Buranich hired – seasonal PT parks worker.

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

Councilman Harris moved to approve the hiring of Jacob P. Swartout, 59 Walnut Street, East Aurora, NY, as a Seasonal Part Time Highway Department employee at the rate of \$8.00 per hour to be paid from DB5110.141 and/or CE8810.100, with a starting date of June 12, 2010. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #176
 J. Swartout hired – seasonal PT highway worker.

The Town of Aurora, as a member of the Erie County CDBG Urban County Consortium, appoints an Affirmative Action Officer for the municipality. This person responds to local housing discrimination complaints, and when appropriate, refers such complaints to the US Department of Housing or Housing Opportunities Made Equal (HOME) for investigation.

Councilman Bach moved to re-appoint Patrick Blizniak, Town of Aurora Superintendent of Building, as the Affirmative Action Officer for the Town of Aurora. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #177
P. Blizniak
reappointed
Affirm. Action
Officer for town

Councilman Harris moved to authorize the Supervisor to sign a lease amendment with 5th Avenue Catering, LLC, 300 Gleed Avenue, East Aurora, NY. The amendment permits the lessee to use the walk-in cooler/freezer in the warehouse for an additional payment to the Town of \$100 per month. Councilwoman Friess seconded the motion.

Discussion: Councilman Collins stated that the cooler has already been turned on without Board approval. He noted that he spent over four months last year getting the unit turned off. Councilman Collins stated that portions of the outside of the unit had 3 inches of ice on it and there are bare wires on two connections. He believes that \$100 is not enough to cover the cost to run the cooler and to pay for the space the unit takes up in the warehouse. Councilman Harris stated he agrees with Councilman Collins. Councilwoman Friess asked if this could be approved for 30 days so as not to create a hardship for the lessee. Councilman Bach stated that \$100 is not enough and that the Board needs to visit the warehouse use and leases. Councilman Collins stated that the building inspector should inspect the cooler.

Supervisor Jeffe moved to table the lease amendment with 5th Avenue Catering, LLC. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #178
5th Ave. Catering
(Gleed) lease
amendment tabled

The Town's Procurement (Purchasing) Policy was originally adopted January 17, 2000 and amended May 14, 2001. NYS General Municipal law recently changed increasing the amount requiring formal bid for Public Works projects from \$20,000 to \$35,000. A proposal to clarify Guideline 4 of the current policy is also before the Board.

Councilman Collins moved to adopt the Town of Aurora Procurement (Purchasing) Policy as amended; seconded by Councilwoman Friess:

TOWN OF AURORA PROCUREMENT POLICY

WHEREAS, Section 104-b of the General Municipal Law requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of the General Municipal Law, Section 103 or any other law, and

WHEREAS, comments have been solicited from those officers of the Town involved with procurement:

NOW, THEREFORE, be it

RESOLVED, that the Town of Aurora does hereby adopt the following procurement policies and procedures:

PURPOSE

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public

moneys, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Town Board is adopting internal policies and procedures governing all procurement of goods and services which are not require to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103, or of any other general, special or local law.

PROCEDURE FOR DETERMINING BIDDING AND PROCUREMENT POLICY

Guideline 1. Every prospective purchase of goods or service shall be evaluated to determine the applicability of General Municipal Law Section 103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter called Purchaser) shall, if appropriate, estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2. All purchases and public works requests (RFP's) for bids or quotes of \$500.00 or more, but less than \$10,000.00, may be solicited by the Purchaser without having prior Town Board approval. The purchase of goods or services as a result of the RFP's shall require Town Board approval and authorization prior to the Purchaser procuring the goods or services. (Amended 5/14/01 Action #151)

Guideline 3. All purchases of (a) supplies or equipment from a single individual or entity which will equal or exceed \$10,000.00 in the fiscal year or (b) public works contract equal to or over \$35,000 shall be formally bid pursuant to General Municipal Law Section 103.

Guideline 4. Purchases in the amounts as follows:

- A. Less than \$10,000 but greater than \$3,000 – Requires written request for a proposal (RFP) and written/faxed quotes from at least three (3) vendors.
- B. Less than \$3,000 but greater than \$500 – Quotes, documented in writing, from less than three (3) vendors.
- C. Less than \$500 – At the discretion of the Purchaser, provided expense is shown within current year budget allocation(s) and supported by written invoices and signed vouchers.
- D. Public Works Contracts less than \$35,000 but greater than \$500 – A written request for proposal (RFP) and written or faxed proposal from at least three (3) contractors/vendors must be provided.
- E. Public Works Contracts less than \$500 – Up to the discretion of purchaser, provided expense is shown within current year budget allocation(s) and supported by written invoices and signed vouchers.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 5. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement. If prices bid or proposed in a quote or response to an RFP are not materially different the Town reserves the right to award any applicable contract to an individual or business residing or located within the Town.

Guideline 6. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 7. Sets forth the exceptions to the requirements of the Procurement Policy. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a) Acquisition of professional services;
- b) Emergencies;
- c) Sole source situations;
- d) Goods purchased from agencies for the blind or severely handicapped;
- e) Goods purchased from correctional facilities;
- f) Goods purchased from another governmental agency;
- g) Goods purchased at auctions;
- h) Computer software;
- I) Purchases pursuant to state or county bid.

Under the above exceptions, any such purchase or public works contract shall be forwarded to the Town Board for approval and be described and documented as to the reason for its exception from these guidelines and procedures.

Guideline 8. This policy shall be deemed renewed annually by the Board at its organizational meeting unless otherwise determined by the Board.

Guideline 9. Any unintentional failure to fully comply with the provisions of General Municipal Law Section 104-b or the Town Board's policies and procedures shall not be grounds to void any action taken or given rise to a cause of action against the Town or any officer or employee thereof.

	DOCUMENTED VERBAL QUOTES			WRITTEN QUOTES		COMPETITIVE BIDDING	OTHER
	0	2	Less than 3	2	3 or More		
PURCHASE CONTRACTS							
Under \$500	X						
500 - 2,999			X				
3,000 - 9,999					X		
Over 10,000						X	
CONTRACTS FOR PUBLIC WORK							
Under \$500	X						
500 - 34,999					X		
Over 35,000						X	
EMERGENCIES (must be declared by Town Board)							X
INSURANCE							X
PROFESSIONAL SERVICES							X

Purchase contracts involve the acquisition of commodities (Material, Supplies or equipment)

Public works contracts involve services, labor, or construction.

Contracts that involves both goods and services.

If a contract involves a substantial amount of services and the acquisition of commodities is only incidental to the work, it should be considered a contract for public work.

If the services or labor are only minor or incidental to the acquisition of goods, it should be considered a purchase contract .

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

The above resolution setting forth the Town’s Purchasing Policies and Procedures and guidelines necessary to comply with New York General Municipal Law Section 104-b is duly amended on May 10, 2010, and supersedes any similar resolution heretofore adopted by the Town Board.

Action #179
Procurement
policy amended

* * *

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

RESOLUTION TO SET PUBLIC HEARING

WHEREAS, Local Law Intro. No. 2-2010 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

RESOLVED, that the Town Board of the Town of Aurora does hereby set the 24th day of May, 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 amend Chapter 55 (Article IV Dogs at Large) regarding penalties for offenses.

Action #180
Public Hearing
set for LL to
amend Chapter
55 of town code
(Dogs at Large)

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 Motion carried.

Duly adopted this 10th day of May, 2010.

* * *

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

RESOLUTION TO SET PUBLIC HEARING

WHEREAS, Local Law Intro. No. 3-2010 has been introduced to the Town Board on Monday, May 10th, 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 24th day of May, 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 amend the Zone Map of 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.

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

Duly adopted this 10th day of May, 2010.

Action #181
Public Hearing
set for LL to
amend zone
map (rezone 232
Ellicott Road)

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

- NYSERDA notice of receipt of solar grant application
- Assessor's Notice re: photos being taken of properties for assessment inventory
- DCO April 2010 and 1st Qtr. 2010 Reports
- Town Clerk's April 2010 Report
- Building Department – April 2010 Report
- Recreation Director's April 2010 Report
- Tax Receiver's April 2010 Report
- Senior Center Director's April 2010 Report
- Parks & Buildings/Grounds – April 2010 Work Requisition Report
- Supervisor's March 2010 Report

BUSINESS FROM AUDIENCE II:

Tom Westermeier, Ruskin Road, stated that the swale that runs from Maple Street east to the railroad tracks needs to be cleaned out in the area across the street from his property. The blockage is causing water to back-up onto his property and he would like the problem corrected.

BUSINESS FROM BOARD MEMBERS AND STAFF:

Councilman Harris stated he likes the current work requisition form and asked if it could be used in other departments for accountability. He also commented the seriousness of rabies in Erie County.

Councilwoman Friess stated she attended a police services agreement meeting last week.

Councilman Bach stated he would like to review the Gleed Avenue leases and investigate what additional space there might be in the building.

Supervisor Jeffe stated:

- She received notice from Computel stating that the Town does not have franchise fee money coming from their audit of the Town's franchise with Time Warner.
- NEST is holding a hazardous waste drop-off on June 19
- Preliminary discussion on the 2011 budget will begin at the May 18 work session

Peggy Cooke reported that the Pedestrian Bike Committee is working with the police department on educating people about the pedestrian cross walks. She noted that an Eagle Scout project is currently going on at West Falls Park.

David Gunner stated that road repairs are occurring on schedule and patching will begin this week.

The May 10, 2010 Abstract of Claims, consisting of vouchers numbered 774 through 877, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 20,162.93
Part Town	5,383.91
Highway	19,693.79
Enterprise/Gleed	1,971.04
Capital	105,788.20
Special Districts	<u>74,335.91</u>
	\$227,335.78

Councilwoman Friess moved to approve the May 10, 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 #182
5/10/10 Abstract
of Claims aprvd

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

Action #183
Meeting
adjourned.

Martha L. Librock
Town Clerk