

Cohen Law Group

WS-1

September 8, 2015

~~Ms. Jolene Jeffe~~
Supervisor
Town of Aurora
300 Gleed Avenue
East Aurora, NY 14052

RE: Free Legal Assessment Regarding Cable Franchise and Wireless Matters

Dear ~~Ms. Jeffe~~:

For 18 years, our law firm has assisted local governments in cable, telecom, and wireless matters. We represent local governments in five states—Pennsylvania, New York, Maryland, Delaware, and West Virginia. This past year, through a franchise transfer, we obtained retroactive franchise fees of \$1.3 million from Time Warner for the City of Rochester, NY (pop. 210,565). We were also able to increase franchise fees by 116% for Vanport Township, PA (pop. 1,321) in a Comcast franchise renewal. Other Comcast renewals this past year included financial support for local PEG channels of \$771,456 for Salisbury City, MD (pop. 30,343) and \$460,000 for Lower Merion Township, PA (pop. 57,825). Finally, a franchise fee audit we did for California Borough, PA (pop. 6,795) resulted in a \$30,791 check from Armstrong Cable.

In addition to cable franchising, we also specialize in wireless facilities regulation. As wireless carriers attempt to install mini-towers (known as “distributed antenna systems” or “DAS”) in your streets and roads, we have assisted over 50 municipalities in the past year in amending or rewriting their old cell tower ordinances. The amended ordinances address these new technologies, protect residential neighborhoods, incorporate recent FCC and legislative mandates, and allow for new fees for the use of the public rights-of-way.

We would welcome the opportunity to achieve similar results for your municipality or county. **We are offering a free legal assessment of your cable franchise agreement and/or wireless facilities ordinance if you contact our law firm by October 30, 2015. We will review your documents and call you within one week to provide a legal assessment at no charge.** I have also included our firm brochure and recent newsletter for your information. Thank you for your consideration and please feel free to contact me if you have any questions or concerns.

Sincerely yours,



Daniel S. Cohen



CABLE FRANCHISE SERVICES

The Cohen Law Group's (CLG's) core practice is assisting local governments in cable franchise negotiations with their cable operators. CLG has represented hundreds of municipalities and counties in many states in such franchise negotiations. We have also assisted numerous multi-municipal groups, including councils of governments (COG's) and other municipal associations, in such negotiations.

Local governments have the legal right to require their cable operator(s) to enter into a cable franchise agreement that allows the operator(s) to use the streets and roads (the "public rights-of-way"). Municipal officials manage those rights-of-way as a public trust and are entitled to a reasonable return on the cable operator's use of those public properties. This includes significant financial and non-financial benefits from the cable operators.

A key benefit from a cable franchise is the receipt of franchise fees from the cable operator. Municipalities may assess up to five percent (5%) of the cable operator's gross revenues for cable services provided in the municipality. The term "gross revenues" includes over 25 separate revenue sources. CLG has developed a list of all eligible revenue sources and updates the list whenever a cable operator launches a new fee-based service.

CLG also negotiates with cable operators to obtain other important benefits. Depending on the operator, these benefits may include a cash franchise grant; franchise fee accountability; a cable system upgrade within a specified time frame; a state-of-the-art requirement; customer service standards; free cable and/or internet services to municipal facilities; public, educational and governmental (PEG) channels; and strong enforcement measures. CLG attorneys maximize these benefits for their clients because they know the law, they know the cable operator representatives, and they know the cable operators' negotiating strategies.

In addition to negotiating franchise agreements, CLG provides other cable-related services for municipalities. These include cable compliance reviews to determine whether the cable operator has complied with all of its obligations in the franchise agreement, as well as a host of services related to PEG channel evaluation and strategic planning. Finally, CLG closely monitors ongoing changes in the cable industry and at the Federal Communications Commission to determine their impact on municipalities. There have been dramatic changes in cable technology as well as the law and regulations pertaining to cable franchising in the last several years. CLG works hard to ensure that these changes are incorporated into the relationship between local governments and cable operators on an ongoing basis.



FRANCHISE FEE AUDIT SERVICES

Franchise fees are often a significant revenue source upon which local governments depend and factor into their annual budgets. Unlike other revenue items that are audited on an annual basis, however, most municipalities trust that their cable operators pay accurate franchise fees. We have learned from experience that this trust is often misplaced and, in reality, the cable operator has underpaid the municipality. Through a franchise fee audit, a municipality can hold the cable operator accountable for past payments and ensure that it receives the future franchise fee revenues to which it is entitled.

Section 622 of the federal Cable Act, 47 U.S.C. § 542, authorizes municipalities to assess a franchise fee on cable operators. A municipality may assess up to five percent (5%) of the cable operator's "gross revenues" to provide cable services in the municipality. The amount of franchise fee revenue paid to the municipality depends on the definition of "gross revenues" in the cable franchise agreement and the legal interpretation of that definition. There are currently approximately 25 revenue sources that should be included in "gross revenues."

We have found that errors in franchise fee payments arise for a variety of reasons. First, the cable operator's interpretation of "gross revenues" is often limited and, as such, biased in favor of the cable operator. This discrepancy is often not apparent until a franchise fee audit has been performed. Additionally, the cable operator's accounting department may inadvertently omit one or more revenue sources from the franchise fee calculation or misallocate certain revenue sources among three available services (cable, telephone, and internet). Finally, cable operators periodically change accounting methodologies or hire new accounting staff, and such changes may result in inaccurately recorded revenue figures. Through a franchise fee audit, such mistakes on the part of the cable operator are identified and corrected.

Our firm has performed hundreds of franchise fee audits of large cable operators, such as Comcast, Verizon, Time Warner, and smaller operators. Over the past three years, we have discovered underpayments in 73% of these audits. A franchise fee audit may also show that the cable operator has paid all of the franchise fee revenue to which the municipality is entitled. Even if there are no underpayments, the municipality will have achieved accountability for the franchise fee line item in its budget. Moreover, a franchise fee audit sends a strong message to the cable operator that the municipality is being vigilant in monitoring its franchise fee payments.

WIRELESS FACILITIES SERVICES

The dawn of the 21st Century has brought with it technological advances that have revolutionized the telecommunications industry. In the wireless market, the availability of wireless spectrum and advances in wireless technology have led to greater broadband capacity and more applications for “smart phones” and digital tablets. The industry has responded with new wireless infrastructure to boost coverage and capacity. This infrastructure has extended well beyond traditional cell towers to include distributed antenna systems (“DAS”) and small cells. A critical aspect of these technologies from the perspective of municipalities is that they all are located in the public rights-of-way.

The deployment of this new infrastructure creates challenges for municipalities and places new burdens on the public rights-of-way—property for which municipalities are charged with the responsibility of protecting and maintaining as a public trust. It also can create an adverse aesthetic impact on residential neighborhoods, decrease property values, and add new administrative costs for municipalities.

Most municipalities have not yet developed the regulatory framework to respond to these new technologies. Telecommunications providers demand “speed to market” and municipalities must be prepared to respond quickly to these demands. It is critical, therefore, that municipalities take a proactive approach to develop a regulatory structure that enables them to respond to wireless providers in a fair and equitable manner and to preserve the character of their communities. It is also an opportunity to obtain new fees from these companies occupying the rights-of-way.

Most local governments have not revised their wireless facilities ordinance (sometimes referred to as a cell tower ordinance) in years. These ordinances can be largely ineffective when faced with the new wireless landscape. There have also been major changes in the law in the last few years. These include the FCC’s “Shot Clock” Order and its new wireless siting regulations of 2014, the Pennsylvania Wireless Broadband Collocation Act of 2012, and the New York Wireless Facility Siting Act of 2015. We work with municipalities to craft tailored ordinances that balance the need for wireless broadband with the integrity of the underlying community.

In addition, we assist municipalities in negotiating cellular tower and antenna leases with wireless providers. Whether these facilities are located on remote land or on the roof of a fire station, our attorneys obtain maximum revenue from the wireless providers while ensuring that the municipality is adequately protected. We have negotiated wireless leases with every major carrier.



RIGHT-OF-WAY FEES AND MANAGEMENT

Pursuant to their general police powers and specific state authority, municipalities have the right to manage their streets and roads ("public rights-of-way") and to assess fees for the use of these rights-of-way. While most municipalities currently charge minimal or no fees with respect to companies that use the rights-of-way, recent developments have caused many municipalities to re-evaluate their needs and to assess more reasonable fees.

One such development is that more companies are seeking to install wires, antennae, pipes, and other equipment in the public rights-of-way. Telecommunications companies, for example, including wired and wireless providers, are demanding quick access to the rights-of-way for installation of their facilities. In addition, changes in the cable industry are beginning to erode a long-time revenue source for municipalities—cable franchise fees. Federal law allows franchise fees to be assessed on cable service revenue, but not on internet-based revenue. As some cable customers engage in "cord cutting" by dropping their cable service in favor of streaming video over the internet, franchise fee revenue will begin to decrease.

As a result, municipalities are considering new and enhanced fees related to their control of the public rights-of-way. While a municipality is permitted to impose fees on companies using the rights-of-way, depending on state law, these fees must be related to the municipality's costs in managing the rights-of-way. These costs include the local government's direct and indirect right-of-way costs, including personnel costs, street degradation costs, and overhead. Most likely your municipality is "under-recovering" its right-of-way costs and may implement a new fee schedule to recover these costs from companies using the public rights-of-way.

In addition to new and enhanced revenues, municipalities also need new regulatory tools to better manage their rights-of-way as more companies seek to occupy the streets and roads. These new tools include, but are not limited to, regulations to improve public safety, require and coordinate company construction schedules, and ensure protection against financial risk. Through a right-of-way ordinance, local governments can begin to be proactive rather than reactive in overseeing companies in the public rights-of-way. The Cohen Law Group assists municipalities in drafting and negotiating right-of-way and pole attachment agreements, determining municipal costs and specific right-of-way needs, drafting a right-of-way ordinance tailored to the municipality, and implementing the new regulations and fee structure.

MAILING ADDRESS/HEADQUARTERS

Flying Tigers - Buffalo Airport
100 Amherst Villa Road
Buffalo, New York 14225-1432
ph: 716.626.4100
fax: 716.626.4106
TDD: 1.800.662.1220
www.mercyflight.org

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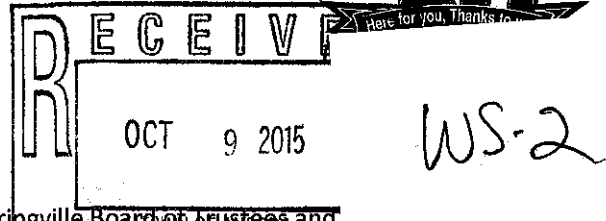
GROUND OPERATIONS

Genesee County / Batavia, NY

A Non-Profit Corporation
United Way Donor Choice Agency
This Institution is an Equal Opportunity
Provider and Employer

Date: October 6, 2015

Dear EMS Colleague:



At the request of the Village of Springville Board of Trustees and Board of the Town of Concord, Mercy EMS is seeking an Operating Certificate to provide ambulance and EMS services in those communities. Mercy Flight has served those areas with air ambulance service since 1981. Both the Town of Concord and the Village of Springville have passed resolutions declaring that there is "public need" for Mercy EMS's services and are fully supporting our request that Mercy EMS become authorized to provide ground ambulance and EMS services in their localities.

Mercy EMS is applying for a Certificate of Need (CON) from the New York State Health Department Bureau of EMS and the regional EMS council to obtain the authority to operate an Advanced Life Support ambulance service in Springville and Concord. The application process requires the applicant to demonstrate "public need" for the issuance of a CON. The State EMS Council and the Department of Health define "public need" as:

The demonstrated absence, reduced availability or inadequate level of care in ambulance or emergency medical service available to a geographical area which is not readily correctable through the reallocation or improvement of existing resources.

In addition to defining public need, the CON application process requires that letters of support be obtained from elected officials, public safety entities, and local healthcare institutions in order to demonstrate support for service. We are respectfully inviting you to provide a written statement in response to our application to obtain a CON. Please note that letters: 1. must be on organizational letterhead; 2. should reference an understanding of the definition of "public need" as set forth above; and 3. must be signed by the CEO or designee. We have included a draft letter of support for your reference to use or modify, as you desire. Please contact me if you would like the draft letter emailed to you in Word format.

We ask that you submit your letter of support to us as soon as possible as the Bureau of EMS has requested that our application be submitted by October 21, 2015. Please mail your letter to my attention at the address above.

If you have any questions, please feel free to contact me at (716) 626-5808 ext. 1349 or email Dtrzepacz@mercyflight.org. Thank you for your continued support during this process.

Very truly yours,

Donald Trzepacz Jr., NREMT-P, CCEMT-P
Director of Medical Operations
Mercy Flight, Inc.

Enc. (2)

LETTERHEAD

DATE

Donald Trzepacz Jr.
Director of Medical Operations
Mercy EMS
100 Amherst Villa Rd.
Buffalo, NY 14225

Dear Mr. Trzepacz:

This letter is in response to the request by the Mercy EMS for a letter of support in response to your efforts to obtain a Certificate of Need ("CON") to operate in the Village of Springville and Town of Concord.

It is our understanding that the Town Board of the Town of Concord and the Village Board of Trustees of the Village of Springville fully support the application of Mercy EMS. We further understand the definition of "public need" which was provided to us in the letter of solicitation from Mercy EMS. We believe that the circumstances in the Village and Town satisfy the requirement for "public need".

Our organization would like to go on record that we support the application of Mercy EMS for a Permanent Certificate of Need in Springville and Concord.

Very truly yours,

By:

**Chief Executive Officer or title
of administrator signing letter**

WS-4

TOWN OF AURORA
LOCAL LAW INTRO. NO. 4-2015
LOCAL LAW ___-2015

A LOCAL LAW, TO AMEND LOCAL LAW 1-1990 KNOWN AS “THE CODES OF THE TOWN OF AURORA”, ADOPTED BY THE TOWN BOARD OF THE TOWN OF AURORA ON JANUARY 22, 1990, BY AMENDING THE VETERAN’S EXEMPTION TO PROVIDE AN EXEMPTION FOR COLD WAR VETERANS.

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 Codes of the Town of Aurora”, adopted by the Town of Aurora on January 22, 1990, as amended, relating to the administrative, legislative and general legislation of the Codes within the Town of Aurora as herein set forth.

SECTION 2. CHAPTER 101, ARTICLE IV, “COLD WAR VETERANS EXEMPTION”

Chapter 101 is amended by adopting changes to Article IV as set forth herein:

Section 101-12

The purpose of this Article is to provide a veterans exemption of real property taxation allowable pursuant to Section 458-b of the Real Property Tax Law of the State of New York and shall be known as “Cold War Veterans Exemption Local Law”.

Section 101-13

Section 101-13 is added to provide for the following in accordance with Real Property Tax Law Section 458-b:

- A. Qualifying residential real property shall be exempt from taxation to the extent of ten percent (10%) of the assessed value of such property; provided, however, that such exemption shall not exceed eight thousand dollars (\$8,000.00) or the product of eight thousand dollars (\$8,000.00) multiplied by the latest state equalization rate for the Town of Aurora, New York, whichever is less.
- B. In addition to the exemption provided by Paragraph A of this subdivision, where the Cold War Veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of service-connected disability, qualifying residential property shall be exempt from taxation to the extent of the product of the assessed valuation of property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed

forty thousand dollars (\$40,000.00) or the product of forty thousand dollars (\$40,000.00) multiplied by the latest equalization rate for the Town of Aurora, New York, whichever is less.

- C. The exemption provided by Paragraph A of this subdivision shall be granted for a period of ten (10) years. The commencement of such ten (10) year period shall be governed by Real Property Tax Law Section 458-b.

SECTION 4. EFFECTIVE DATE This Local Law shall take effect immediately upon filing with the Secretary of State.



**Town of Aurora
Department of Parks & Recreation**

300 Gleed Avenue
East Aurora, New York 14052

re

WS-6

866
646
com
com

To: Town Board
From: Chris Musshafen
Date: 10/14/15
Re: Pool AED

Approval is requested to purchase a new AED with the existing appropriations in the Pool Maintenance line A.7180.426. The current AED we have is no longer under warranty and the battery and electrode pads are no longer manufactured and will expire this year.

Seller	Product	Product Warranty	Battery/Pad Life	Price (in \$)
Cardiac Life	HeartStart	8 years	4/2 years	1,030.95
Cardiac Life	Powerheart G3	7 years	4/2 years	1,385.00
Cardiac Life	Powerheart G5	8 years	4/2 years	1,596.70
Finger Lakes	Heartsine 350P	10 years	4/4 years	1,230.00
GMD	Heartsine 350P	10 years	4/4 years	1,085.00
GMD	Zoll Plus Package	7 years	5/5 years	1,430.50
Heartsmart.com	Zoll AED Plus	7 years	5/2 years	1,375.00

All of the above AEDs will come with a carrying case, adult electrode pads, and pediatric electrode pads. My recommendation is that we purchase the Heartsine 350P AED from General Medical Devices. The Hearsine 350P is inexpensive, has a longer warranty, and the battery and electrode pad life is 4 years.



AED Professionals™
ECG Professionals™

AEDS - Automated External Defibrillators
 Diagnostic Cardiology, imaging & ECG / EKG Medical Equipment
 Emergency Oxygen, AED / CPR Training & Supplies

Quote

Date	Quote #	Customer #
10/13/2015	39357	34344

General Medical Devices, Inc.
 348 W. Colfax Street, Palatine, IL, 60067 USA
 Toll Free: 888-541-2337
 Phone: 847-202-3233
 Fax: 866-879-7795
 www.aedprofessionals.com

Bill To:	
Town of Aurora Attn: Mr. Chris Musshafen 300 Gleed Avenue East Aurora, NY 14052 chris@townofaurora.com Phone: (716) 652-8866	
Fax:	

Ship To:	
Town of Aurora Attn: Mr. Chris Musshafen 300 Gleed Avenue East Aurora, NY 14052 chris@townofaurora.com Phone: (716) 652-8866	
Fax:	

P.O. #	TERMS
	Net 30

Item	Description	Qty	Discounted Price	List Price	Total
20100000102011010	Brand New Zoll AED Plus Package (Semi-Automatic) 1 ZOLL AED Plus w/7 Year Warranty 1 Lithium battery set (10 PACK) 1 Soft carry case 1 ZOLL Data review software (available online) 1 Set up and practice DVD 1 User manual on CD 1 Operator's guide.	1	\$ 1,345.00	\$ 1,600.00	\$ 1,345.00
8900-0800-01	ZOLL CPR-D Padz, one piece defibrillation and CPR System with compression, depth and rate sensors.	1	\$ 0.00	\$ 160.00	\$ 0.00
AP-DECAL	AED Equipped Facility Window Decal	1	\$ 0.00	\$ 1.00	\$ 0.00
AP-INSPTAG	AED Inspection/Maintenance Tag	1	\$ 0.00	\$ 2.00	\$ 0.00
AP-PCHAT	Professional Fast AED/CPR Response Kit	1	\$ 0.00	\$ 41.00	\$ 0.00
8900-0810-01	Zoll AED Plus, Pedi padz II Pediatric Multi-Function Electrodes - Designed for use with the ZOLL AED Plus defibrillator.	1	\$ 85.50	\$ 96.00	\$ 85.50
SUBTOTAL:				USD \$ 1,430.50	
SALES TAX (0.00%):				USD \$ 0.00	
GRAND TOTAL:				USD \$ 1,430.50	

GUARANTEED LOWEST PRICING!
 PLEASE CALL BEFORE YOU PURCHASE!
 Rebecca Hajduch
 rebecca@aedprofessionals.com
 www.aedprofessionals.com

PROUD SUPPLIER TO THE US GOVERNMENT FED ID (TIN) 26-3447792 DUNS: 831052670 CAGE CODE (CCR) 5JZB7	Internal Use Only
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**Cardiac Life
Products, Inc.**
PO Box 25755
Rochester, NY 14625



Quote

PH: 585-267-7775
FAX: 585-267-5218

Date	Quote #
10/13/2015	92034

Name / Address
TOWN OF AURORA PARKS & RECREATION Accounts Payble 300 GLEED AVE East Aurora, NY 14052

Ship To
TOWN OF AURORA PARKS & RECREATION Attn: Chris Musshafen 300 GLEED AVE East Aurora, NY 14052

*Promising the lowest prices and best service.
Let us know if we have not met your expectations.*

Sales Rep	Prepared by
Kathleen Wish	KWi

Item	Description	Qty	Your Cost	Retail	Total
A-9390A Inc. Accy, ...	Powerheart AED G3 Plus, AHA-aligned Automatic Package 7 yr. warranty, with *Rescue Coach: includes AED, Carry Case, Ready Kit , adult defibrillation electrode in AED and Spare set of Adult Defibrillation electrodes, 4 year warranty battery, software and download cable, medical prescription (*Audible and Visual Rescue Coach prompts/instructions are designed to assist the rescuer with CPR and operation of the AED.)Trade In-Include RMA	1	1,295.00	\$1,395.00	1,295.00
E-9730-002 NASPO	Cardiac Science Pediatric Electrodes	1	75.00		75.00
Shipping	Shipping	1	15.00	* NY State Pricing*	15.00
A-RMA instructions	Your Trade-In AEDs should be returned with RMA #92034 on the box to assure credit for your trade-in discount. Please assure this number is on every box you return to: Cardiac Life Products, Inc. 507 West Commercial Street Suite 1 E. Rochester, NY 14445 If hand delivering your Trade-In AEDs, please call ahead to 585-267-7773 to verify they can be received.		0.00		0.00

NASPO-SW 300	Quote valid for 30 days.	Total	\$1,385.00
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AED Program Management mitigates risk. Ask us how we can help.

**Cardiac Life
Products, Inc.**
PO Box 25755
Rochester, NY 14625



Quote

Date	Quote #
10/13/2015	92033

**PH: 585-267-7775
FAX: 585-267-5218**

Name / Address
TOWN OF AURORA PARKS & RECREATION Accounts Payble 300 GLEED AVE East Aurora, NY 14052

Ship To
TOWN OF AURORA PARKS & RECREATION Attn: Chris Musshafen 300 GLEED AVE East Aurora, NY 14052

*Promising the lowest prices and best service.
Let us know if we have not met your expectations.*

Sales Rep	Prepared by
Kathleen Wish	KWi

Item	Description	Qty	Your Cost	Retail	Total
A-G5A-01A-P NASPO	Powerheart AED G5 Fully-Automatic Single-Language Quick Response Package. Includes: (1) Powerheart AED G5 Fully-Auto with Single Language (English) (1) G5 Intellisense Battery (2) pairs G5 Adult Defibrillation Pads (1) Premium Carry Case (1) Universal Ready Kit (1) AED Manager CD (1) USB Cable (1) set printed G5 User Guide, Steps to Rescue, Getting Started, and multi-lingual Electrode Instructions for Use.	1	1,495.00	1,595.00	1,495.00
E-XELAED003A NA...	Intellisense Pediatric Defibrillation Pads for Powerheart G5 AED with two year shelf life	1	86.70		86.70
Shipping	Shipping	1	15.00	* NY State Pricing*	15.00
A-RMA instructions	Your Trade-In AEDs should be returned with RMA # 92033 on the box to assure credit for your trade-in discount. Please assure this number is on every box you return to: Cardiac Life Products, Inc. 507 West Commercial Street Suite 1 E. Rochester, NY 14445 If hand delivering your Trade-In AEDs, please call ahead to 585-267-7773 to verify they can be received.		0.00		0.00

NASPO-SW 300	Quote valid for 30 days.	Total	\$1,596.70
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AED Program Management mitigates risk. Ask us how we can help.

Finger Lakes Medical Supply LLC

12 Clearview Drive
Spencerport, NY 14559

Phone # (585) 861-1316 rs_fims@yahoo.com
Fax # (585) 352-6315 www.fingerlakesmedicalsupply.com

Estimate

Date	Estimate #
10/13/2015	1407

Name / Address
Town of Aurora Chris Musshafen 300 Gleed Ave East Aurora, NY 14052

Project

Description	Qty	Rate	Total
Heartsine 350P aed (10 year warranty) carry case, adult pad, ** (Includes rescue ready kit & data cable \$70 VALUE)**. Normal retail \$1425.00 Highest IP 56 rating, Low cost of ownership	1	1,055.00	1,055.00T
Heartsine Pediatric- Pak	1	175.00	175.00T
Shipping, Handling & delivery ** (customer discount- no charge \$25 Value)** good for 60 days terms: pre-pay check sign date		0.00	0.00T

Supporting your local Business gives back to the community!	Subtotal	\$1,230.00
	Sales Tax (0.0%)	\$0.00
	Total	\$1,230.00

**Cardiac Life
Products, Inc.**
PO Box 25755
Rochester, NY 14625



Quote

PH: 585-267-7775
FAX: 585-267-5218

Date	Quote #
10/13/2015	92035

Name / Address
TOWN OF AURORA PARKS & RECREATION Accounts Payble 300 GLEED AVE East Aurora, NY 14052

Ship To
TOWN OF AURORA PARKS & RECREATION Attn: Chris Musshafen 300 GLEED AVE East Aurora, NY 14052

*Promising the lowest prices and best service.
Let us know if we have not met your expectations.*

Sales Rep	Prepared by
Kathleen Wish	KWi

Item	Description	Qty	Your Cost	Retail	Total
A-M5066A NASPO	Philips HeartStart OnSite Defibrillator (HS-1) with 8 yr warranty-Carry Case option must be selected (C-Opt items). Includes 1 pre-installed battery w/4 yr warranty, 1 pre-installed SMART pads cartridge, Quick-Set-up Guide, Maintenance Booklet, Quick Reference Guide and Owner's Manual.	1	880.10	1,190.00	880.10
E-M5072A NASPO	Philips Onsite (HS1) Infant/Child SMART Pads Cartridge	1	70.20		70.20
C-Opt C01 NASPO	Philips HS1 (Onsite) Standard Carry Case (recommended; space for spare battery and spare pads cartridge)	1	65.65		65.65
Shipping	Shipping	1	15.00	* NY State Pricing*	15.00
A-RMA instructions	Your Trade-In AEDs should be returned with RMA # 92035 on the box to assure credit for your trade-in discount. Please assure this number is on every box you return to: Cardiac Life Products, Inc. 507 West Commercial Street Suite 1 E. Rochester, NY 14445 If hand delivering your Trade-In AEDs, please call ahead to 585-267-7773 to verify they can be received.		0.00		0.00

NASPO-SW 300	Quote valid for 30 days.	Total	\$1,030.95
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AED Program Management mitigates risk. Ask us how we can help.



October 1, 2015

Hand Delivery

Donald Aubrecht, Chairman
Town of Aurora Zoning Board of Appeals
300 Gleed Avenue
East Aurora, NY 14052

RECEIVED

WS-7

OCT - 1 2015

TOWN OF AURORA
TOWN CLERKS OFFICE

see page 2

Re: West Herr Vehicle Storage Lot – Case #1235
591 Olean Road, Town of Aurora Zoning Board of Appeals
File No. 14J5-0047

Dear Chairman Aubrecht and Members of the Zoning Board of Appeals:

This updated submission is being made to the Zoning Board of Appeals ("ZBA") in connection with West Herr's pending application for a vehicle storage lot and related improvements on the property at 591 Olean Road ("Project Site").

The ZBA previously reviewed the proposed project during its meetings on April 16th and June 18th. During its meeting on June 18th, the ZBA authorized the commencement of a coordinated environmental review of the proposed project pursuant to the State Environmental Quality Review Act ("SEQRA").

Enclosed is updated project information consisting of twelve (12) copies of the Amended Part 1 of the Full Environmental Assessment Form ("Full EAF") with Attachments 1, 2 and 3 and twelve (12) sets of the updated project plans prepared by our firm.

The reason the updated project submission was not made sooner is due to the effort made subsequent to the ZBA meeting on June 18th to obtain input from the NYS Office of Parks, Recreation and Historic Preservation ("SHPO") as a result of the Project Site being located in an archaeologically sensitive area.

A Phase IA/IB cultural resource investigation of the Project Site was conducted by Robert J. Hanley of Panamerican Consultants and a copy of the report with detailed information regarding the cultural resource investigation was submitted to SHPO for review. Based on its review of the Phase IA/IB report prepared by Panamerican Consultants and discussions with Mr. Hanley, SHPO determined that a small portion of the Project Site contains resources and that as such, this area needed to be avoided. The project plans were updated by our firm to avoid this area and the location of this small area that will be permanently preserved is labelled on the enclosed updated as "Existing Indian Artifact Area (Not to be Disturbed)". On September 21, 2015, a "No Impact" determination was issued by Nancy Herter of SHPO and a copy is provided at Attachment "3" of the enclosed Amended Part 1 of the Full EAF.

Mr. Donald Aubrecht, Chairman
Zoning Board of Appeals
October 1, 2015
Page 2

*Nussbaumer
& Clarke, Inc.*

The enclosed updated plans includes a plan titled "Dedicated Lands Map to Town of Aurora" which increases the size of the portion of the Project Site the Applicant is willing to donate to the Town to 15.8 acres by adding frontage on Olean Road that would provide the Town with access to the land the Applicant is willing to donate and also to Majors Park. A decision on the offered donation of land would need to be made by the Town Board.

The Applicant is requesting that the enclosed Amended Part 1 of the Full EAF and updated plans be provided to the involved agencies with the ZBA's lead agency solicitation letter as required in connection with the coordinated environmental review of the proposed project pursuant to SEQRA. The involved agencies are the NYS Department of Environmental Conservation and SHPO (which has issued a "No Impact" determination as mentioned above). The involved agencies will have thirty days to advise the ZBA if they concur with the ZBA's intent to act as the designated lead agency.

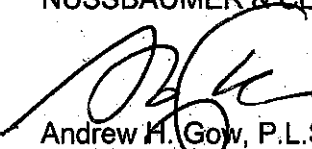
The Applicant is also requesting that the enclosed Amended Part 1 of the Full EAF and updated plans be referred to the Erie County Department of Environment and Planning ("ECDEP") as required by Section 239-m of NYS General Municipal Law. A referral to ECDEP is required based on Olean Road being a NYS Highway located within 500 feet of the Project Site.

It would be greatly appreciated if copies of the ZBA's lead agency solicitation letter and referral to ECDEP could be provided to both Sean Hopkins, Esq., and our office, along with copies of any written responses received from the NYSDEC, NYSDOT, SHPO and ECDEP.

Please feel to contact us with any questions. Please also feel free to contact Sean Hopkins, Esq., counsel for the Applicant, at 510-4338 or via e-mail at shopkins@hsr-legal.com with any questions.

Sincerely,

NUSSBAUMER & CLARKE, INC.


Andrew H. Gow, P.L.S.
Associate / Manager of Land Development

AG/g – Attachments

c: Martha L. Librock, Town Clerk
William Kramer, Code Enforcement Officer and Asst. Building Inspector
John Wabick, VP, West Herr Automotive Group [w/enclosures]
Sean Hopkins, Hopkins Sorgi & Romanowski PLLC [w/enclosures]

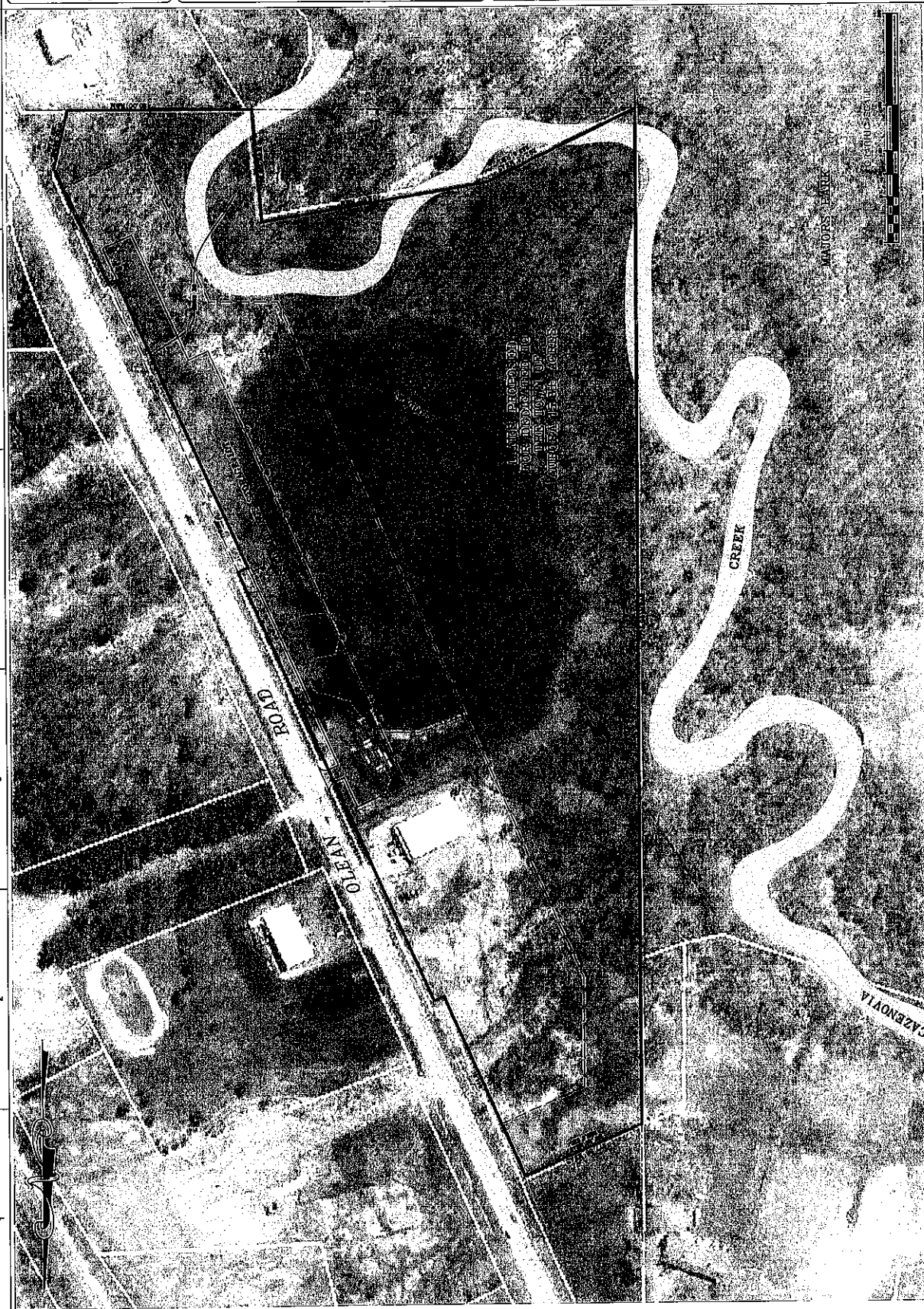
Stussbamer & Clarke, Inc.
ENGINEERS AND SURVEYORS
2000 LAKE SHORE ROAD, SUITE 500 | THURSDAY, NY 11769
(516) 282-9000 | FAX: (516) 282-9001
www.stussbamer.com
EIR | REGISTERED | CHARTERED | COUNCILORS

PROPOSED STORAGE PARKING LOT
WEST HERR PROPERTIES EA, LLC
691 OLEAN ROAD, AURORA, NEW YORK

REVISIONS	NO.	DESCRIPTION	DATE

WEST HERR PROPERTIES EA, LLC
PROJECT NO. 2024-001
DRAWN BY: JSC
CHECKED BY: JSC
APPROVED BY: JSC
SCALE: AS SHOWN
DATE: 10/18/24

PROJECT NUMBER: 2024-001
DATE: 10/18/24
DRAWN BY: JSC
CHECKED BY: JSC
APPROVED BY: JSC
SCALE: AS SHOWN
DATE: 10/18/24



DATE: 10/18/24
DRAWN BY: JSC
CHECKED BY: JSC
APPROVED BY: JSC
SCALE: AS SHOWN
DATE: 10/18/24

October 8, 2015
Bid Opening

WS-8

1) A bid opening for new exercise equipment for the Aurora Senior Center was held on October 8, 2015 at 10:00 a.m. at the Aurora Town Hall, 300 Gleed Avenue, East Aurora, New York 14052. The notice to bidders was published in the East Aurora Advertiser and the Challenger Community News as evidenced by the affidavits of publication. The notice to bidders was posted on the Town Clerk's bulletin board.

Present: Martha L. Librock, Town Clerk
Sheryl Miller, Deputy Town Clerk

Bids were received from the following and publicly opened at 10:00 a.m.

	BIDDER	AMOUNT BID
1	G&G Fitness 7350 Transit Road Williamsville, NY	\$16,418.15
2	ifitness co. 6221 Transit Road East Amherst, NY	\$17,663.00
3	ifitness co. 6221 Transit Road East Amherst, NY	\$19,283.00

Having received no other bids, the bid opening was declared closed at 10:05 a.m.

Martha L. Librock
Town Clerk



7350 Transit Road
 Williamsville, NY 14221

Quote # 928252
 Rep: ARUFFOLO
 Date: 2015-10-07

Commercial Consultant: Anthony Ruffolo Phone: (716) 583-6987 Fax: (716) 204-2521

SOLD TO

SHIP TO

Aurora Senior Center [120067] Attn: Accounts Payable 101 King Street East Aurora, NY 14052 Contact 1: Donna 716-652-7934 Contact 2:	Aurora Senior Center Attn: Accounts Payable 101 King Street East Aurora, NY 14052 Email: dbodekor@townofaurora.com Phone: Fax: Cell:
--	---

Description	Qty	Price	Ext. Price
Vision T80 Treadmill Base Model: T-80-F	3	\$2,799.00	\$8,397.00
Vision Elegant Console For Treadmill Model: T-ELEGANT+C	3	\$199.00	\$597.00
Vision Commercial Bike Upright With Heartrate Model: U70-02	2	\$1,699.00	\$3,398.00
Vision R70 Recumbent Step Thru Bike Contact Hr Model: R70-02	2	\$1,999.00	\$3,998.00
Spri 1# Pr. Vinyl D/bell Pink Model: DB-1P	1	\$4.25	\$4.25
Spri 2# Pr. Vinyl D/bell Violet Model: DB-2P	1	\$6.00	\$6.00
Spri 3# Pr. Vinyl D/bell Lime Model: DB-3P	1	\$9.00	\$9.00
Spri 4# Pr. Vinyl D/bell Lilac Model: DB-4P	1	\$12.00	\$12.00
Spri 5# Pr. Vinyl D/bell Blue Model: DB-5P	1	\$15.00	\$15.00
Spri 6# Pr. Vinyl D/bell Red Model: DB-6P	1	\$18.00	\$18.00
Spri 7# Pr. Vinyl D/bell Purple Model: DB-7P	1	\$21.00	\$21.00
Spri 8# Pr. Vinyl D/bell Black Model: DB-8P	1	\$24.00	\$24.00
Spri 9# Pr. Vinyl D/bell Yellow Model: DB-9P	1	\$27.00	\$27.00
Spri 10# Pr. Vinyl D/bell Orange Model: DB-10P	1	\$30.00	\$30.00
Spri Dumbbells Model: DISC	1	\$-138.10	\$-138.10
Spri Premium D/bell Rack For Vinyl Dumbbells Model: DBR-D	1	\$341.50	\$341.50
Spri Dumbbell Rack Model: DISC	1	\$-341.50	\$-341.50
Concept2 Model D Rower Pm5 Console Black Model: 2712-US	1	\$1,199.00	\$1,199.00
Concept 2 Rower Model: DISC	1	\$-1,199.00	\$-1,199.00

Estimated Lead Time: Cardio lead times are approximately 4 weeks, Strength lead times are approximately 12 weeks, Custom logo lead times 12-16 weeks.

Delivery/Assembly	\$0.00
Taxable Subtotal	\$16,418.15
Sales Tax 0%	\$0.00

ifitness co.

Quote

6221 Transit Road
 Williamsville, NY 14051

716.688.0100

SOLD TO:

Aurora Senior Ctr.
 101 King St
 East Aurora NY 14052
 Don Bach

SHIPPED TO:

Same

INVOICE NUMBER tbd
 INVOICE DATE October 7, 2015
 OUR ORDER NO.
 YOUR ORDER NO.
 TERMS Net 10
 SALES REP Jim Clapp
 SHIPPED VIA Best Way
 F.O.B. City, State
 PREPAID or COLLECT PO

Sales Tax Rate:

0.00%

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
3	CT-800 Spirit Commercial Treadmill 5 Yr Parts / 3 Labor \$3999	2,850.00	\$8,550.00
2	CR-800 Spirit Comm. Rec. Bike 5 Years Parts / 3 Labor \$2499	1,925.00	3,850.00
2	CU-800 Spirit Comm. Up. Bike 5 Years Parts / 3 Labor \$2199	1,825.00	3,650.00
1	1st Degree Fitness Viking AR2 Commercial Fluid Rower	1,150.00	1,150.00
1	York Barbell Vinyl Dumbbell Rack #69031 \$295	265.00	265.00
1	York Barbell Vinyl Dumbbells 1-10lb in Pairs 110lb's Total	198.00	198.00
1	All Products are Priced Delivered Inplace		
1	Dr. Derek Alessi 52 Week Training Wellness Package \$5000 Value	0.00	0.00
1	Jim Clapp will still continue to stop and check on room at N/C		
		SUBTOTAL	17,663.00
		Tax	0.00
		Total	17,663.00

DIRECT ALL INQUIRIES TO:
 Jim Clapp
 716.866.2481
 email: jim@ifitnesscompany.com

MAKE ALL CHECKS PAYABLE TO:
 ifitness co.
 Attn: Accounts Receivable
 6221 Transit Rd
 East Amherst, NY 14051

THANK YOU FOR YOUR BUSINESS!

ifitness co.

Quote

6221 Transit Road
Williamsville, NY 14051

716.688.0100

SOLD TO:

Aurora Senior Ctr.
101 King St
East Aurora NY 14052
Don Bach

INVOICE NUMBER tbd
INVOICE DATE October 7, 2015
OUR ORDER NO.
YOUR ORDER NO.
TERMS Net 30
SALES REP Jim Clapp
SHIPPED VIA Best Way
F.O.B. City, State
PREPAID or COLLECT PO

SHIPPED TO:

Same

Sales Tax Rate:

0.00%

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
3	CT-850 Spirit Commercial Treadmill 5 Yr Parts / 3 Labor \$4799	3,390.00	\$10,170.00
2	CR-800 Spirit Comm. Rec. Bike 5 Years Parts / 3 Labor \$2499	1,925.00	3,850.00
2	CU-800 Spirit Comm. Up. Bike 5 Years Parts / 3 Labor \$2199	1,825.00	3,650.00
1	1st Degree Fitness Viking AR2 Commercial Fluid Rower	1,150.00	1,150.00
1	York Barbell Vinyl Dumbbell Rack #69031 \$295	265.00	265.00
1	York Barbell Vinyl Dumbbells 1-10lb in Pairs 110lb's Total	198.00	198.00
1	All Products are Priced Delivered Inplace		
1	Dr. Derek Alessi 52 Week Training Wellness Package \$5000 Value	0.00	0.00
1	Jim Clapp will still continue to stop and check on room at N/C		
		SUBTOTAL	19,283.00
		Tax	0.00
		Total	19,283.00

DIRECT ALL INQUIRIES TO:
Jim Clapp
716.866.2481
email: jim@ifitnesscompany.com

MAKE ALL CHECKS PAYABLE TO:
ifitness co.
Attn: Accounts Receivable
6221 Transit Rd
East Amherst, NY 14051

THANK YOU FOR YOUR BUSINESS!

SUPERVISOR
JAMES J. BACH
(716) 652-7590
jbach@townofaurora.com



MAF

WS-9

(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA

300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com

MEMO

TO: Town Board
FROM: Jim Bach
RE: Departmental Changes
DATE: 10/15/15

Below are the departmental changes I would like to make in the Supervisor's office. I have also included the savings that will be realized by instituting the changes.

A 1220 Supervisor

.100 Supervisor \$38,280
.102 Assistant to Supervisor (\$18.52(\$2 raise)) \$38,670
.103 Secretary to Supervisor (\$14.50 for an average of 23hrs/wk) \$17,342
Total Personnel \$94,292

.401 Office Expense \$1,000
.403 Accounting Contractual \$20,000
.404 Expense and Travel \$3,000
Total Contractual \$24,000

Total Supervisor Department \$118,292 (savings of \$10,237)