

September 28, 2015

A meeting of the Town Board of the Town of Aurora took place on Monday, September 28, 2015, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris	Councilman
	Susan A. Friess	Councilwoman/Deputy Supervisor
	Charles D. Snyder	Councilman
	James J. Bach	Supervisor
Absent/Excused:	Jolene M. Jeffe	Councilwoman
Others Present:	Ronald Bennett	Town Attorney
	William Kramer	Code Enforcement Officer
	Greg Keyser	GHD Consulting Engineer
	Shane Krieger	Chief of Police

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

Councilwoman Friess moved to approve the minutes of the September 14, 2015 Town Board meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – four	noes – none	Action #288 9/14/15 meeting min aprvd
	Motion carried.	

AUDIENCE I:

Diane Rosenberg, Manchester Road, addressed the Board about the conditions of the property at 43 Manchester Road and stated she wants to see the house torn down.

Donna Mast, Ellicott Road, addressed the Board about the pond on the property at 43 Manchester, stating it is about five feet from where her grandchildren play on her property.

Maryann Durski, Manchester Road, addressed the Board about the poor interior condition of the house at 43 Manchester.

UNFINISHED BUSINESS:

Councilman Harris moved to adopt the following resolution regarding the unsafe building conditions at 43 Manchester Road, Town of Aurora, PO East Aurora, NY; seconded by Councilman Snyder:

WHEREAS, on August 18, 2015, the Town of Aurora Building Department (Building Department) mailed, via USPS certified/return receipt, a Notice of Unsafe Building to the owner of record for property at 43 Manchester Road, Town of Aurora, PO East Aurora, New York; and

WHEREAS, said Notice which was served and posted, which Notice included a direction that the property owner is instructed to contact the Building Department within seven (7) days of the date of the Notice to inform the Building Department of a repair or demolition timeline, and gave further notice that on failure to reply, the Town will seek remediation or demolition of the structure.

WHEREAS, in a memo dated August 20, 2015, the Superintendent of Building informed the Town Board of the unsafe conditions of a building at 43 Manchester Road and requested a public hearing be set in accordance with Town Code Chapter 65; and

WHEREAS, the Town Board set a public hearing for September 14, 2015 and that said Notice of Public Hearing was posted on September 8, 2015 and published in the East Aurora Advertiser on September 10, 2015; and

WHEREAS, the Public Hearing was held on September 14, 2015 and the Town Board accepts the report of Patrick Blizniak, Superintendent of Building, of the unsafe conditions of the building at 43 Manchester Road.

NOW, THEREFORE BE IT RESOLVED, that in the event that the owner has not responded to the Notice of Unsafe Building in a timely manner, the Town Board of the Town of Aurora authorizes the one-story residential building at 43 Manchester Road, Town of Aurora, PO East Aurora, New York, to be demolished and removed by the contractor making the lowest price proposal to the Town; and

Action #289
Unsafe
building
resolution – 43
Manchester -
adopted

BE IT FURTHER RESOLVED, that the expense thereof shall be assessed against the Premises as a special ad valorem levy under Town Law Article 15 and a proceeding to collect the expenses of such work shall be instituted.

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

NEW BUSINESS:

Councilwoman Friess moved to add two additional items to the agenda:

- 6M – Dog Census
- 6N – Sales tax distribution resolution

Action #290
Two items
added to
agenda

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

Councilman Snyder moved to set 7:00 p.m. Tuesday, October 13, 2015 at the Town Hall Auditorium, Southside Municipal Center, 300 Glead Avenue, East Aurora, NY, as the time, date and place for a public hearing on a Local Law to establish a moratorium on the development or subdivision of land that lacks required public road frontage within the Town of Aurora. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action # 291
Public hearing
set for LL –
ODA
moratorium

Councilwoman Friess moved to set 7:00 p.m. Tuesday, October 13, 2015 at the Town Hall Auditorium, Southside Municipal Center, 300 Glead Avenue, East Aurora, NY, as the time, date and place for a public hearing on a Local Law to establish a moratorium on the subdivision of land and cluster development within the Town of Aurora. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #292
Public hearing
set for LL –
Subdivision
moratorium

Councilman Snyder moved to set 7:00 p.m. Tuesday, October 13, 2015 at the Town Hall Auditorium, Southside Municipal Center, 300 Glead Avenue, East Aurora, NY, as the time, date and place for a public hearing on a Local Law to amend the veteran's exemption to provide an exemption for Cold War Veterans. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #293
Public hearing
set for LL –
Cold War
Veterans
exemptions

Councilwoman Friess moved to approve the Civil Service Title change for James Kittner from Part-time seasonal laborer to Part-time laborer effective September 29, 2015. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #294
J. Kittner title
from seasonal
PT to PT

Quotes to replace the exterior metal doors at entrance #7 at the Southside Municipal Center, 300 Glead Ave., E. Aurora, NY, were received from:

National Overhead Door	\$4,359.00 (incl. installation)
Suburban Lock & Key Service	\$5,528.00 (incl. installation)
Gorenflow	\$4,813.00 (no installation)

Action #295
Quote to
replace door #7
@ SSMC
approved

Councilman Harris moved to approve the quote from National Overhead Door, 5880 New Taylor Road, Orchard Park, NY, in the amount of \$4,359.00 for an insulated steel door with removable mullion, hardware and installation for entrance #7 at the Southside Municipal Center, 300 Gleed Avenue. Funds will be disbursed from ER1621.422. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #296
Quote to
replace opener
on door #5 @
SSMC aprvd

Quotes for a new closer (ADA swing door operator) for entrance #5 at the Southside Municipal Center were received from:

Door Specialties, Inc.	\$1,296.43
National Overhead Door	\$1,330.66
Gorenflo	\$1,550.00

Councilwoman Friess moved to approve the quote from Door Specialties, Inc., 530 Fillmore Ave., Tonawanda, NY, in the amount of \$1,296.43 for a new closer (ADA swing door operator) for entrance #5 at the Southside Municipal Center, 300 Gleed Avenue. Funds will be disbursed form ER1621.422. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #297
Resolute
Digital lease –
SSMC aprvd

Councilman Harris moved to authorize the Supervisor to sign a lease agreement with Resolute Digital LLC, 137-139 W 25th St., 11th floor, New York, NY whereby Resolute will lease additional office space, bringing the total to 704 sf, at the Southside Municipal Center. The term of the lease will be October 1, 2015 to December 31, 2016 and the lessor will pay the Town \$900.00 (in addition to the rent already paid for 2015) for the period of October 1, 2015 through December 31, 2015. Beginning January 1, 2016, Resolute Digital will pay \$9,000.00 annually (or \$750.00 per month). Councilman Snyder seconded motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #298
Vehicle signage
tabled.

The Board discussed the proposed policy for signage on Town vehicles. Councilman Snyder moved to table the vehicle signage policy until the Board can look at the vehicles and current signage. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Supervisor Bach stated he has not received the additional quotes needed to consider the Library floor replacement.

Councilman Snyder moved to approve the following budget transfer:

From: ZE8340.401 WD18 repairs \$7,000.00

To: ZE1320.404 WD18 financial svcs \$7,000.00

Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #299
WD 18 budget
transfer
approved

Councilwoman Friess moved to authorize the Supervisor to sign a contract and agreement with National Energy Professionals, 166 Taylor Road, Depew, NY, for the removal of light fixtures and installation of LED light fixtures at the two (2) highway buildings at 251 Quaker Road. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #300
Supv auth to
sign contract
for hwy LED
light project

Councilman Snyder moved to authorize the Supervisor to sign the NYSEG Incentive Application for the proposed LED light project at the two (2) highway buildings at 251 Quaker Road. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four
 noes – none
 Motion carried.

Action #301
 Supv auth to sign NYSEG incentive for hwy LED project

Councilman Snyder moved to adopt the following Standard Work Day and Reporting Resolution for 2010 based upon instructions from the NYS Retirement System to correct inaccuracies on the original report:

**Standard Work Day and Reporting Resolution
 for Elected and Appointed Officials**

BE IT RESOLVED, that the Town of Aurora Town Board hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State and Local Employee’s Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Current Term Begin & End Dates	Participates in Employer’s Time Keeping System (Y/N)	Record of Activities Result
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Elected Officials

Supervisor	Jolene Jeffe	6	1/1/2010 - 12/31/2011	N	23.58
Board Member	James Bach	6	1/1/2010 - 12/31/2010	N	7.17
Board Member	Susan Friess	6	1/1/2010 - 12/31/2013	N	6.45
Town Justice	Jeffrey Markello	6	1/1/2010 - 12/31/2013	N	11.0
Town Clerk	Martha Librock	7	1/1/2010 - 12/31/2013	N	23.81
Highway Supt.	David Gunner	8	1/1/2010 - 12/31/2013	N	24.36

Appointed Officials

Town Historian	Robert Goller	6	1/1/2010 - 12/31/2010	N	5
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Councilwoman Friess seconded the motion. Upon a vote being taken:
 ayes – four noes – none
 Motion carried.

Action #302
 Retirement reporting resol adopted

Councilman Snyder moved to approve the request from Dog Control Officer Sheryl Harris to conduct a dog census in the Village of East Aurora beginning in September 2015 and ending in April 2016. Councilman Harris seconded the motion. Upon a vote being taken:
 ayes – four noes – none
 Motion carried.

Action #303
 Village of EA dog census aprvd

Councilman Harris moved to adopt the following resolution calling for the redistribution of sales tax in Erie County; seconded by Councilman Snyder:

Whereas, on December 30, 1977, the County of Erie, the City of Buffalo, the City of Lackawanna and the City of Tonawanda entered into an Agreement in regard to the sales tax revenues distribution; and

Whereas, the Agreement provided a disposition of 25.6858 percent to the cities and the areas outside the cities in proportion to their respective populations as determined in accordance with the latest decennial federal census; and

Whereas, the Agreement provided an additional disposition of 10.0087 percent to the cities, but no additional disposition to the areas outside of the cities; and

Whereas, having not been updated in almost four decades, this formula now results in the cities in Erie County receiving more than twice as much sales tax revenue as the towns in Erie County on a per capita basis; and

Whereas, the largest component of property taxes are school district taxes; and

Whereas, the combination of the property tax cap and state mandates have led to services and programs being cut by both towns and school districts; and

Whereas, a more equitable formula would allow towns and school districts to reduce property taxes and to increase services and programs; and

Whereas, section 3 of the Agreement dated December 30, 1977 provides that any time subsequent to November 30, 1982, each party to the agreement shall have the right to terminate said Agreement by giving one (1) year's prior written notice, served upon each of the parties.

Now, Therefore, Be It Resolved that the Town of Aurora supports the terminating of the current 1977 Sales Tax Revenue Distribution Agreement; and be it further

Resolved, that the Town of Aurora further supports that a new formula for sales tax revenue distribution be put into place, which provides for a more fair and equitable distribution of the sales tax to the cities and areas outside the cities in proportion to their respective populations; and be it further

Resolved, that the Town of Aurora further supports that any new formula for sales tax revenue distribution provides additional funds to school districts in order to allow school districts to provide more opportunities for their students and to reduce property taxes; and be it further

Action #304
Tax revenue
distribution
resolution
adopted

Resolved, that a certified copy of this resolution be forwarded to each member of the Erie County Legislature, the Erie County Executive, the Town Supervisors and Village Mayors of Erie County.

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

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

- SSMC Parking Lot project – August 29 – September 11, 2015 expense report
- Dog Control - August 2015 report
- Building Department – August 2015 report
- Town Clerk/Tax – August 2015 report
- Work Requisitions – August 2015 report

BUSINESS FROM BOARD MEMBERS: none

AUDIENCE II:

Diane Rosenberg, Manchester Road, inquired about the time frame regarding the demolition of the house at 43 Manchester Road. Supervisor Bach stated that this process will not happen overnight, there is a legal process that needs to be followed.

STAFF REPORTS:

Police Chief Krieger noted that the EAPD monthly reports that are sent to the Town would be submitted soon.

The Abstract of Claims dated September 28, 2015, consisting of vouchers numbered 1497 to 1576, was presented to the Board for audit and authorization of payment from the following funds:

General	19,514.32
Highway	1,449.51
Enterprise/Gleed	35,132.71
Part Town	2,171.74
Trust & Agency	78.31
Special Districts	18,121.16
Grand Total Abstract	\$76,467.75

Councilman Snyder moved to approve the September 28, 2015 Abstract of Claims as presented and authorize payment of same. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #305
9/28/15
Abstract of
Claims aprvd

Councilwoman Friess moved to adjourn at 8:45p.m.; seconded by Councilman Snyder. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #306
Meeting
adjourned

Martha L. Librock
Town Clerk