

March 25, 2013

A meeting of the Town Board of the Town of Aurora took place on Monday, March 25, 2013, at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

| | | |
|------------------|-------------------|--------------|
| Members Present: | James J. Bach | Councilman |
| | Susan A. Friess | Councilwoman |
| | James F. Collins | Councilman |
| | Jeffrey T. Harris | Councilman |
| | Jolene M. Jeffe | Supervisor |

| | | |
|-----------------|------------------|----------------------------|
| Others Present: | Ronald Bennett | Town Attorney |
| | Patrick Blizniak | Superintendent of Building |
| | David Gunner | Highway Superintendent |
| | William Adams | Planning Board |
| | Charles Snyder | Planning Board |
| | Tim Bailey | Planning Board |
| | Ronald Krowka | Chief of Police |
| | Robert Goller | Town Historian |

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

Liz O'Donnell, representing the East Aurora Driving Society (EADS), presented a \$500 check from the EADS to the Town to be used towards their pledge of \$2000 for maintenance of the Neil and Barbara Chur equestrian area of Knox Farm State Park.

| | | |
|--|-----------------|--|
| Councilman Bach moved to accept the \$500 donation from the East Aurora Driving Society to be used for maintenance of the Neil and Barbara Chur equestrian area of Knox Farm State Park. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none | Motion carried. | Action #97 \$500 donation from EADS for Knox Park maintenance accepted. |
|--|-----------------|--|

| | | |
|--|-----------------|--|
| Councilman Harris moved to approve the minutes of the March 11, 2013 Town Board meeting; seconded by Councilman Collins. Upon a vote being taken: ayes –five noes – none | Motion carried. | Action #98 3/11/13 meeting min. approved. |
|--|-----------------|--|

AUDIENCE I: none

UNFINISHED BUSINESS:

| | | |
|---|-----------------|---|
| Councilwoman Friess moved that the Town Board declares, based on the Environmental record (Short Environmental Assessment Form) that has been prepared and reviewed, the Open Development Area plan for part of SBL 187.00-2-7.2 Blakeley Road will result in no significant environmental impacts. A negative declaration under SEQRA is therefore issued. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none | Motion carried. | Action #99 Negative declaration for Blakeley Road ODA. |
|---|-----------------|---|

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

**RESOLUTION APPROVING OPEN DEVELOPMENT AREA PLAN
FOR BLAKELEY ROAD (Part of SBL 187.00-2-7.2)**

WHEREAS, Chapter 98 of the Code of the Town of Aurora establishes standards for landowners who wish to develop or subdivide land that lacks adequate public road frontage for standard lot development (known as “open development area”), and

WHEREAS, Brian Howard, as agent for Timothy and Karen Sievenpiper, (the Applicant) has filed an Open Development Area application for a 1-lot Open Development on a 1.98+/- acre parcel (part of SBL 187.00-2-7.2) located along the north side of Blakeley Road, east of Boies Road, and

WHEREAS, the Building Department has reviewed the application and has stated that the land is of such character that it can be used safely for building a home, and

WHEREAS, the Applicant has made every reasonable attempt and all necessary effort comply with specifications of Chapter 98 of the Code of the Town of Aurora, and

WHEREAS, the Town Attorney has reviewed the Easement and Driveway Agreements created and signed by both parties and deems them appropriate,

NOW, THEREFORE, be it

RESOLVED, 1) the petitioner shall only build one single-family home at this location; 2) the residence shall be equipped with a residential sprinkler system, designed with Building Department approval; 3) the driveway will be a minimum of 20 feet wide and composed of hardpan composite, included into a 50 foot utility easement; 4) that the septic system location shall be located in accordance with all Erie County Health Department requirements and the Aurora Town Code requirement of 100 feet separation from the existing pond on neighboring property to the east; and 5) accumulated groundwater produced from this home will be collected and diverted to the northeast of the property, spilling into a pre-existing pond, and be it further

RESOLVED, that the Town Board of the Town of Aurora acknowledges that compliance with all other standards, requirements and conditions, including those specified by the Building Department as noted above is in the public interest and will substantially secure the objectives of the modified standard, and be it further

RESOLVED, that approval by the Town Board of the Town of Aurora is expressly for Blakeley Road, part of SBL 187.00-2-7.2, and any future development will be subject to the standards and requirements of Chapter 98 of the Code of the Town of Aurora without modification, variance or waiver, and be it further

RESOLVED, that the easement agreement and driveway agreement shall be filed and/or recorded in the Erie County Clerk's Office and shall not be modified or amended in reference to the Open Development Area Permit without the prior approval of the Town Board, and be it further

Action #100
Blakeley Road
ODA
approved -
part of SBL#
187.00-2-7.2

RESOLVED, that said Open Development Area Plan, as submitted, for Blakeley Road, part of SBL 187.00-2-7.2, is approved.

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

Duly adopted this 25th day of March, 2013.

NEW BUSINESS:

Councilwoman Friess moved to acknowledge the Tax Receiver's bank account at Five Star Bank and the Municipal Court bank account at First Niagara Bank. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #101
Tax & court
bank accounts
acknowledged

Councilwoman Friess moved to establish an assigned fund balance to be used for capital improvement of the fields at Knox Farm State Park that are maintained by the Town and moved to approve the following transfer of 2012 funds:

From: A917 – unassigned fund balance \$1,135
To: A915 – assigned un-appropriated fund balance –
Knox Field Improvements \$1,135

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

Action #102
Fund balance
assigned for
Knox fields
capital
improvements.

Councilman Collins moved to approve the request from the East Aurora Driving Society (EADS) to use the Polo Field, Equestrian Park and other roads and lanes of Knox Farm State Park on July 27-28, 2013 for a pleasure driving competition, pending receipt of a certificate of liability insurance from the EADS, and moved to authorize the Supervisor to sign the Temporary Use Permit for this event. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #110
EADS temp.
permit for
Knox field use
approved.

Councilwoman Friess moved to acknowledge the promotion of highway employee Ken Fones to Motor Equipment Operator and to approve the increase in Mr. Fones' rate of pay from \$24.91 per hour to \$25.66 per hour effective March 16, 2013. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #111
K. Fones
promoted to
MEO and pay
rate approved.

Councilman Bach moved to approve the request from Highway Superintendent David Gunner to attend the NY Rural Water Association water conference on May 20-23, 2013 in Lake Placid, NY, in order to obtain credit hours necessary to keep his Class D water license current. The \$757.00 cost (registration and meal package - \$385; and hotel \$372) will be disbursed from budget line 8310.404 of various water funds. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #112
D. Gunner to
attend
NYRWA
seminar.

Councilwoman Friess moved to approve the following amendments to the 2013 Operating Budget:

Increase revenue line A2025.2 – Knox Field Donations by \$2,000
Increase appropriations line A7189.105 Knox Field Labor by \$2,000 to reflect a \$2,000 pledged donation (revenue) from the East Aurora Driving Society and additional man hours (appropriation) to maintain the fields. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #113
2013 budget
amendments
approved re:
Knox fields.

Councilman Collins moved to refer the application to rezone 1963 Mill Road back to the Town Planning Board, requesting the Planning Board make a site visit to the property and discuss the application further. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #114
Rezoning
application for
1963 Mill
referred back
to planning
board.

Councilman Bach moved to approve the Workplace Violence Policy Statement and adopt the Workplace Violence Policy/Prevention Program; seconded by Councilman Harris:

TOWN OF AURORA WORKPLACE VIOLENCE PREVENTION POLICY & INCIDENT REPORTING (STATEMENT)

The Town of Aurora is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town of Aurora property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives

who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Town of Aurora has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of Aurora will provide counseling services or referrals for employees.

All Town of Aurora personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

DESIGNATED CONTACT PERSON(S):

NAME/TITLE: _____

DEPARTMENT: _____

PHONE: _____

ALTERNATE CONTACT PERSON(S):

NAME/TITLE: _____

DEPARTMENT: _____

PHONE: _____

TOWN OF AURORA WORKPLACE VIOLENCE POLICY

Workplace violence is any physical assault, threatening behavior, verbal abuse occurring where an employee performs work-related duty in the course of his or her employment. Workplace violence presents an occupational safety hazard for employees. The Town is committed to the safety and security of its employees, visitors, guests, and residents. Accordingly, the Town will not tolerate any act or threat of violence made on Town property or while performing work for the Town. No person may engage in violent conduct or make threats of violence, implied or direct, on Town property or in connection with Town business or a Town workplace. This includes, but is not limited to:

1. An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
2. Any intentional display of force which would give an employee reason to fear or expect bodily harm;
3. Intentional and wrongful physical conduct with a person without his or her consent that entails some injury; and
4. Stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

All Town employees are responsible for helping to create an environment of mutual respect for each other, following all workplace violence policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

All Town personnel are responsible for notifying their Department Head or Supervisor of any violent incidents, threatening behavior, including threats they have witnessed or received in accordance with the Workplace Violence Reporting Procedure contained in the Town's Workplace Violence Prevention Program.

This policy is designed to highlight some of the elements that are found within the Town's Workplace Violence Prevention Program. As part of this Program all Town employees will participate in annual workplace violence prevention training. The goal of this training is to promote the safety and well-being of all individuals in our workplace. All incidents of violence or threatening behavior will be responded to appropriately immediately upon notification.

TOWN OF AURORA WORKPLACE VIOLENCE PREVENTION PROGRAM

A. What is Workplace Violence?

Workplace violence is any physical assault, threatening behavior, or verbal abuse occurring where the public employee performs any work-related duty in the course of his or her employment.

The following are four general types of workplace violence:

1. Customer/Client: Violence directed at employees by customers, clients, or any others whom the public employer provides a service to.
2. Co-Worker: Violence against co-workers, supervisor, or managers by a present or former employee.
3. Personal: Violence in the workplace by someone who does not work there, but who has a personal relationship with an employee. This is typically perpetrated by an acquaintance or family member while the employee is at work.
4. Criminal Intent: Violent acts by persons who have no other connection with the workplace, but who enter it to commit to a robbery or other crime.

B. Potential Workplace Violence Risk Factors

The following situations may place employees at risk of workplace violence:

1. Exchanging money with the public or working with money;
2. Working alone or in small numbers or working late or early morning hours;
3. Regularly interacting with the public; and
4. Working in public areas outside of Town facilities.

C. Mitigation of Risk Factors

1. Exchanging money with the public or working with money.
 - a. Keep only limited amounts of cash on hand;
 - b. Provide a drop box or safe in Town Hall to prevent the accumulation of large amounts of cash on hand;
 - c. Have law enforcement official present when transporting large amounts of cash to a bank for deposit;
 - d. Express a preference for checks.
 - e. Store cash in secure compartments and/or areas;
2. Working alone or in small numbers or working late night or early morning hours.
 - a. Adequately illuminate building entrances/exits and parking areas;
 - b. Ensure Town trucks have radios or other communication devices.
 - c. Instruct employees to restrict access to their work areas if possible and appropriate (e.g., lock exterior, interior, and/or delivery doors);
 - d. Train employees on identifying potential workplace violence situations (e.g., if you see something suspicious, say something) and defusing potentially confrontational situations;
 - e. Instruct employees to report all incidents of workplace violence;
 - f. Direct employees to request the credentials of any stranger who enters their work area to do repairs or other service work, and to verify the work request with a supervisor if necessary;
 - g. Ensure that adequate means exist to summon law enforcement if needed.
3. Regularly interacting with the public.
 - a. Provide employees with a means of identifying themselves as Town employees (e.g. identification cards, vests, shirts);
 - b. Encourage employees to arrange for another employee to accompany them if they anticipate entering a potentially hostile situation or, if necessary, to arrange for local law enforcement support;
 - c. Instruct employees on the importance of keeping their supervisor/department head informed of their location and regularly check in, when appropriate;
 - d. Encourage certain employees to carry cell phones, when appropriate (e.g. building inspectors, recreation supervisors)
 - e. Ensure Town trucks have radios or other communication devices;
 - f. Train employees on identifying potential workplace violence situations (e.g., if you see something suspicious, say something) and defusing potentially confrontational situations;
4. Working in public areas outside of Town facilities.
 - a. Provide these employees with means of identifying themselves as Town Employees (e.g., identifications cards, vests, shirts)
 - b. Ensure Town trucks have radios or other communication devices;
 - c. Train employees on identifying potential workplace violence situations (e.g., if you see something suspicious, say something) and defusing potentially confrontational situations;
 - d. Encourage employees to arrange for another employee to accompany them if they anticipate entering a potentially hostile situation or, if necessary, to arrange for local law enforcement support;
 - e. Instruct employees on the importance of keeping their supervisor/department head informed of their location and regularly check in, when appropriate;
 - f. Inform employees regarding the importance of adhering to assigned routes when possible.

D. Prohibited Conduct

Subject to applicable collective bargaining agreement provisions and civil service law, the Town has zero tolerance for any type of workplace violence committed by or against employees or Town officials. Employees and Town officials are prohibited from making or encouraging threats or engaging in violent activities.

Employees are expected to inform their Department Head or Supervisor if any employee exhibits behavior that could be a sign of a potentially dangerous workplace violence situation. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

1. Causing physical injury to another person;
2. Making overt or veiled threatening remarks;
3. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress or intimidation;
4. Intentionally damaging or threatening to damage employer property or property of an employee;
5. Possession of a weapon or facsimile thereof while on Town property or while conducting Town business in violation of the Town's policy.

E. Workplace Violence Reporting Procedure

Incidents of violence, threats of violence, or observations of violence in the workplace are not to be ignored by any Town employee. Workplace violence should promptly be reported to the appropriate Department Head or Supervisor. Additionally, all Town employees are to report behavior they reasonably believe poses a potential for workplace violence in order to maintain a safe working environment.

The following outlines the reporting procedure for incidents of workplace violence:

1. **Emergencies** – A workplace violence situation is considered an emergency if:
 - a. It results in injury; or
 - b. There is an immediate threat of physical harm or injury
 - c. **Emergency Procedure** – Employees should consider their personal safety and, if possible, follow the steps below:
 - (1) Call 911, if appropriate.
 - (2) Notify Department Head or immediate Supervisor.
 - (3) Complete a Workplace Violence Incident Report and submit it to the immediate Supervisor or Department Head.
2. **Non-Emergencies** – A workplace violence situation is considered non-emergency if:
 - a. No injury has occurred and there is no immediate danger, but
 - b. The words or gestures of one person have induces a reasonable fear of physical harm in another person.
 - c. **Non-Emergency Procedure** – Employees should consider their personal safety and, if possible, follow the steps below:
 - (1) Any threat or potentially dangerous workplace violence situation must be reported immediately to the employee's Supervisor or Department Head who will evaluate appropriate responsive measures, which may include contacting law enforcement.
 - (2) Any employee who feels uncomfortable reporting such a situation to their Supervisor or Department Head, or if they feel that their complaint has not been adequately addressed, must report it to the Town Supervisor. All reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis. As part of its investigation, the Town may interview the employee alleged to be committing the prohibited conduct.
 - (3) In the event that a workplace violence incident results in injury to a Town employee, injury to a citizen, or damage to property, the employee must complete an accident report AND must complete a Workplace Violence Incident Report form and submit it to the employees Supervisor or Department Head.
 - (4) Any individual who makes a threat, exhibits threatening behavior or engages in violent acts on Town property may be subject to removal from the premises and law enforcement may become involved in such removal as appropriate.
3. **Order of Protection** – Employees are expected to notify the Town Supervisor and their Department Head whenever an order of protection is granted which mentions Town property, or involves a Town employee, or a person with access to Town facilities, and provide a copy of the order to the Town Supervisor. Appropriate efforts will be made to protect the privacy and sensitivity of the information provided.
4. **Domestic Violence** – Employees who believe domestic violence or other personal matters may result in their being subject to violence in the workplace are encouraged to notify their Department Heads and/or the Town Supervisor. Confidentiality will be maintained to the extent possible.

F. Information and Training for Employees

Information availability: The Town shall make its Workplace Violence Policy Statement and Workplace Violence Prevention Program available, upon request, to its employees and their designated representatives.

Training lesson plan: At the time of the employee's initial assignment and annually thereafter, the Town shall provide its employees with the following information and training on the risks of violence in their workplace(s):

1. The requirements of the New York State Public Employer Workplace Violence Prevention Law;
2. The risk factors in their workplace;
3. The location and availability of the written Workplace Violence Prevention Program; and

- 4. The measures employees can take to protect themselves from such risks, including any specific procedures the Town may implement to protect employees.

G. Privacy Concern Cases

A privacy concern case exists where the workplace violence involves:

- 1. An injury or illness to an intimate body part or the reproductive system;
- 2. An injury or illness resulting from a sexual assault;
- 3. Mental illness;
- 4. HIV infection;
- 5. Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person’s blood or other potentially infectious material; and
- 6. Other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the report.

Where a privacy concern case is involved, the Town shall, before sharing a copy of any Workplace Violence Incident Report with any party other than the Commissioner of Labor, remove the name of the employee who was the victim of the workplace violence and shall instead enter “PRIVACY CONCERN CASE” in the space normally used for the employee’s name.

H. Enforcement; Penalties for Offenses

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee or Town Official determined to have committed such acts will be subject to disciplinary action up to and including discharge, subject to applicable collective bargaining agreement provisions and civil service law, as well as potential prosecution. Individuals engaged in violent acts on the Town’s premises or against employees or Town Officials will be reported to the proper authorities.

I. No Retaliation

Retaliatory action against anyone who, acting in good faith, has made a complaint of workplace violence, has reported witnessing workplace violence, or been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination, subject to applicable collective bargaining agreement provisions and civil service law.

J. Management Rights

Nothing in this Program shall be construed to restrict the Town’s authority to assign, direct, and instruct employees, not to provide a basis or an employee to refuse to adhere to a directive of a Supervisor or Department Head.

K. Program Review

This Workplace Violence Prevention Program shall be reviewed and updated, as appropriate, annually. If there is a confirmed incident of workplace violence in the previous year, the review and update will set forth the mitigating steps, if any, taken in response to that incident.

Upon a vote being taken: ayes – five noes – none Motion carried. Action #115
Workplace
violence
policy adopted

* * *

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

- Supervisor’s December 2012 Report
- Assessor - February 2013 Report
- Dog Control – January 2013 Report

BUSINESS FROM BOARD MEMBERS:

Councilman Bach toured Town buildings as part of the compilation of a 5-year plan. Councilwoman Friess and Councilman Collins met to discuss benefits for part-time elected officials.

Supervisor Jeffe: 1) is participating in negotiations for the next County plow contract; 2) noted that an updated water loss analysis shows that losses went from 20% to 10%; 3) attended the Legislative forum recently held at the Roycroft Power House; and 4) invited Assemblyman DiPietro to attend a Town Board meeting.

AUDIENCE II:

Bill Kane, Bowen Road, commented on the importance of SWAT teams.

Dave Majka, Sweet Road, asked about foul language at 300 Glead. Supervisor Jeffe responded that language is at times an issue, but it is being addressed by BOCES officials and Town Board members.

STAFF REPORTS:

Patrick Blizniak reported that the warehouse lights have been replaced and commended Warning Electric for the good job they did on this project.

David Gunner noted that Cazenovia Creek in Majors Park will soon be stocked with fish.

The March 25, 2013 Abstract of Claims, consisting of vouchers numbered 383 to 482, was presented to the Board for audit and authorization of payment from the following funds:

| | |
|----------------------|------------------|
| General | \$ 79,002.59 |
| Highway | 38,299.56 |
| Enterprise/Gleed | 15,592.08 |
| Capital/Majors Park | 1,500.00 |
| Trust & Agency | 1,355.32 |
| Trust & Agency 2 | 40.00 |
| Special Districts | <u>54,318.01</u> |
| Grand Total Abstract | \$190,107.56 |

Councilwoman Friess moved to approve the March 25, 2013 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 #116
3/25/13
Abstract of
Claims aprvd.

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

Action #117
Meeting
adjourned.

Martha L. Librock
Town Clerk