

July 8, 2013

A meeting of the Town Board of the Town of Aurora took place on Monday, July 8, 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
	Bryan Smith	Town Engineer
	Patrick Blizniak	Superintendent of Building
	William Adams	Planning Board
	Charles Snyder	Planning Board
	William Kramer	Code Enforcement
	Robert Goller	Town Historian
	Ronald Krowka	Chief of Police

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

Councilman Harris moved to approve the minutes of the June 18, 2013 work session; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action # 245 6/18/13 work session minutes aprvd.
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Councilman Bach moved to approve the minutes of the June 24, 2013 Town Board meeting; seconded by Councilman Collins. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #246 6/24/13 Town Board minutes approved.
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AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Collins moved to adopt Local Law No. 1 of 2013; seconded by Councilman Bach:

TOWN OF AURORA  
LOCAL LAW 1-2013

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 ZONING CODE REGARDING STORAGE OF RECREATIONAL VEHICLES.

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

**SECTION 2. SECTION 116-36, MOBILE HOMES**

Section 116-36(A)(4) is amended as follows:

- (4) A permit therefore shall have been granted by the Building Inspector or Code Official for not more than one year. The Board of Appeals may extend such period of occupancy and use for not more than six months on any single application therefor.

Section 116-36(B) is amended to read as follows:

B. None of the foregoing provisions shall be construed to prohibit storage of one recreation vehicle, travel or camping trailer on a lot; upon which a dwelling has been lawfully erected or in an enclosed permanent building on such lot, provided that such trailer is owned by the occupant of such premises and, while so stored, is not used or occupied for sleeping or dwelling purposes and is not connected with electric, sewer, water or other utilities.

Section 116-36 is amended by adding Section 116-36( C) as follows:

- C. Seasonal and Off-Seasonal Storage
- (1) Seasonal property storage (April 15 – October 15)
    - a) Prohibited storage of a recreational vehicle, camping, or travel trailer is as follows:
      - 1) Within 10' of any side yard lot line.
      - 2) Within 50' of the road right-of-way, excluding driveway.
      - 3) Within 10' of any rear yard lot line.
      - 4) Within 45' of any side street right-of-way on a corner lot.
  - (2) Off-seasonal storage (October 15 – April 15)
    - a) Fully enclosed accessory structure.
    - b) In the rear yard but not within 10' of the lot line.

**SECTION 3. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Upon a vote being taken: Councilman Harris – aye; Councilwoman Friess – aye; Councilman Bach – aye; Councilman Collins – aye; Supervisor Jeffe – aye  
ayes – five        noes – none        Motion carried.

Action #247  
LL1-2013 “RV”  
code adopted.

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**NEW BUSINESS:**

Councilwoman Friess moved to amend tonight’s agenda by adding item 11A – Executive Session; seconded by Councilman Harris. Upon a vote being taken: ayes – five        noes – none        Motion carried.

Action #248  
Exec. session  
added to  
agenda.

Councilwoman Friess moved to authorize the Supervisor to sign the CACFP vendor contract with the Aurora Adult Day Care Center (AADCC) and the Town of Aurora Senior Center whereby the AADCC will receive meals (lunches) under the Erie County Stay Fit Dining Program at the Senior Center. The term of the contract is 7/1/13 to 12/31/13. Councilman Harris seconded the motion.  
Upon a vote being taken: ayes – five        noes – none        Motion carried.

Action #249  
Supv. auth. to  
sign lunch  
agreement  
with AADCC.

Councilman Bach moved to authorize close-out of the Glead Renovation Capital Project and approve the following funds transfer; seconded by Councilman Harris:

From: Enterprise Fund (ER)                      \$34,042.58  
      Debit ER9901.0900  
      Credit ER 0202

To:    Capital Project – Glead Renovation (IB)    \$34,042.58  
      Debit IB 0202  
      Credit IB 5301

Action #250  
Glead renovation capital project closed.  
Fund transfer approved.

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

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

**RESOLUTION DESIGNATING SECRETARY OF STATE FOR SERVICE OF NOTICE OF CLAIM**

WHEREAS, General Municipal Law Section 53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim, and

WHEREAS, General Municipal Law Section 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town’s agent, and

WHEREAS, pursuant to General Municipal Law Section 50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is ninety (90) days after the claim arises, or in the case of a wrongful death action, ninety (90) days from the appointment of a representative of the decedent’s estate,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Aurora, County of Erie, designates Martha Librock, in her capacity as Town Clerk, to receive notices of claim served upon the Secretary of State by mail at 300 Glead Avenue, East Aurora, New York 14052 and email at townclerk@townofaurora.com, and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the Town’s designation and applicable time limitation for filing a notice of claim with the Town on or before July 14, 2013.

Action #251  
Service of Notice of Claim resolution adopted.

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

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

**RESOLUTION FOR CREDIT CARD PAYMENTS TO TOWN CLERK AND RECEIVER OF TAXES**

WHEREAS, residents of the Town of Aurora have requested that the Aurora Town Clerk and Aurora Receiver of Taxes accept payment with credit card as part of the tax collection system and town clerk system; and

WHEREAS, the New York State Comptroller's Offices notes that General Municipal Law Section 5b cites that a Local Law, Ordinance or Resolution is required to authorize the Town Clerk and Receiver of Taxes to accept credit card payments for a specific purpose (i.e., real property taxes, dog licenses, DEC licenses, etc.); and

WHEREAS, the Aurora Town Clerk and the Receiver of Taxes have requested such a Resolution of Authorization from the Aurora Town Board.

WHEREAS, MunicIPAY/Nationwide Payment Solutions offers a program providing equipment and credit card processing, at no cost to the Town, that will allow the Town Clerk and Receiver of Taxes to accept credit cards for payment of real property taxes, dog licenses, DEC licenses, and other licenses, permits and fees routinely collected by these departments; and

NOW, THEREFORE BE IT RESOLVED that the Aurora Town Board authorizes the Aurora Town Clerk and Receiver of Taxes to accept credit card payments as part of the local town clerk and tax collection systems; and

Action #252  
Acceptance of  
credit cards by  
Town Clerk &  
Tax Rec.  
approved.

RESOLVED that the Supervisor be authorized to enter into a contract with MunicIPAY to handle credit card transactions on behalf of the Town of Aurora Town Clerk and Receiver of Taxes; and

RESOLVED that a copy of this Resolution be forwarded to the State Comptroller and other officials as required.

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

Action #253  
Resignation of  
W. Potter-  
Behling  
accepted.

Councilwoman Friess moved to accept, with regret, the resignation of building department clerk Wendy Potter-Behling. Wendy's last day of work will be July 12, 2013. Councilman Collins seconded the motion.

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

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

- Assessor's May 2013 report
- Building Department June 2013 report
- Town Clerk's June 2013 report
- Tax Receiver's June 2013 report

BUSINESS FROM BOARD MEMBERS:

Councilman Harris commented on how nice the Independence Day Parade was.

Councilwoman Friess noted she and Town Engineer Bryan Smith attended the Sewer District Board of Managers meeting.

Councilman Bach thanked everyone who had a part in coordinating the Independence Day events.

Supervisor Jeffe stated the Town's new website is up and running and we will be working out any glitches.

Supervisor Jeffe read from a prepared statement regarding the Brooklea Bridge, noting that she had met with Mayor Kasprzak regarding the Town's proposal to pay 50% of the cost of repairing the bridge. There has been no formal response/correspondence from the Village.

Supervisor Jeffe read from a prepared statement regarding the Polo Grounds development. Jeffe noted that the final plat was approved based on the combination of 13 single and 17 double units, a combination that met the density requirements of State Law and Town Code.

AUDIENCE II:

David Schultz, Ferrier Lane, spoke on behalf of the residents of Polo Grounds. Mr. Schultz noted that the residents want continuation/completion of the development.

Bill Adams, Olean Road, stated that there will be a ceremony on July 27, 2013 at 2:30pm in the Pioneer Cemetery to commemorate his ancestor Joel Adams and to dedicate a new marker at the gravesite.

David Majka, Sweet Road, spoke about the bridges over Tannery Brook and asked what is being done about the flagging of the Brooklea Bridge and the safety of the remaining bridges.

Frank Chinnici, Legacy Polo Grounds, spoke to the Board about the building density at the Polo Grounds development and claims that density is the number of units.

Tony Rosati, Center Street, stated he looked at the new website.

**STAFF REPORTS:**

The July Planning Board meeting is being held on Wednesday, July 10<sup>th</sup> at 7:00 p.m.

The July 8, 2013 Abstract of Claims, consisting of vouchers numbered 1143 to 1258, was presented to the Board for audit and authorization of payment from the following funds:

General	\$110,395.37
Highway	2,207.52
Enterprise/Gleed	12,796.75
Capital/WD6	1,525.00
Capital/Luther Culvert	1,525.00
Trust & Agency	6,853.32
Trust & Agency 2	296.00
Special Districts	<u>94,028.21</u>
Grand Total Abstract	\$229,627.17

Councilwoman Friess moved to approve the July 8, 2013 Abstract of Claims as presented and to authorize payment of same; Seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #254  
7/8/13 Abstract of Claims approved.

Councilman Bach moved to enter into executive session to discuss a litigation matter with the Town Attorney. No action will be taken during the session. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #255  
Board enters into executive session.

Councilman Collins moved to come out of executive session; seconded by Supervisor Jeffe. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #256  
Board exits executive session.

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

Action #257  
Meeting adjourned.

Martha L. Librock  
Town Clerk