

February 25, 2013

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

Members Present:	James F. Collins	Councilman
	James J. Bach	Councilman
	Susan A. Friess	Councilwoman
	Jeffrey T. Harris	Councilman
	Jolene M. Jeffe	Supervisor
Others Present:	Edward Snyder	Deputy Town Attorney
	Patrick Blizniak	Supt. of Building
	David Gunner	Supt. of Highways
	Charles Snyder	Planning Board
	Timothy Bailey	Planning Board
	William Adams	Planning Board
	Sheryl Miller	Deputy Town Clerk
	Robert Goller	Town Historian
	Ronald Krowka	Chief of Police
	William Wheeler	CRA Engineering

Supervisor Jeffe opened the meeting with the Pledge of Allegiance to the Flag.

The first item on the agenda was a PUBLIC HEARING on proposed water system improvements to Town of Aurora Water District No. 6. The project which consists of replacing Geneva Road water lines and installing a new water line on a section of Center Street between West Gate Drive and the Village of East Aurora to improve water pressure in that area. The preliminary project cost estimate is \$560,000.00

At 7:00 o'clock p.m. (Prevailing Time) the Town Supervisor stated that a Public Hearing had been called for this meeting at the Southside Municipal Center, in said Town, in the County of Erie, New York to consider the increase and improvement of facilities of the Town of Aurora Water District No. 6 (the "District"), in said Town.

The Supervisor stated that the Public Hearing on the increase and improvement of the facilities of the Town of Aurora Water District No. 6, in the Town of Aurora, was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the Increase and Improvement of the District: none

The following persons appeared in opposition to the Increase and Improvement of the District: none

The Town Clerk reported that the following pertinent written communications had been received: none

The Supervisor inquired as to whether there were any other persons present who wished to be heard: Tony Rosati, Center Street, and Jean Torke, Geneva Road, commented on project procedures.

The Supervisor again inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

\* \* \*

Councilman Harris moved to approve the minutes of the February 11, 2013 Town Board Meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #60  
2/11/13 Twn  
Brd min apvd

UNFINISHED BUSINESS:

The following resolution was offered by Councilman Bach; seconded by Councilman Collins:

**SEQR RESOLUTION  
INCREASE AND IMPROVEMENT OF FACILITIES  
TOWN OF AURORA WATER DISTRICT NO. 6**

WHEREAS, in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Aurora announced its intent to serve as Lead Agency on January 22, 2013, to conduct an environmental review of Water System Improvements to Town Water District No. 6; and

WHEREAS, the Aurora Town Board has determined that the proposed action is an unlisted action as defined under SEQR; and

WHEREAS, the Aurora Town Board, in its capacity as Lead Agency for this project, has cause to be prepared a (short form) environmental assessment of the significance of and potential environmental impact of the action described above; and

WHEREAS, on January 24, 2013, the Involved and Interested Agencies were notified of the Town of Aurora Town Board's intention to act as Lead Agency for this project and circulated the Short Environmental Assessment Form. Comments received from these agencies are addressed in the Negative Declaration; and

WHEREAS, the Town will continue to work with any Federal, State and local agencies until all necessary permits and approvals have been obtained; and

WHEREAS, the Aurora Town Board has reviewed and considered the Environmental Record prepared for this action.

NOW, THEREFORE BE IT

RESOLVED, that the Aurora Town Board declares it will serve as Lead Agency for Water System Improvements to Town of Aurora Water District No. 6; and be it

RESOLVED, that the Aurora Town Board declares, based on the Environmental Record which has been prepared, the project will result in no significant environmental impacts. A Negative Declaration under SEQR is therefore issued for this project.

Action #61  
WD6 I&I  
SEQR  
negative  
declaration  
issued.

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.

\* \* \*

The following resolution was offered by Councilwoman Friess; seconded by Councilman Harris:

**RESOLUTION AND ORDER  
AFTER PUBLIC HEARING APPROVING  
THE INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE TOWN OF  
AURORA WATER DISTRICT NO. 6**

WHEREAS, the Town Board of the Town of Aurora (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law created the Town of Aurora Water District No. 6 (the "District"); and

WHEREAS, the Town Board has directed CRA Infrastructure & Engineering, Inc., competent engineers licensed in New York, to prepare a map, plan and report for the District's water system improvements; and

WHEREAS, such water system capital improvements project shall include, but not be limited to, the construction of approximately 1,900 linear feet of 6-inch PVC waterline along Center Street, the construction of approximately 1,750 linear feet of 8-inch PVC waterline along Geneva Road, the installation of pressure-control equipment, fire hydrants, residential service line reconnections, valves and appurtenances, as well as other such improvements as more fully identified in such map, plan and report, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively, the "District Improvement"); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary engineering map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be at an estimated maximum amount of \$560,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed of \$560,000, offset by any federal, state, county and/or local funds received; and

WHEREAS, the proposed method of apportioning costs of such District Improvement is on an *ad valorem* basis to the benefited properties within the District; and

WHEREAS, said map, plan and estimate of cost are on file in the office of the Town Clerk and are available for public inspection; and

WHEREAS, the Town Board has given due consideration to the impact that the increase and improvement of the facilities of the District may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, which has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board issued an Order at its February 11, 2013 meeting calling for a public hearing to be held at the Southside Municipal Center, East Aurora, New York, on February 25, 2013 at 7:00 o'clock P.M. (prevailing time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than 10 nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices;

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF AURORA, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$560,000; and it is hereby

DETERMINED, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

DETERMINED, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$560,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

FURTHER ORDERED, that within 10 days after adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

DATED: February 25, 2013

TOWN BOARD OF THE  
TOWN OF AURORA

The adoption of the foregoing resolution approving the increase and improvement of facilities of the Town of Aurora Water District No. 6 was duly put to a vote on roll call, which resulted as follows:

Action #62

AYES: Councilman Harris – Aye  
Councilwoman Friess – Aye  
Councilman Bach - Aye  
Councilman Collins - Aye  
Supervisor Jeffe - Aye

WD6 I&I Order  
after public  
hearing  
resolution  
approved.

NOES: none

ABSENT: none

The Resolution approving the increase and improvement of facilities of the Water District was declared adopted.

\* \* \*

The following resolution was offered by Councilwoman Friess; seconded by Councilman Harris, to wit;

**A BOND RESOLUTION, DATED FEBRUARY 25, 2013, OF THE TOWN BOARD OF THE TOWN OF AURORA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF AURORA WATER DISTRICT NO. 6, AT AN ESTIMATED MAXIMUM COST OF \$560,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$560,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

WHEREAS, the Town Board of the Town of Aurora, Erie County, New York (the "Town"), has determined to proceed with a certain capital improvements project in the Town of Aurora Water District No. 6 (the "District"); and

WHEREAS, the Town Board desires to undertake a capital improvements project that includes, but is not limited to, the construction of approximately 1,900 linear feet of 6-inch PVC waterline along Center Street, the construction of approximately 1,750 linear feet of 8-inch PVC waterline along Geneva Road, the installation of pressure-control equipment, fire hydrants, residential service line reconnections, valves and appurtenances, as well as other such improvements as more fully identified in such map, plan and report, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively, the "Project"); and

WHEREAS, the Town Board has determined to proceed with the Project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Project;

NOW, THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is a capital improvements project within the District that includes, but will not be limited to, the construction of approximately 1,900 linear feet of 6-inch PVC waterline along Center Street, the construction of approximately 1,750 linear feet of 8-inch PVC waterline along Geneva Road, the installation of pressure-control equipment, fire hydrants, residential service line reconnections, valves and appurtenances, as well as other such improvements as more fully identified in such map, plan and report, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto. The estimated maximum cost of said purpose is \$560,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$560,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by, the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other town charges to pay

the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by, the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). The Town Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the Town Supervisor, the Deputy Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 14. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. This Resolution is effective immediately.

SECTION 16. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said Town and designated as the official newspaper of said Town for such publication.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:	Councilman Harris	– Aye	Action #63 WD6 I&I Bond resolution adopted.
	Councilwoman Friess	– Aye	
	Councilman Bach	– Aye	
	Councilman Collins	– Aye	
	Supervisor Jeffe	– Aye	
NOES:	none		
ABSENT:	none		

The foregoing resolution was thereupon declared duly adopted.

Councilman Harris moved to approve the Professional Engineering Services proposal from CRA Infrastructure & Engineering, Inc. (CRA) for the Increase and Improvement of Facilities of Town of Aurora Water District No. 6, whereby CRA will provide engineering services relating to the installation of a water line on Center Street and replacement of a water line on Geneva Road as outlined in the Map and Plan dated January 2013 and to authorize the Supervisor to sign the proposal for the following services, at the following cost:

Design Phase Services	\$19,400.00 lump sum
Bid Phase Services	3,200.00 lump sum
Construction Phase Services –	
Construction Admin.	\$8,100.00 lump sum
Resident inspection	\$85.00 per hour (anticipated 40 hrs. per week x 10 weeks)

Action #64  
CRA  
engineering  
proposal for  
WD6I&I  
approved.

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

#### NEW BUSINESS:

Councilman Bach moved to approve the request from Recreation Director Peggy Cooke to donate family pool memberships or pool day passes to the following not-for-profit organizations for their fund raising events:

- Moose Lodge #370 - two (2) certificates
- Kiwanis Club of E. Aurora - two (2) certificates
- Boys & Girls Club of E. Aurora - one (1) certificate
- E. Aurora elementary PTO - one (1) certificate
- Explore & More Children's Museum – one (1) certificate
- D.A.R.E. – one (1) certificate
- Immaculate Conception School – one (1) certificate
- E. Aurora Community Nursery School – one (1) certificate
- (Recreation Dept.) sponsored Father Daughter Dance – one (1) certificate given as a prize
- Wesleyan Church of E. Aurora – ten (10) day passes

and also moved that duplicate numbered certificates will be issued from the Supervisor's office and collected and filed by the Supervisor's office upon redemption. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #65  
Donation of  
pool vouchers  
to nfp  
organizations  
approved with  
conditions.

Quotes for janitorial products and janitorial paper products were received from HJS Supply Co., Eaton Supply, Grainger and S&B Office Products. Overall the quote from HJS Supply for various paper products, soap and trash can liners were lower than the quotes from the other three vendors.

Councilwoman Friess moved to approve the quote from HJS Supply Co., LLC, 2983 Seneca Street, West Seneca, NY for the purchase of janitorial products and janitorial paper products. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five  
noes – none                      Motion carried.

Action #66  
Purchase of  
janitorial  
paper products  
for 300 Glead  
approved.

Councilman Collins moved to approve the promotion of Andrew (Andy) Gonzales to Head Coach of E.A.S.T. (East Aurora Swim Team) with a Civil Service title of Lifeguard RPT at a rate of \$13.50 per hour effective 2/26/13. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #67  
A. Gonzales  
promoted to  
EAST head  
coach

Councilman Bach moved to accept the following donation to be used exclusively for the Glead baseball/softball diamond project, with funds to be deposited to TA1000.112:

<u>Donor Name</u>	<u>Amount</u>	<u>Date Received</u>
Cielo Salon	\$200.00	2/14/13
Fox Run @ Orchard Park	\$1,000.00	2/14/13
Richard & Debra O'Connor	25.00	2/21/13

Action #68  
 Glead baseball diamond donations accepted.

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

Action #69  
 2012 Budget amendment re: salt barn insurance claim approved.

The towns' auditor is requesting that the proceeds received from Selective Insurance for the insurance claim for emergency repairs to the highway salt barn in April 2012 be accounted for in the 2012 budget.

Councilman Harris moved to approve amending the 2012 Town Budget to include Revenue line A2680 Insurance recoveries in the amount of \$41,263.34 and to increase budget expense line A1620.422 Buildings and Grounds repair and maintenance in the amount of \$41,263.34. Upon a vote being taken: ayes – five noes – none

Motion carried.

Highway Superintendent David Gunner stated that due to government radio frequency change, two truck radio units needed to be replaced.

Action #70  
 2013 Budget transfer to cover cost of truck mobile radios apprvd.

Councilwoman Friess moved to approve the following (2013) budget transfer to cover the cost of replacing two mobile radio units for Town trucks #327 and #322:

From: DB5130.432 Highway machinery materials/supplies \$882.00  
 To: DB5130.420 Highway machinery mobile radio service \$882.00

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

The hot water tank at Southside Municipal Center is leaking and needs to be replaced. Quotes were received from: Irr Supply - \$1,767.00; Erb Co. - \$1,871.84; and VP Supply - \$1,486.36. The unit will be installed by town employees.

Action #71  
 Purchase of hot water tank for 300 Glead approved.

Councilman Collins moved to approve the purchase of a 75 gallon hot water tank for the Southside Municipal Center from VP Supply in the amount of \$1,486.36. Funds will be disbursed from ER1621.422 repair and maintenance. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

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

**TOWN OF AURORA  
 RESOLUTION TO AMEND THE NEW YORK SAFE ACT**

WHEREAS, the Town of Aurora, located in Erie County, is the home of almost 14,000 New York State residents; and  
 WHEREAS, on Monday, January 14, 2013 the rights under the Second Amendment of our Constitution were infringed upon without due process; and

WHEREAS, the Gun Control Bill (S.2230), known as the NY SAFE Act, was rushed through the Senate and Assembly without a single public hearing or input from the various law enforcement agencies located around the State; and

WHEREAS, even the State lawmakers did not have adequate time to review the bill as presented, leaving questions about implementation and regulation of this new law; and  
WHEREAS, this law should focus on increasing penalties for criminals who use firearms to harm and threaten law abiding citizens and address the issues of mental illness related to violence; and

WHEREAS, the Town of Aurora realizes the NY SAFE Act gun control law must be repealed and the restrictive parts of the enacted law be replaced.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Aurora calls upon the Governor and the State Legislature to repeal the NY SAFE Act and to use proper legal procedure to create revised legislation that better addresses the real issues related to gun control; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to: Hon. Governor Andrew M. Cuomo, Hon. Senate Majority Leader Dean Skelos, Majority Leader of Independent Democratic Caucus Jeff Klein, Hon. Senate Minority Leader Andrea Stewart-Cousins, Hon. Speaker of the Assembly Sheldon Silver, Hon. Leader of the Assembly Joseph Morelle, Hon. Minority Leader of the Assembly Brian Kolb, the Western New York Delegation and the Erie County Legislators.

Action #72  
Resolution to  
amend NY Safe  
Act (gun  
control)  
adopted.

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

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

**TOWN OF AURORA**  
**RESOLUTION FOR AN INCREASE IN JUSTICE COURT FUNDING**

**WHEREAS**, town justice courts provide an essential service that is primarily funded by local real property taxes; and

**WHEREAS**, the State established reimbursement fund (General Municipal Law GML §99-L), designed to assist towns with the operational expenses of justice courts, has not been amended to reflect an increase in operational expenses for more than a decade; and

**WHEREAS**, since last amended, the New York State Police discontinued the practice of prosecuting and plea-bargaining traffic violations in town justice courts, placing a burden on local governments to provide prosecutors for traffic violations, thereby further increasing court operational expenses; and

**WHEREAS**, the 2013-2014 Executive Budget seeks to impose limitations on the plea bargaining process as it pertains to speeding tickets issued to drivers in excess of 20 miles over the posted speed limit; and

**WHEREAS**, state law sets forth the surcharges and fines for many actions adjudicated in town justice courts as well as the distribution of fines and surcharges between the state and the town;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Aurora calls upon the Governor and the State Legislature to increase GML §99-L reimbursement fees to assist local taxpayers in funding justice court operational expenses; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Aurora requests legislative action to establish a new surcharge to maintain the office of town prosecutor thereby reducing the expense to town taxpayers; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Aurora calls upon the Governor and the State Legislature to ensure that costs associated with new state laws, regulations and policies affecting the courts are not borne by town taxpayers; and

Action #73  
Resolution to  
increase  
funding for  
justice courts  
adopted.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to:

Honorable Governor Andrew M. Cuomo, Honorable Senate Majority Leader Dean Skelos, Majority Leader of Independent Democratic Caucus Jeff Klein, Honorable Senate Minority Leader Andrea Stewart-Cousins, Honorable Speaker of the Assembly Sheldon Silver, Honorable Leader of the Assembly Joseph Morelle, Honorable Minority Leader of the Assembly Brian Kolb, and the Western New York Delegation and Erie County Legislators.

Upon a vote being taken: ayes – five noes – none Motion carried.  
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Councilwoman Friess moved to adopt the following resolution; seconded by Councilman Harris:

**TOWN OF AURORA  
RESOLUTION IN OPPOSITION TO GOVERNOR CUOMO'S PROPOSALS TO  
RESTRICT LOCAL ABILITY TO PLEA BARGAIN SPEEDING TICKETS AND  
APPLY SURCHARGES ON STOPPING/STANDING/PARKING VIOLATIONS**

**WHEREAS**, the Governor has proposed, as part of his Executive Budget, a provision that would restrict the ability of local courts to plea bargain traffic tickets; and

**WHEREAS**, this provision would unduly infringe upon the discretion of local judges to adjudicate matters on a case by case basis; and

**WHEREAS**, without the ability to plea bargain traffic tickets there will be an increase in the number of trials held in the local courts which will have the result of significantly increasing the cost to the municipality to run its court system; and

**WHEREAS**, this provision will take away an important funding source that municipalities rely on to run their court systems; and

**WHEREAS**, the Governor has also proposed, as part of his Executive Budget, a provision that would add an eighty dollar (\$80.00) surcharge to all stopping/standing/parking violations, regardless of the circumstances behind the violations; and

**WHEREAS**, this would have the effect of creating a significant hardship of residents of this state who have been cited for relatively minor infractions; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Aurora does hereby oppose these provisions of the Governor's Executive Budget; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to:

Honorable Governor Andrew M. Cuomo, Honorable Senate Majority Leader Dean Skelos, Majority Leader of Independent Democratic Caucus Jeff Klein, Honorable Senate Minority Leader Andrea Stewart-Cousins, Honorable Speaker of the Assembly Sheldon Silver, Honorable Leader of the Assembly Joseph Morelle, Honorable Minority Leader of the Assembly Brian Kolb, and the Western New York Delegation and Erie County Legislators.

Action #74  
Resolution  
opposing  
restrictions on  
plea  
bargaining for  
traffic tickets  
adopted.

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

Quotes were requested for repairing the electric meter at Community Pool – Ferguson Electric declined to quote due to too many unknown factors; Huber Electric quoted \$3,875.00 for best case scenario; and Warning Electric quote \$2,000.00 for best case scenario and up to \$6,000.00 for worst case scenario. NYSEG requires that a certified electrician needs to do the work and an electrical inspection is required upon completion of the work.

Action #75  
Repair of  
community  
pool electric  
meter by  
Warning Elec.  
approved.

Councilwoman Friess moved to authorize Warning Electric, Olean Road, East Aurora, to repair the Community Pool electric meter (meter #50928899) for an amount not to exceed \$6,000.00. Funds will be disbursed from A7180.426. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five      noes – none      Motion carried.

Councilman Collins moved to approve the request from Town Clerk Martha Librock to attend the 31<sup>st</sup> Annual NYS Town Clerks Association Conference in Buffalo, NY, on April 28-May 1, 2013. Registration (\$125.00) and lodging/meals/etc. (\$416.09) will be disbursed from A1410.404 Town Clerk mileage. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five      noes – none  
Motion carried.

Action #76  
Request from  
Town Clerk to  
attend  
NYSTCA  
conference  
approved.

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

- Dog Control – December 2012 Report
- Assessor – January 2013 Report
- Letter from United Way re: 2012 participation
- Letter from AADS re: Annual Meeting
- Letter from EAFD re: Recruitment/Retention support

BUSINESS FROM BOARD MEMBERS:

Councilman Bach noted that he had met with the Supervisor regarding a 5-year capital plan and will be meeting with Town department heads to discuss anticipated wants and needs.

Supervisor Jeffe announced that highway employee Jim Walczyk has submitted a letter to the Town Clerk announcing his retirement effective February 22, 2013. Jim worked for the Town since 1981. The Board wished him well in his retirement and thanked him for over 30 years of dedication to the Town.

AUDIENCE II:

Tony Rosati, Center Street, suggested that the 5-year capital plan include such items as water heaters, furnaces, etc., and suggested a maintenance and inspection schedule for all Town owned buildings.

STAFF REPORTS: none

The February 25, 2013 Abstract of Claims, consisting of vouchers numbered 206 to 274, was submitted to the Board for audit and authorization of payment from the following funds:

General	\$18,248.93
Part Town	9.24
Highway	23,257.71
Enterprise/Gleed	15,132.85
Special Districts	<u>90,007.51</u>
Grand Total Abstract	\$146,656.24

Councilwoman Friess moved to approve the February 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 #77  
2/25/13  
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 #78  
Meeting  
adjourned.

Martha L. Librock  
Town Clerk