

April 14, 2014

A meeting of the Town Board of the Town of Aurora took place on Monday, April 14, 2014, at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Susan A. Friess Jeffrey T. Harris Charles D. Snyder James J. Bach	Councilwoman Councilman Councilman Supervisor
Absent/Excused:	Jolene M. Jeffe	Councilwoman
Others Present:	Ronald Bennett William Wheeler David Gunner Justin Smith Peggy Cooke Timothy Bailey William Adams Patrick Blizniak	Town Attorney CRA Engineering Highway Superintendent Highway employee Recreation Director Planning Board Planning Board Superintendent of Building

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

Councilman Snyder moved to approve the minutes of the March 18, 2014 Town Board work session; seconded by Councilman Harris. Upon a vote being taken: ayes – four noes – none Motion carried. Action #103 3/18/14 work session minutes aprvd.

Councilwoman Friess moved to approve the minutes of the March 24, 2014 Town Board meeting; seconded by Councilman Snyder. Upon a vote being taken: ayes – four noes – none Motion carried. Action #104 3/24/14 TB mtg minutes aprvd

#### AUDIENCE I:

Karl Simmeth, representing Assemblyman David DiPietro's office, asked the Board if there was anything they wanted him to take back to Mr. DiPietro. Supervisor Bach extended an invitation to the Assemblyman to come to one of our Town Board meetings.

#### UNFINISHED BUSINESS:

Councilman Snyder moved to adopt the Local Law 1 of 2014; seconded by Councilwoman Friess:

### TOWN OF AURORA

### LOCAL LAW 1-2014

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 ZONE MAP.

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. This

Local Law will amend the boundaries of the Zone Map to transfer the described property from its present location in an A and B1 Zoning District to a B1 Zoning District.

**SECTION 2. SECTION 116-6, ZONE MAP**

Section 116-6(A), Zone Map, of the Codes of the Town of Aurora is amended as follows:

The present Zone Map adopted heretofore describing the district boundaries within the Town of Aurora is amended to transfer and place the following described property from its present classification as an A and B1 Zoning District to a B1 Zoning District:

Parcel "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Aurora, County of Erie and State of New York, being part of Lot No. 13, Township 9, Range 6 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the center line of Olean Road 951.52 feet northwesterly from the intersection of the center line of Olean Road and the south line of said Lot Number 13 as measured along the center line of Olean Road, said point being the northwest corner of lands conveyed to Edward W. Osgood by deed recorded in Erie County Clerk's Office in Liber 3285 of Deeds at page 100; thence east parallel with the south line of said Lot Number 13, 402.90 feet to a point; thence southwesterly and making a westerly and included angle of 33E 19' a distance of 324.76 feet to a point in the center line of Olean Road 221.62 feet southeasterly of the place of beginning; thence northwesterly along the center line of Olean Road 221.62 feet to the point or place of beginning.

Parcel "B"

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Aurora, County of Erie and State of New York, being part of Lot No. 13, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the southeast corner of lands conveyed to Ralph A. Gerstung and his wife by deed recorded in Erie County Clerk's Office in Liber 7221 of Deeds at page 170; thence northwesterly along the easterly line of lands conveyed to Gerstung as aforesaid and extension thereof 305.14 feet to a point; thence northerly making an interior angle of 164E 28' to the last mentioned line 126.94 feet to the south line of lands conveyed to Ralph A. Gerstung and wife by deed recorded in Erie County Clerk's Office in Liber 7013 of Deeds at page 447; thence easterly along the south line of lands conveyed to Gerstung as aforesaid 447.83 feet to the west line of lands conveyed to the Buffalo and Washington Railway Company by deed

recorded in Liber 254 of Deeds at page 523; thence southeasterly along the westerly line of lands conveyed to the Buffalo and Washington Railway Company as aforesaid 246.70 feet to a point; thence southwesterly making an interior angle of 83E 39' with the west line of lands conveyed to Buffalo and Washington Railway Company as aforesaid 378.41 feet to the place or point of beginning, containing 3.03 acres, more or less.

Parcel "C"

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Aurora, County of Erie and State of New York, being part of Lot Number 13, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of Olean Road 951.52 feet northwesterly from the intersection of the center line of Olean Road and the south line of said Lot Number 13 as measured along the center line of Olean Road, said point being the northwest corner of lands conveyed to Edward W. Osgood by deed recorded in Erie County Clerk's Office in Liber 3285 of Deeds at page 100; running thence northerly along the center line of Olean Road 6.06 feet to the southwesterly corner of lands conveyed to Clarrissa E. Reed by deed recorded in Liber 7614 of Deeds at page 511; running thence easterly along the south line of said lands conveyed to Reed 633.20 to the west line of lands of the Pennsylvania Railroad; running thence southerly along the west line of the lands of said Railroad, 187 feet to the north line of lands conveyed to Osgood as mentioned aforesaid; running thence westerly along the northerly line of said lands conveyed to Osgood, 858.6 feet to the point or place of beginning.

SECTION 3. RESTRICTION ON USE

The rezoning of the real property described herein is subject to the terms and provisions of an agreement between the Town of Aurora and the record owner restricting the use of the subject property. Said agreement with restrictive covenants shall be recorded in the Erie County Clerk's Office as a condition to the use of the property as rezoned.

SECTION 4. EFFECTIVE DATE

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

Upon a roll call vote being taken:

- Councilman Harris – aye
- Councilwoman Friess – aye
- Councilman Snyder – aye
- Supervisor Bach – aye

Ayes – four

Noes – none

Motion carried.

Action #105  
LL 1-2014 –  
rezone 992  
Olean –  
adopted with  
restrictive  
covenants

Supervisor Bach stated that the Board will not be considering the next item on the agenda – a proposed Second Partial Settlement Agreement for Legacy Polo Grounds, LLC, as there is current litigation with regard to the number of single and double units that can be constructed on the site and Polo Grounds has an appeal scheduled for April 17, 2014 before the Zoning Board of Appeals.

NEW BUSINESS:

Based on the \$29,822.70 balance left in the Library renovation grant, the Town and the Library Board have agreed to have further work performed at the 550 Main Street location.

Quotes for a fire alarm system and wireless panic alarm system for the Aurora Town Library were received from:

Elwood Fire Protection	\$9350.30	monitoring \$204/yr*
Great lakes Building Systems	\$9075.19	monitoring \$285/yr*
Fire Safety Systems	\$7875.00	monitoring \$240/yr*
All American Security, Inc.	\$7370.00	monitoring \$240/yr*

\*monitoring will be paid for by the Library system, not the Town

Action #106  
 Fire alarm system & panic alarm approved for TOA library

Councilman Snyder moved to approve the quote from All American Security, Inc., East Aurora, NY, in the amount of \$7370.00 for the installation of a fire alarm system and wireless panic alarm system at the Aurora Town Library, 550 Main Street, E. Aurora. 50% of the funding will come from the Library Grant and the balance will be disbursed from A1620.422. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Quotes for masonry repair at the Aurora Town Library were received from:

Jack Rosenberg Masonry	\$35,000
Beitz Masonry	\$15,275
Eric Lafferty Construction	\$14,600
Creative Concrete	\$ 9,600

Action #107  
 Masonry work for TOA library approved.

Councilman Snyder moved to approve the quote from Beitz Masonry & Construction, Porterville Road, East Aurora, NY, in the amount of \$15,275.00 for masonry repair work at the Aurora Town Library, 550 Main Street, E. Aurora. 50% of the funding will come from the Library Grant and the balance will be disbursed from A1620.422. (Note: the low bidder, Creative Concrete, refused to provide any type of warranty and the second lowest bidder, Eric Lafferty Construction, would not be able to complete the work by June 1, 2014. Both provisions, the warranty and completion date, were in the specifications.) Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Quotes for furnace and air conditioner replacement at the Aurora Town Library were received from:

	(3) <u>Furnaces</u>	(1) <u>A/C</u>
TriR Mechanical	\$7,250	\$3,600
Superior Heat Company	\$3,900	\$3,300
Allied Mechanical, Inc.	\$6,902	\$4,934

Councilman Snyder moved to approve the quote from Superior Heat Company, North Benzing Road, Orchard Park, NY, in the amount of \$3,900.00 to provide and install three (3) 82% efficient Payne furnaces with digital programmable thermostats and to approve the quote of \$3,300.00 to provide and install one (1) 3-ton air conditioning unit at the Aurora Town Library, 550 Main Street, E. Aurora. \$3588.00 will come from the Library Grant and the balance of \$3612.00 will be disbursed from A1620.422. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes - none Motion carried.

Action #108  
Furnaces &  
A/C unit  
approved for  
TOA library

Councilwoman Friess moved to release \$14,935.00 of the \$37,040.00 committed fund balance for building repair and to transfer the released amount to A1620.422 to cover the Town's portion of the Library repairs approved at this meeting. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #109  
Committed  
fund balance  
transferred for  
TOA library  
repairs.

Councilwoman Friess moved to appoint Karney McNear to the position of Director of Recreation and Aquatics for the Town of Aurora, to replace retiring Recreation Director Peggy Cooke, at an annual pay rate of \$52,000.00 and a start date of June 9, 2014. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes - none Motion carried.

Action #110  
K. McNear  
appt'd Dir. of  
Recreation &  
Aquatics

Councilman Snyder moved to approve an annual pay increase of \$3,400.00 for Recreation Supervisor Elaine Schiltz effective June 9, 2014. The increase is to cover the additional responsibilities that will be assigned to Ms. Schiltz. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #111  
Pay raise for  
E. Schiltz,  
Rec. supv.  
approved.

Councilwoman Friess moved to approve a new recreation program titled *Picture This!*, which is a photograph class taught by Terry Tomczyk of Terry's Photo Studio. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #112  
Photography  
program  
approved for  
Rec. Dept.

Councilman Snyder moved to approve a Temporary Use Permit to the East Aurora Driving Society, Inc. for use of the Equestrian Park at Knox Farm State Park on July 26-27, 2014, for their horse drawn carriage and cart competition and pleasure drive, with set up on 7/23/14 and tear-down on 7/29/14, contingent on receipt of current insurance certificate and payment of fees. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes - none Motion carried.

Action #113  
Temp use  
permit for  
Knox Park  
equestrian area  
approved.

Councilman Snyder moved to approve the civil service title change for Elizabeth Cassidy from clerk part time to clerk part time seasonal effective April 26 to September 12, 2014. Seconded by Councilman Harris. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #114  
E. Cassidy –  
clerk PT  
seasonal  
effective 4/26

Councilwoman Friess moved to approve the hiring of the following persons to work as part time seasonal employees for the highway and parks departments beginning on or after April 21, 2014, at rate of \$10 per hour:

Jason Buranich, Quaker Rd., EA  
Connor Denz, E. Main St., EA  
Jacob Denz, Willardshire Rd., EA  
Aaron Denz, Willardshire Rd., EA  
Nathaniel West, Buffalo Rd., EA

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

Action #115  
Seasonal park/  
hwy  
employees  
approved

Councilman Snyder moved to approve the request from Highway Superintendent David Gunner to attend the 2014 Highway School at Ithaca College, Ithaca, NY, on June 2 – 4, 2014. The registration fee of \$100 and hotel fee (3 nights) of \$537 will be disbursed from A5010.404. Councilman Harris seconded the motion. Upon a vote being taken:  
ayes – four      noes – none      Motion carried.

Action #116  
D. Gunner to attend highway school in Ithaca, NY

Councilman Harris moved to approve the promotion of highway employee Justin Smith from Laborer to Truck Driver and to approve his pay rate of \$19.30 per hour effective April 28, 2014, in accordance with the CSEA contract. Mr. Smith has obtained his CDL license. Councilman Snyder seconded the motion. Upon a vote being taken:  
ayes – four      noes – none      Motion carried.

Action #117  
J. Smith promoted to truck driver with pay incr.

Councilwoman Friess moved to approve the civil service title change for James Kittner from laborer part-time to laborer part-time seasonal effective April 15, 2014. Supervisor Bach seconded the motion. Upon a vote being taken: ayes – four      noes – none      Motion carried.

Action #118  
J. Kittner title change to seasonal PT laborer aprvd.

Councilman Snyder moved to approve the civil service title change for Elizabeth Deveso from clerk part-time to clerk part-time seasonal effective April 28, 2014. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four      noes – none      Motion carried.

Action #119  
E. Deveso – clerk PT seasonal – effective 4/28

Councilwoman Friess moved to declare a Fellows Powershred 120 paper shredder from the Highway office as surplus inventory to be disposed of through the electronic recycling program. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four      noes – none      Motion carried.

Action #120  
Paper shredder declared surplus inventory.

Councilwoman Friess moved to approve the following budget amendment and budget transfer to properly document the receipt of the NYS Archives Records Management grant for renovation of a records storage room:

Action #121  
Records mgmt. budget amendment & transfer aprvd.

Budget Amendment:

Increase Revenue line A3060	\$35,674
Increase Appropriation line A1460.0401	\$35,674

Budget Transfer:

From: A599 Appropriated Fund Balance	\$17,837
To: A510/A3060 Estimated Revenues	\$17,837

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

Action #122  
Sr. Ctr. to receive seasonal pest control applications

Councilman Snyder moved to approve Buffalo Exterminating, Orchard Park, NY, to perform seasonal exterminating services at the Aurora Senior Center, 101 King Street, EA, at a cost of \$230 per treatment for three (3) to four (4) treatments per season. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four      noes – none      Motion carried.

Councilman Snyder moved to authorize the Supervisor to sign the 2014 Pyrotechnic Display and Services Agreement with Skylighters of NY LLC, for the fireworks display in Hamlin Park in July 3, 2014 at a cost of \$9,000 (funds which are community donations). Councilman Harris seconded the motion. Upon a vote being taken: ayes – four      noes – none      Motion carried.  
(The agreement will be sent to the Village Board for the mayor to sign.)

Action #123  
Supv. auth to sign fireworks agreement.

Councilman Snyder moved to approve the following budget transfer to cover a deficit in the Recreation office supply line and to cover additional costs in 2014:

Action #124  
Recreation  
budget transfer  
approved.

From: A7180.113 Aquatic club \$500  
A7140.400.2 Playground supplies \$500

To: A7020.401 Recreation Admin. – office expense \$1,000

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

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

- Town Clerk – March 2014 Report
- Town Clerk/Tax Collection – March 2014 Report
- Water Clerk – March 2014 Report
- Senior Center – March 2014 Report
- Building Department – March 2014 Report
- Work Requisitions – March 2014 Report
- Dog Control – March 2014 Report
- EAPD – March 2014 Report
- Supervisor – March 2014 Report

BUSINESS FROM BOARD MEMBERS:

Councilman Harris presented a Town of Aurora Emergency manual to the Supervisor and stated he is working on a lock-down plan.

Councilwoman Friess noted that she and Councilwoman Jeffe have been meeting with the Friends of Mill Road group regarding plans for the Mill Road site. Highway Superintendent Gunner stated that the Friends of Mill Road are obtaining estimates for the scenic overlook on Mill Road.

Councilman Snyder stated he attended the Town’s Easter egg hunt this past Saturday.

Supervisor Bach congratulated Town Clerk Martha Librock on being named Erie County Town Clerk of the Year.

AUDIENCE II:

Frank Chinnici, Legacy Polo Grounds LLC, asked why he wasn’t given a chance to speak on the proposed partial settlement agreement, noting the agreement and the variance being requested from the Zoning Board of Appeals are two different issues.

STAFF REPORTS:

Highway Superintendent Gunner stated the Town is getting an emergency grant, just under \$7500, for road repair and the highway department will be able to crack-seal this year.

Bill Wheeler, CRA, stated that the ECWA and the Town water department will begin testing water lines for fire flow on 4/16/14 as part of the preliminary steps for the Town to go to direct service with the ECWA.

The April 4, 2014 Pre-paid Abstract of Claims, consisting of vouchers numbered 442 to 459, was presented to the Board for audit and authorization of payment from the following funds:

General	\$15,080.84
Special Districts	<u>62,876.68</u>
Grand Total Abstract	\$77,957.52

The April 14, 2014 Abstract of Claims, consisting of vouchers numbered 460 to 570, was presented to the Board for audit and authorization of payment from the following funds:

General	\$67,488.41
Part Town	56,650.00
Highway	33,365.24
Enterprise/Gleed	4,770.45
Capital/Diamond Proj.	12.22
Capital/WD 6	3,803.75
Trust & Agency	3,936.82
Special Districts	<u>70,383.66</u>
Grand Total Abstract	\$239,410.55

Councilwoman Friess moved to approve the April 4, 2014 Pre-paid and the April 14, 2014 Abstracts of Claims and to authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #125  
4/4/14 &  
4/14/14  
Abstracts of  
Claims aprvd.

Councilwoman Friess moved to adjourn at 8:05 p.m.; seconded by Councilman Harris. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #126  
Meeting  
adjourned

Martha L. Librock  
Town Clerk