

June 23, 2014

A meeting of the Town Board of the Town of Aurora took place on Monday, June 23, 2014, at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Susan A. Friess	Councilwoman
	Jeffrey T. Harris	Councilman
	Charles D. Snyder	Councilman
	Jolene M. Jeffe	Councilwoman
	James J. Bach	Supervisor

Others Present:	Ronald Bennett	Town Attorney
	David Gunner	Highway Superintendent
	William Adams	Planning Board member
	William Wheeler	CRA Engineering

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

Councilwoman Jeffe moved to approve the minutes of the June 9, 2014 Town Board meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #195 6/9/14 TB mtg minutes aprvd.
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AUDIENCE I: none

UNFINISHED BUSINESS: none

NEW BUSINESS:

Councilwoman Friess moved to amend tonight's agenda by adding two items: 6J – Polo Grounds resolution and 6K – New Wave Energy Contract. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #196 2 items added to agenda
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Councilman Snyder moved to forward the Emery Road Open Development Area application submitted by Andrew Romanowski to the Planning Board for review and recommendation. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #197 Emery Rd ODA forwarded to planning board
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Councilwoman Friess moved to authorize the purchase of an estimated 300 tons of 2" screened gravel at \$7.70 per ton from Waterman's Gravel from the Erie County Bid list. The gravel is to be used for construction of a 12' wide by 450' long driveway at the equestrian/polo field at Knox Farm State Park. Funds will be disbursed from A7189.444 Knox Field Supplies. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #198 Gravel for driveway at polo & equestrian field at KFSP aprvd
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Councilwoman Friess moved to accept donations from the WNY Horse Council in the amount of \$940 and David Cooper of the Polo Committee in the amount of \$500 to be used for the construction of the driveway at the equestrian/polo field at Knox Farm State Park. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #199 Donation for gravel driveway at Knox Park accepted
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Quotes to seal and stripe the parking lot at the Aurora Town Library and the Duck Duck Goose lot at the Southside Municipal Center were received from:

Northeast Paving	\$2657.00
Tom Greenauer Development	\$1626.00

Councilwoman Friess moved to approve the sealing and striping of the Duck Duck Goose Daycare parking lot at the Southside Municipal Center by Tom Greenauer Development. The \$398 cost will be disbursed from ER1621.422 repair and maintenance. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #200
Duck Duck
Goose parking
lot to be sealed
and striped.

Councilwoman Jeffe moved to approve the sealing and striping of the Aurora Town Library parking lot (550 Main Street) by Tom Greenauer Development. The \$1228 cost will be disbursed from A1620.422 repair and maintenance. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #201
Library parking
lot to be sealed
and striped.

Councilwoman Jeffe moved to approve:
1) The purchase (includes delivery) of an estimated 250 tons of 1” CR from County Line Stone, Inc., for the Mill Road Overlook at a cost of \$14.09 per ton for a cost of \$3500.00. This rate is based on the Erie County DPW Summer Bid Summary list
2) The hiring of American Paving to provide equipment and operator to spread the stone in the parking area of the Mill Road at a cost of \$8114.00. This rate is based on the Erie County Bid list.
3) Hydro seed from John Deere Landscapes in the amount of \$750.00

Action #202
Purchase of
stone;
contractor &
hydroseed for
Mill Road
Overlook aprvd

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

Councilman Snyder moved to accept a donation of \$9000.00 from the Western New York Land Conservancy for work to be done at the Mill Road Overlook project. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #203
\$9000 donation
from WNYLC
for Mill Road
Overlook aprvd

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

RESOLUTION AUTHORIZING ABANDONMENT OF HIGHWAY

WHEREAS, David M. Gunner as Superintendent of Highways of the Town of Aurora has recommended that the eastern portion or end of the road in the Town of Aurora known as Old Jewett-Holmwood Road, formerly known as Jewett-Holmwood Road, formerly known as Rankin Road, a Survey of which describes that portion to be abandoned, has not been opened or worked within six (6) years and has not been traveled or used as a highway for six (6) or more years prior to the date of June 23, 2014, and

WHEREAS, New York Highway Law Section 205(1) provides that every highway that has not been traveled or used as a highway for six (6) years, shall cease to be a highway, and

WHEREAS, the abandonment of such road requires the written consent of a majority of the Town Board,

NOW, THEREFORE, be it

RESOLVED, that a portion of the highway previously known as Rankin Road, a description of which is annexed as Exhibit “A”, shall cease to be a highway and deemed abandoned, and be it further

RESOLVED, an acknowledgment of the abandonment is annexed as Exhibit “B”, and be it further

RESOLVED, the Town Superintendent of Highways shall file and cause to be recorded in the office of the Town Clerk the acknowledgment of abandonment signed by him and by members of the Town Board, which effective upon the filing shall be deemed an abandonment and the same shall thereupon be discontinued.

EXHIBIT "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. 39, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the center of the end of the Corbin Road at its intersection with the road running up and down the creek; thence north 55° east 14.51 chains; thence north 73° east 12.24 to a point north 10° east from the northeast corner of the wall of Geo. N. Rankins dwelling house and 1° 86 links therefrom then north 62° east 7, 36 to a stake on the westerly bank of said creek; thence north 52° east 1.25 then 1° west 4.89; thence north 35° east 2.60 then west 13° east 3.50 then north 7.25 east 18.50 to intersect the road running east and west by Luke M. Pratts house (variation of the needle 2.5 west) and the line of the said survey is to be the center of said highway which is to be three rods in width.

EXCEPTING AND RESERVING THEREFROM 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. 39, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the easterly boundary of Rankin Road (49.50 feet wide) and the northwesterly line of Jewett-Holmwood Road (80 feet wide), said Rankin Road being the former Jewett-Holmwood Road; thence northerly along the easterly bounds of Rankin Road 19.29 feet to the point of curvature of a curve to the right having a radius of 125.25 feet; thence continuing northerly along the easterly line of Rankin Road along said curve an arc distance of 35.84 feet; thence westerly on a radial line to said curve 49.50 feet to a point on the westerly bounds of Rankin Road, having a radius of 174.75 feet; thence southerly along the westerly bounds of Rankin Road an arc distance of 50.00 feet to a point of tangency; thence continuing southerly along the westerly bounds of Rankin road 134.63 feet to the northwesterly bounds of Jewett-Holmwood Road; thence northeasterly along the northwesterly bounds of Jewett-Holmwood Road on a curve to the right having a radius of 450.00 feet an arc distance of 125.93 feet to the point of beginning, containing 0.128 acre of land more or less.

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

Councilwoman Friess moved to authorize the Supervisor to sign a property listing agreement with Stephanie Morgan – JRS Morgan Realty LLC, 652 Main Street, East Aurora, NY, (Broker) which gives the Broker the exclusive right to sell the Town owned property at 44 Jewett Holmwood Road, East Aurora, for the sum of \$39,900 with a listing date of 6/24/14 and ending date of 12/24/14. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #204
Abandonment of
portion of
Rankin Road
(@ 44 Jewett
Holmwood)
approved.

Action #205
Supv. auth to
sign realty listing
agreement for 44
Jewett
Holmwood

Councilwoman Jeffe moved to authorize the Supervisor to sign the Third Amendment to the (Aurora Arsenal) Agreement dated September 24, 2014:

THIRD AMENDMENT TO AGREEMENT DATED SEPTEMBER 24, 2007

This agreement, made and entered into on the 23rd day of June, 2014, by and between the **TOWN OF AURORA** (“Town”), a municipal corporation duly existing pursuant to the laws of the State of New York with an address at 300 Glead Avenue, East Aurora, New York, 14052, and **AURORA ARSENAL SOCCER CLUB, INC.**, (“Arsenal”), a domestic not-for-profit corporation duly existing pursuant to the laws of the State of New York with a mailing address at PO Box 132, East Aurora, New York, 14052, based upon the following recitals and terms more particularly described below and in the exhibit annexed thereto.

Recitals

WHEREAS, Town and Arsenal entered into an agreement dated September 24, 2007 (“2007 Town-Arsenal Agreement”) which provided for, among other things, Arsenal use of certain land at Knox State Park for soccer fields, and an Amendment thereto dated September 26, 2011, (“2011 Amendment”), a copy of which is annexed hereto as Exhibit “A”; and

WHEREAS, the 2007 Town – Arsenal Agreement and 2011 Amendment are still in full force and effect; and

WHEREAS, the Town and Arsenal have herein agreed to certain revisions to the 2011 Amendment with respect to the paragraph numbered “2 “ and labeled “FACILITIES” and the paragraph numbered “3” and labeled “PAYMENT”;

NOW THEREFORE, for lawful consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and Arsenal agree as follows:

1. PRIOR AGREEMENTS: All terms of the 2007 Agreement and 2011 Amendment thereto between the Town and the Arsenal shall continue in full force and effect unless contrary to the terms contained in this Amendment which supersede the terms of the prior Agreement and Amendment.
2. FACILITIES: From the 2014 season up to and including the 2017 season, the Arsenal shall have use of the entire area labeled “soccer fields” as well as the entire area labeled “polo fields” in Exhibit “A” in the 2007 Town-Arsenal Agreement. This Agreement shall be extended on an annual basis unless either party gives notice at least sixty (60) days prior to January 1st of the preceding year that it exercises an option to terminate the Agreement.
3. PAYMENT: The Arsenal agrees to pay the Town \$8,000.00 every year from 2014 through 2017 as and for Arsenal’s contribution to costs including maintenance, upkeep, equipment purchases and improvements to the lands Arsenal utilizes as determined by the Town.
4. IN WITNESS WHEREOF, the Town and Arsenal have executed this Second Amendment on the date set forth herein.

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

Action #206
Aurora Arsenal
agrment aprvd

Councilwoman Friess moved to authorize the Supervisor to sign the 2014 Youth Agreement with Erie County (Department of Social Services) whereby the Town (Recreation Department) will provide certain services for a sum allocated in the program budget. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #207
Supv. auth to
sign agreement
with Erie
County (Dept
of Soc Svcs) re:
youth programs

Councilman Snyder moved to discontinue the Recyclebank program. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #208
Recyclebank
program
discontinued

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

RESOLUTION REGARDING LEGACY POLO GROUNDS, LLC

WHEREAS, the Town Board has approved a cluster development for Legacy Polo Grounds, LLC, located at 350 Quaker Road in the Town of Aurora, and

WHEREAS, Legacy Polo Grounds, LLC has filed an application with the Town of Aurora Zoning Board of Appeals seeking an area variance to the development, requesting to increase the number of dwelling units in contravention to the density factor as provided by Town Law Section 278,

NOW, THEREFORE, be it

RESOLVED, the Town Board does confirm its advisement to the Town Attorney to appear before the Zoning Board of Appeals on behalf of the Town to object to the requested area variance which would increase the density of dwelling units in contravention to New York Town Law Section 278.

Action #209
Town Attorney confirmed as representative of Town for Polo Grounds ZBA case

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

Councilwoman Friess moved to authorize the Supervisor to enter into a two (2) year Energy Supply Agreement with New Wave Energy Corporation whereby New Wave will act as supplier to twenty (20) of the Town's electric accounts. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #210
Supv auth to sign contract with New Wave for electric supply

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

- EAPD – May 2014 report
- Dog Control – May 2014 report

BUSINESS FROM BOARD MEMBERS:

Councilman Harris attended a meeting at Knox Farm State Park re: Veterans Wall.

Councilwoman Jeffe met with Pat Blizniak to review the Property Maintenance Code. Mrs. Jeffe noted that, after meeting with a Town resident, she has suggestions for amending the Town RV Code.

Councilwoman Friess will be meeting with the Erie County Sewer Management Board for our district to review the budget. With regard to the resolution for retirement reporting for the standard work day – Mrs. Friess recommends that the standard work day be eight (8) hours for everyone concerned.

Councilwoman Jeffe said that is her recommendation, too.

Councilman Snyder also attended the meeting for the Veterans Wall.

AUDIENCE II:

Liz Riemer, Grover Road, spoke to the Board and presented photos of the property at 315 Grover Road which is abandoned, not being maintained and is an eyesore. She asked if the Town could step in to see what can be done to get the property taken care of.

Bill Adams, Olean Road, spoke to the Board about his trip to Washington, DC to see the WWII Memorial. While in Washington, Mr. Adams also visited the Korean War Memorial, the Air Force Memorial, Viet Nam Memorial, Arlington Cemetery and the Iwo Jima Memorial.

The June 23, 2014 Abstract of Claims, consisting of vouchers numbered 962 to 1065, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 40,063.56
Part Town	390.01
Highway	132,647.43
Enterprise/Gleed	13,137.43
Capital/Baseball	103.18
Capital/Luther Rd.	700,000.00
Special Districts	<u>8,080.09</u>
Grand Total Abstract	\$894,421.70

Councilwoman Friess moved to approve the June 23, 2014 Abstract of Claims as presented and to authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #211
6/23/14
Abstract of
Claims aprvd.

Councilwoman Jeffe moved to adjourn at 8:00 p.m.; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #212
Meeting
adjourned.

Martha L. Librock
Town Clerk