

October 13, 2015

A meeting of the Town Board of the Town of Aurora took place on Tuesday, October 13, 2015, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

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

Others Present:	Ronald Bennett	Town Attorney
	William Kramer	Code Enforcement Officer
	David Gunner	Highway Superintendent
	Shane Krieger	Chief of Police

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

The first item on the agenda was a PUBLIC HEARING on a Local Law to establish a moratorium on the development or subdivision of land that lacks required public road frontage in the Town of Aurora (Town Code Chapter 79). The notice was published in the East Aurora Advertiser and posted on the Town Clerk bulletin board as evidenced by the affidavits of publication and posting. Supervisor Bach opened the hearing at 7:03 p.m. and asked if anyone in the audience wished to comment on this local law.

Attorney Peter Sorgi, Mississippi Street, Buffalo, NY, asked if pending applications, applications already submitted, are exempt. The response was, yes.

Hearing no further comments, the Supervisor closed the hearing at 7:04 p.m.

The next item on the agenda was a PUBLIC HEARING on a Local Law to establish a moratorium on the subdivision of land and cluster development within the Town of Aurora (Town Code Chapter 99). The notice was published in the East Aurora Advertiser and posted on the Town Clerk bulletin board as evidenced by the affidavits of publication and posting. Supervisor Bach opened the hearing at 7:05 p.m. and asked if anyone in the audience wished to comment on this local law. Hearing none, the Supervisor closed the hearing at 7:06 p.m.

The next item on the agenda was a PUBLIC HEARING on a Local Law to amend the Veteran's Exemption (Town Code Chapter 101) to provide an exemption for Cold War Veterans. The notice was published in the East Aurora Advertiser and posted on the Town Clerk bulletin board as evidenced by the affidavits of publication and posting. Supervisor Bach opened the hearing at 7:06 p.m. and asked if anyone in the audience wished to comment on this local law.

Tom Ricci, Porterville Road, stated he is the Commander of the American Legion in East Aurora and is in favor of this law.

Gary Wald, Balcom Drive, stated he is in favor of the law.

John Voss, Sweet Road, fully supports this exemption for Cold War Veterans and is in favor of the local law.

Hearing no further comments, the Supervisor closed the hearing at 7:11 p.m.

Councilwoman Friess moved to amend tonight's agenda by adding the following items:

- 6J – Highway-tire purchase
- 6K – Delinquent water customers
- 6L – 2016 Preliminary Budget – set public hearing
- 6M – Local Law Intro. 2-2015 for consideration
- 6N – Local Law Intro. 3-2015 for consideration
- 6O – Local Law Intro. 4-2015 for consideration

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

Action #307
Six items added
to meeting
agenda.

Councilwoman Jeffe moved to approve the minutes of the September 22, 2015 Town Board work session; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #308
9/22/15 wk
sess minutes
approved

Councilman Snyder moved to approve the minutes of the September 28, 2015 Town Board meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #309
9/28/15 min
approved

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Snyder move to approve the use of \$23,425.05 of contingency funds from the Southside Municipal Center LED light project towards LED lights at the (2) Highway buildings and to authorize the Supervisor to sign the change order document. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #310
LED light
project change
order
approved

Quotes for replacing the bathroom floors at the Town Library, 550 Main Street, E. Aurora were received from:

Hamburg Floorcovering, Inc.	\$1,133.65
Custom Carpet Centers	\$1,703.00
Mario & Son Tile and Linoleum Co., Inc.	\$1,575.00

Action #311
Quote for
library floor
replacement
approved.

Councilwoman Friess moved to accept the quote of \$1,133.65 from Hamburg Floorcovering, Inc., 4340 South Park Ave., Blasdell, NY, to replace the flooring in three (3) bathrooms at the Town Library, 550 Main Street, E. Aurora. Funds will be disbursed from A1990 Contingency. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

NEW BUSINESS:

Councilwoman Jeffe moved to declare the Town's 1998 Ferguson Roller Model 46A, Town inventory no. 1202, as surplus inventory. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #312
Ferguson roller
declared
surplus

Councilman Snyder moved to approve sale of the Town's Ferguson Roller Model 46A to the Town of Sheldon for the fair market value of \$5,000 (as determined by Baschmann Services, Inc.). Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #313
Sale of roller to
town of Sheldon
approved

Councilwoman Jeffe moved to table Item 6C to the October 20, 2015 work session and request that Code Enforcement Officer Bill Kramer determine if this use (massage therapy/professional office) is permitted at the Southside Municipal Center. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #314
SSMC lease
tabled

Councilman Snyder moved to authorize the Supervisor to sign and submit a Justice Court Assistance Program grant application for the 2015-2016 year in the amount of \$3,280.00 for video surveillance equipment and a software program to access DMV information. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes - none
Motion carried.

Action #315
Supv auth to sign JCAP grant application

Councilwoman Friess moved to declare a Sony CD Mini System, Town inventory no. 1913, as surplus inventory to be disposed of via electronic recycling through the highway department. Councilman Harris seconded the motion.
Upon a vote being taken: ayes – five noes – none Motion carried.

Action #316
CD mini system from SrCtr declared surplus

Councilwoman Jeffe moved to set Monday, October 26, 2015 at 7:00 p.m. at the Southside Municipal Center/Town Hall Auditorium as the date, time and place for a public hearing on the use of Federal Community Development (CDBG) funds in the Town of Aurora. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #317
CDBG public hearing set

Councilman Snyder moved to approve the request from the East Aurora Union Free School District – Community Education to use a room at the Southside Municipal Center for exercise and yoga classes on Wednesdays and Thursdays from October 1 – December 31, 2015. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #318
EAUFSD use of SSMC room approved

Councilman Snyder moved to authorize the Supervisor to sign the lease renewal with Medbill Management, LLC, 300 Gleed Avenue, East Aurora, NY for the term November 1, 2015 through October 31, 2018 and to amend the lease by adding an additional 150 square feet of office space adjacent to the original 350 square feet of office space on the second floor. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #319
Supv to sign Medbill lease

Councilwoman Friess moved to authorize the Supervisor to sign a lease amendment with Explore & More, A Children's Museum, 300 Gleed Avenue, whereby Explore & More will lease an additional 150 square feet of office space adjacent to their current office on the second floor at a rate of \$1,5000.00 payable in monthly installments of \$125.00 effective October 22, 2015. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #320
Supv to sign Explore & More lease amendment

Quotes for four (4) tires for the Highway wheel loader were received from:

Hurtubise Tire	\$5,900 plus \$95/hr labor*
Main Tire Exchange	\$6,108 (includes \$908 installation)
Preischel Bros. Svc., Inc.	\$7,158 (includes \$762 installation)

*Highway Superintendent Gunner stated that Hurtubise could not give him a set installation fee.

Action #321
Purchase of Hwy wheel loader tires approved

Councilwoman Jeffe moved to approve the \$6,108.00 quote from Main Tire Exchange, Inc., 3781 Broadway, Buffalo, NY, for the purchase and installation of four Titan tires for the Highway wheel loader. Funds will be disbursed from DB5130.432. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Councilwoman Friess moved to add the following Orchard Park and Erie County Water Authority water bills for Town of Aurora customers to the 2016 Erie County Tax rolls, in accordance with Town Law Article 12 Section 198, for non-payment:

<u>Property Owner</u>	<u>Billing Customer</u>	<u>Service Address</u>	<u>Billing Source and Amount</u>
Sharon Adimey	Sharon Adimey	1319 Jewett Holmwood Rd Orchard Park, NY 14127 SBL#174.13-2-1	Orchard Park \$84.69
Susan Barnhart	Brian C. Pierrot	403 Jewett Holmwood Rd East Aurora, NY 14052 SBL#174.00-3-35	ECWA \$16.12
John Radford Emilee Morlock	William McDaniel	1150 Underhill Road East Aurora, NY 14052 SBL#188.00-1-6.2	ECWA \$101.92
Beverly F. Stewart	Same	1036 Olean Road East Aurora, NY 14052 SBL#188.01-2-15.1	ECWA \$1,502.59
Keith Warning	Jacqueline Cooper	1929 Davis Road West Falls, NY 14170 SBL#186.01-1-26	ECWA \$86.30

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

Action #322
 Delinquent water bills added to 2016 taxes

Councilwoman Jeffe moved to set Monday, October 26, 2015 at 7:00 p.m. at the Southside Municipal Center/Town Hall Auditorium as the date, time and place for a public hearing on the 2016 Preliminary Operating Budget. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #323
 2016 budget public hrg set

Councilman Snyder moved to adopt Local Law 2-2015 as follows; seconded by Councilwoman Friess:

**TOWN OF AURORA
 LOCAL LAW 2 - 2015**

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, TO ESTABLISH A MORATORIUM ON THE DEVELOPMENT OR SUBDIVISION OF LAND THAT LACKS REQUIRED PUBLIC ROAD FRONTAGE IN THE TOWN OF AURORA.

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 Codes of the Town of Aurora” 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. PURPOSE

The Town Board of the Town of Aurora has under review amendments to Chapter 79 which governs the use of open development areas. Chapter 79 was adopted on February 13, 2012 by the Town Board. In the implementation of the said Local Law, there have been concerns in regard to various provisions and certain ambiguity of Chapter 79. The Town Board finds that it is in the best interest of the Town for a moratorium on the division and development of land provided by Chapter 79 regarding open development areas.

SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the provisions of Article 16 of the New York Town Law and Section 10 of the New York Municipal Home Rule Law.

SECTION 4. MORATORIUM AND DURATION

The Town Board of the Town of Aurora hereby declares a six (6) month moratorium on Open Development Area applications in the Town, with an opportunity to review and consider amendments to Chapter 79.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

SECTION 6. EFFECTIVE DATE

This Local Law shall become effective immediately upon the adoption by the Town of Aurora Town Board and filing with the New York Secretary of State.

Action #324
Local law 2 -
2015
moratorium;
Chapter 79
ODA

Upon a vote being taken: ayes – four noes – one (Harris)

Motion carried.

Councilwoman Jeffe moved to adopt Local Law 3-2015 as follows; seconded by Councilman Snyder:

**TOWN OF AURORA
LOCAL LAW 3 - 2015**

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, TO ESTABLISH A MORATORIUM ON THE SUBDIVISION OF LAND AND CLUSTER DEVELOPMENT WITHIN THE TOWN OF AURORA.

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 Codes of the Town of Aurora” 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. PURPOSE

The Town Board of the Town of Aurora has under review amendments to Chapter 99 which governs the subdivision of land within the Town. The purpose of Chapter 99 is to protect and provide for the public health, safety and welfare of the Town with guidance to future growth and development of the Town. By so doing, it is the intent of Chapter 99 to protect the character of all parts of the Town and to encourage the orderly and beneficial development of its parts, protecting and conserving the value of land, and to provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town. In the

subdivision of land, it is necessary to establish reasonable standards for the design and procedure in order to further the orderly layout and use of land throughout the Town.

SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the provisions of Article 16 of the New York Town Law and Section 10 of the New York Municipal Home Rule Law.

SECTION 4. MORATORIUM AND DURATION

The Town Board of the Town of Aurora hereby declares a six (6) month moratorium on the subdivision of land within the Town, with an opportunity to review and consider amendments to Chapter 99.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

SECTION 6. EFFECTIVE DATE

This Local Law shall become effective immediately upon the adoption by the Town of Aurora Town Board and filing with the New York Secretary of State.

Upon a vote being taken: ayes – four noes – one (Harris)
Motion carried.

Action #325
Local Law 3 –
2015 adopted
Subdivision
moratorium;
Chapter 99

Councilwoman Friess moved to table Local Law Intro 4-2015 until clarification of the wording in Section 101-13 paragraphs A and B is made. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #326
Local law intro
4-2015 tabled

Councilwoman Friess noted she is not against the local law, but wants to make sure the wording is correct.

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

- SSMC Parking Lot project – September 12-25, 2015 expense report
- Water Clerk - September 2015 report
- Town Clerk/Tax – September 2015 report
- Town Clerk – September 2015 report
- Senior Center – September 2015 report
- EAPD – September report
- Recreation Director – September 2015 report
- Dog Control – September 2015 report

BUSINESS FROM BOARD MEMBERS:

Councilwoman Jeffe complimented Police Chief Krieger on his monthly report.
Councilman Snyder commended the highway employees on the parking lot work.

AUDIENCE II: none

STAFF REPORTS:

Police Chief Krieger noted that the radio issues in the West Falls area should be resolved with the Erie County tower.

The "Prepaid" Abstract of Claims dated October 2, 2015, consisting of vouchers numbered 1577 to 1580, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 479.42
Special Districts	<u>4,007.80</u>
Grand Total Abstract	\$4,487.22

The Abstract of Claims dated October 13, 2015, consisting of vouchers numbered 1581 to 1642, was presented to the Board for audit and authorization of payment from the following funds:

General	\$23,177.70
Highway	6,166.82
Enterprise/Gleed	8,018.33
Special Districts	<u>85,770.61</u>
Grand Total Abstract	\$123,133.46

Councilwoman Friess moved to approve the October 2 and October 13, 2015 Abstracts of Claims as presented and authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #327
10/2 & 10/13
Abstracts of
Claims aprvd

Councilwoman Jeffe moved to adjourn at 7:50 p.m.; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #328
Meeting
adjourned.

Martha L. Librock
Town Clerk