

November 25, 2013

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

Members Present:	Susan A. Friess	Councilwoman
	James F. Collins	Councilman
	Jeffrey T. Harris	Councilman
	James J. Bach	Councilman
	Jolene M. Jeffe	Supervisor
Others Present:	Ronald Bennett	Town Attorney
	Charles Snyder	Planning Board
	William Adams	Planning Board
	Timothy Bailey	Planning Board
	Robert Lowell Goller	Town Historian
	David Gunner	Highway Superintendent

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

Councilwoman Friess moved to approve the minutes of the November 12, 2013 Town Board meeting; seconded by Councilman Harris.	Action #392
Upon a vote being taken: ayes – five noes – none Motion carried.	11/12/13 Twn Brd meeting min aprvd

AUDIENCE I:

Mark Warren, Center Street, and Larry Brickman, Roycroft Circle, thanked the Board for their support of the Mill Road Overlook project.

UNFINISHED BUSINESS:

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

**RESOLUTION REGARDING PURCHASE OF
MILL ROAD PROPERTIES**

WHEREAS, the Town of Aurora has entered into Contracts for the purchase of twenty (20) acres more or less from Sievenpiper and forty (40) acres more or less from Closs located on Mill Road in the Town of Aurora, and

WHEREAS, the purchase of said property was subject to the Friends of Mill Road raising sufficient funds for the Town to purchase said properties, and

WHEREAS, sufficient funds have been raised with a closing subject to proper documentation received from the sellers and the attorney for the sellers, and

WHEREAS, upon the purchase of the property, simultaneous therewith there will be a Deed of Conservation Easement to be held by the Western New York Land Conservancy,

NOW, THEREFORE, be it

RESOLVED, that upon the Town's receipt of the necessary funds, the Supervisor is authorized to proceed with the closing of the Mill Road properties, with title being vested in the Town of Aurora, and be it further

RESOLVED, the Supervisor is authorized to execute a Deed of Conservation Easement, a copy of which is annexed as Exhibit "A", whereby the easement will be held by the Western New York Land Conservancy, and be it further

RESOLVED, that the Town Attorney shall do whatever is necessary in the closing of the property and the granting of the Deed of Conservation Easement.

Upon a vote being taken: ayes – five noes – none Motion carried.
Duly adopted this 25th day of November, 2013.

Action #393
Mill Road
Overlook
resolution re:
purchase &
easement
adopted.

The Friends of Mill Road group was able to raise the funds necessary to purchase the property that will comprise the Mill Road Overlook site, therefore, the grant application that was submitted to the NY State Office of Parks, Recreation and Historic Preservation can be withdrawn.

Councilman Harris moved to authorize the Supervisor to sign and submit a letter to the NYS Office of Parks, Recreation and Historic Preservation formally requesting to withdraw the Town's application (#29971) for funding of the Mill Road Overlook project from consideration. Councilman Bach seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #394
Supv. auth. to
request
withdrawal of
grant application
for Mill Road
Overlook project

NEW BUSINESS:

Councilman Collins moved to set the hours for building department and building maintenance personnel as follows:

Patrick Blizniak – 7:00 a.m. to 3:00 p.m.

Dan Hochadel – 7:00 a.m. to 3:00 p.m.

William Kramer – 7:30 a.m. to 3:30 p.m.

Michael Bove – 8:00 a.m. to 4:30 p.m.

noting that at times the hours may be flexible due to weather or projects. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #395
Building dept. &
building maint
dept. hours set.

Three quotes were received for balancing the air distribution on the second floor at the Southside Municipal Center in the Windham office area. According to Town Engineer Bryan Smith and Construction Manager Dick Glover, the two lowest quotes, American Air Balance Co. - \$2,500, and AD&M - \$2,700, did not meet specs. Their opinion was that John W. Danforth Company's proposal met and/or exceeded specs. Danforth's quote was for \$3,100.

Councilwoman Friess moved to approve the quote from responsible bidder John W. Danforth Company, Tonawanda, NY, in the amount of \$3,100 for testing, adjusting and balancing two air handling systems (RTU#8 and RTU#9) at Southside Municipal Center, 300 Glead Avenue. Funds will be disbursed from ER1621.422. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #396
Quote for air
balancing
RTU's 8&9
approved.

Councilman Bach moved to authorize going out to bid for two pick-up trucks: a 2014 4x2 ½ ton for the Parks Department and a 2014 4x4 ¾ ton extended cab for the Highway Department, and to set Thursday, December 19, 2013 at 10:30 a.m. at the Aurora Town Hall, 300 Glead Avenue, East Aurora, NY as the date, time and place to hold the bid opening. Councilman Collins seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #397
Board authorizes
going out to bid
for 2 pickup
trucks

Councilwoman Friess moved to declare the following equipment as surplus inventory to be offered through Auctions International on-line auction:

- 1989 Chevrolet step-van P-30 (town inventory #1559 – parks)
- 1998 Ford F-150 pickup truck (town inventory #1184 – highway)
- 1998 Tenco Plow Wind model TC110HD (town inventory #1194 – highway)
- 1987 Fink Funnel Plow model 640SCK (highway)
- 11-foot Hydro turn plow (highway)
- Hi-Way salt hopper (highway)

Action #398
Park and
highway
equipment
declared surplus.

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

Councilman Collins moved to approve the following budget transfer:

From: DB9060.800 Hosp. Med. Insurance \$7,602
To: DB9061.800 Hosp. Med. Insurance/Retirees \$7,602
Councilman Bach seconded the motion. Upon a vote being taken:
ayes – five noes – none Motion carried.

Action #399
Budget transfer
for (hwy)
medical
insurance
approved.

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

**RESOLUTION TO RETAIN ATTORNEY FOR
SPECIAL LEGAL SERVICES**

WHEREAS, Raymond Wierzbic, Bernice Wierzbic, Angelene Wierzbic and Brian Wierzbic have filed a lawsuit in the United States District Court naming the Town of Aurora as one of the Defendants, and

WHEREAS, the Selective Insurance Company of America which provides general liability insurance to the Town has filed a disclaimer of coverage denying liability of the insurance company to provide a defense to the lawsuit, and

WHEREAS, it is necessary to retain special counsel to represent the Town of Aurora in regard to the litigation, and

WHEREAS, Attorney Jeremy Colby of the law firm of Webster Szanyi LLP is an experienced attorney in Federal law.

NOW, THEREFORE, be it

RESOLVED, the Town of Aurora does hereby agree to retain the services of Jeremy Colby at an hourly fee not to exceed \$210.00, and be it further

Action #400
Board auth to
retain counsel
for pending
litigation.

RESOLVED, the Supervisor is authorized to execute a Retainer Agreement in accordance with the provisions of this Resolution.

Upon a vote being taken: ayes – five noes – none Motion carried.
Duly adopted this 25th day of November 2013.

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

- Assessor – October 2013 report

BUSINESS FROM BOARD MEMBERS:

The members of the Board wished everyone a Happy Thanksgiving.

Supervisor Jeffe stated that the local Meals-On-Wheels program has found a new location at Absolute (nursing home) on Main Street. Mrs. Jeffe spoke about the CDBG project selection committee.

AUDIENCE II: none

STAFF REPORTS:

Highway Superintendent Gunner noted that the crews are preparing for the snow storm that's being predicted.

The November 25, 2013 Abstract of Claims, consisting of vouchers numbered 2092 to 2153 was presented to the Board for audit and authorization of payment from the following funds:

General	\$258,652.87
Part Town	9.24
Highway	127,044.67
Enterprise/Gleed	33,469.60
Trust & Agency	515.02
Special Districts	<u>2,533.32</u>
Grand Total Abstract	\$422,224.72

Councilwoman Friess moved to approve the November 25, 2013 Abstracts of Claims and to authorize payment of same; seconded by Councilman Harris.
Upon a vote being taken: ayes – five noes – none Motion carried.

Action #401
Abstract of
Claims apprvd.

Councilman Collins moved to adjourn at 7:30 p.m.; seconded by Councilman Bach.
Upon a vote being taken: ayes – five noes – none Motion carried.

Action #402
Board adjourns

Martha L. Librock
Town Clerk