

October 26, 2015

A meeting of the Town Board of the Town of Aurora took place on Monday, October 26, 2015, at 7:00 p.m. in the Southside Municipal Center Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

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| Members Present: | Jolene M. Jeffe Charles D. Snyder James J. Bach | Councilwoman Councilman Supervisor |
| Absent/Excused: | Susan A. Friess Jeffrey T. Harris | Councilwoman Councilman |
| Others Present: | Ronald Bennett David Gunner William Kramer William Wheeler Shane Krieger Robert Goller | Town Attorney Highway Superintendent Code Enforcement Officer GHD/Engineer Chief of Police Town Historian |

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

Supervisor Bach gave a PowerPoint presentation of the Town's 2016 Preliminary Budget. Mr. Bach reviewed what the Town taxes cover, including administration, dog control, recreation and parks, building maintenance, senior programs, snow plowing, road maintenance and police services (via contract with the Village of East Aurora). Some impacts on expenses are workers compensation, minimum wage increase and utility cost increases. Supervisor Bach noted that this budget came in under the tax cap.

The first item on the agenda was a PUBLIC HEARING on the 2016 Preliminary Budget. The Notice of Public Hearing was printed in the East Aurora Advertiser as evidenced by the Affidavit of Publication and posted on the Town Clerk bulletin board as noted by the Affidavit of Posting. The Supervisor opened the hearing at 7:12 p.m. and asked if anyone in the audience wished to comment on the 2016 Preliminary Budget. Hearing no one, the Supervisor closed the hearing at 7:13 p.m.

The next item on the agenda was a PUBLIC HEARING on the use of Federal Community Development funds also known as Community Development Block Grant (CDBG). The notice was published and posted as noted by the Affidavits of Publication and Posting. Supervisor Bach opened the hearing at 7:14 p.m. and asked if anyone in the audience wished to address this topic. Hearing no one, the public hearing was closed at 7:14 p.m.

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| Councilwoman Jeffe moved to approve the minutes of the October 13, 2015 Town Board meeting; seconded by Councilman Snyder. Upon a vote being taken: ayes – three noes – none Motion carried. | Action # 330 10/13/15 minutes approved. |
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AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Snyder moved to adopt the following Local Law; seconded by Councilwoman Jeffe:

TOWN OF AURORA
LOCAL LAW 4 - 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, BY AMENDING THE VETERAN'S EXEMPTION TO PROVIDE AN EXEMPTION FOR COLD WAR VETERANS.

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 the Codes within the Town of Aurora as herein set forth.

SECTION 2. CHAPTER 101, ARTICLE IV, “COLD WAR VETERANS EXEMPTION”

Chapter 101 is amended by adopting changes to Article IV as set forth herein:

Section 101-12

The purpose of this Article is to provide a veterans exemption of real property taxation allowable pursuant to Section 458-b of the Real Property Tax Law of the State of New York and shall be known as “Cold War Veterans Exemption Local Law”.

Section 101-13

Section 101-13 is added to provide for the following in accordance with Real Property Tax Law Section 458-b:

A. Qualifying residential real property shall be exempt from taxation to the extent of ten percent (10%) of the assessed value of such property; provided, however, that such exemption shall not exceed eight thousand dollars (\$8,000.00) or the product of eight thousand dollars (\$8,000.00) multiplied by the latest state equalization rate for the Town of Aurora, New York, whichever is less.

B. In addition to the exemption provided by Paragraph A of this subdivision, where the Cold War Veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of service-connected disability, qualifying residential property shall be exempt from taxation to the extent of the product of the assessed valuation of property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars (\$40,000.00) or the product of forty thousand dollars (\$40,000.00) multiplied by the latest equalization rate for the Town of Aurora, New York, whichever is less.

C. The exemption provided by Paragraph A of this subdivision shall be granted for a period of ten (10) years. The commencement of such ten (10) year period shall be governed by Real Property Tax Law Section 458-b.

SECTION 4. EFFECTIVE DATE This Local Law shall take effect immediately upon filing with the Secretary of State.

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

Action #331
LL 4-2015
Cold War Vet
Exemption
adopted

Councilman Snyder moved to authorize the Supervisor to sign, submit and execute contracts with the Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of the ECCDBG:

- 1) Continuation of the Rural Transit Service, Inc. program

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

Action #332
Supv auth to sign CDBG documents

Councilwoman Jeffe moved to award the Senior Center exercise equipment bid, funded with CDBG/Federal Funds, to the low bidder, G&G Fitness, 7530 Transit Road, Williamsville, NY in the amount of \$16,418.15. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #333
Bid for CDBG funded exercise equip awarded to G&G

Councilman Snyder moved to forward the Aurora Mills Cluster Subdivision (revised) Sketch Plan to the Planning Board for review and recommendation(s). Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #334
Aurora Mills Cluster Subdiv sketch plan forwarded to Planning Brd

NEW BUSINESS:

Councilwoman Jeffe moved to amend the agenda by adding items:
6N – budget modifications and 6O – Protelcom Lease
Councilman Snyder seconded the motion. Upon a vote being taken:
ayes – three noes – none Motion carried.

Action #335
Two items added to agenda

Liz O'Donnell and Betsy Wallace, representing the Stables at Knox, a 501C-3 organization, presented the Supervisor with a \$1,000 check to be used for maintenance of the equestrian area at Knox Farm State Park.

Councilman Snyder moved to accept a \$1,000 donation from the Stables at Knox for the maintenance of the equestrian area at Knox Farm State Park. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #336
Donation for Knox field maintenance accepted

Councilwoman Jeffe moved to authorize and approve the following changes to the 2016 Preliminary Budget; seconded by Councilman Snyder:

| | | |
|--------------------|----------------------------|----------|
| Delete A1220.101 | Part Time Clerical | \$5,000 |
| Delete A1220.105 | Web Administrator | \$2,655 |
| Add A1220.102 | Assistant to Supervisor | \$38,670 |
| Decrease A1220.103 | Secretary to Supervisor to | \$17,342 |
| Decrease A1220.403 | Accounting Contractual to | \$20,000 |
| Increase A1220.401 | Office Expense to | \$1,000 |
| Increase A1220.404 | Expense and Travel to | \$3,000 |

Action #337
Changes to 2016 Preliminary Budget approved

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

Councilman Snyder moved to approve the annual software support and maintenance contract with Williamson Law Book Company for the Highway Superintendent program and to authorize the supervisor to sign the contract. The \$645 fee will be disbursed from A1680.401.

Councilwoman Jeffe seconded the motion. Upon a vote being taken:
ayes – three noes - none Motion carried.

Action #338
Hwy software support contract approved.

Quotes for a new AED for Community Pool were received from:

| <u>Vendor</u> | <u>Product</u> | <u>Warranty</u> | <u>Price</u> |
|---------------|---------------------|-----------------|--------------|
| Cardiac Life | - HeartStart | 8 years | \$1030.95 |
| | - Powerheart G3 | 7 years | 1385.00 |
| | - Powerheart G5 | 8 years | 1596.70 |
| Finger Lakes | - Heartstine 350P | 10 years | 1230.00 |
| GMD | - Heartsine 350P | 10 years | 1085.00 |
| | - Zoll Plus Package | 7 years | 1430.50 |
| Heartsmart | - Zoll AED Plus | 7 years | 1375.00 |

Councilwoman Jeffe moved to approve the quote from GMD for a Heartsine 350P AED unit, based on price and warranty, in the amount of \$1085.00 to be disbursed from A7180.426. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #339
 AED for pool approved.

Councilman Snyder moved to approve a Temporary Use Permit to the Monsignor Martin High School Athletic Association to hold an All Catholic Cross Country Event on November 1, 2015 at the equestrian and soccer fields at Knox Farm State Park and to authorize the Supervisor to sign the permit. Approval is contingent upon receipt of a certificate of insurance naming the Town of Aurora as additional insured. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #340
 Temp Use Permit for cross-country event at Knox approved.

Councilwoman Jeffe moved to approve the hiring of Robert Lowell Goller as a part time clerk in the Supervisor’s office effective November 2, 2015, at an hourly rate of \$14.50. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #341
 R. Goller appointed PT clerk in Supv office

Councilwoman Jeffe moved to declare a non-functioning HP LaserJet P1505 printer, TOA inventory #1995, as surplus inventory to be recycled appropriately. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #342
 HP printer declared surplus inventory

Councilman Snyder moved to approve the request from Supervisor Secretary, Kathleen Moffat, to attend a GFOA Governmental Accounting class on November 17, 2015 in Batavia, NY. The \$150 registration fee and mileage reimbursement will be disbursed from A1220.404 Expense and Travel. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #343
 K. Moffat to attend GFOA class in Batavia

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

**RESOLUTION REGARDING MAINTENANCE
 OF THE EAST FILLMORE BRIDGE**

WHEREAS, the Town of Aurora sought a Declaratory Judgment from the New York Supreme Court identifying the responsibility for the supervision and control of the Brooklea bridge located in the Village of East Aurora, and

WHEREAS, an Order granted on October 20, 2015 by the Hon. John A. Michalek, J.S.C., entered a Judgment declaring that the Town of Aurora is responsible for the expenses of repairing any bridge other than the Brooklea bridge located within the boundaries of the Village of East Aurora, with respect to which the Village of East Aurora has not assumed control, care and maintenance under Section 6-606 of the Village Law, and

WHEREAS, the Town of Aurora has filed a notice appealing the decision of Justice Michalek, and

WHEREAS, the Village of East Aurora has declined to repair the East Fillmore bridge and has closed the bridge, prohibiting property owners and others from the use of the East Fillmore bridge, and also raising concerns about access by emergency vehicles, and

WHEREAS, although the Town contends it is not responsible for repairing the bridge, it is concerned that the declination by the Village to make the necessary repairs results in a hardship to the residents of the Village of East Aurora and the concerns regarding access by emergency vehicles, and

WHEREAS, without prejudice in its appeal of the decision of Justice Michalek, the Town has solicited quotes for the repair of the East Fillmore bridge having received the lowest bid from Creative Concrete for the sum of \$10,300.00, and

WHEREAS, the expenditure of taxpayer funds by the Town is in question pending its responsibility to be determined by the appeal of the existing Order with no final resolution,

NOW, THEREFORE, be it

RESOLVED, the Town, without prejudice to its rights in the pending matter of the responsibility of maintenance and repairs to the East Fillmore bridge in the Village of East Aurora, does hereby authorize the expenditure of \$10,300.00 for repairs necessary in order to open access over the East Fillmore bridge, and be it further

Action #344
E. Fillmore
Bridge (repair)
resolution
adopted

RESOLVED, that the Town Board does hereby authorize an agreement with Creative Concrete for the sum of \$10,300.00 for the immediate repair and maintenance of the East Fillmore bridge to benefit the citizens of the Village of East Aurora and Town of Aurora for convenience and safety, and be it further

RESOLVED, that a certified copy of this Resolution shall be provided to Bryan Gazda, Village Administrator and Alan Kasprzak, Mayor of the Village of East Aurora.

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

* * *

Councilman Snyder moved that the Town Board concurs that the Town of Aurora Zoning Board of Appeals should assume the responsibility of Lead Agency in reference to West Herr Automotive Group's request for a vehicle storage yard at 591 Olean Road in the Town of Aurora. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #345
ZBA as lead
agency for
West Herr
request okayed
by Board

Councilman Snyder moved to schedule a special meeting/work session for Tuesday, November 10, 2015 at 7:00 p.m. to discuss changes to the Town Code with the Code Review Committee. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #346
Board
schedules
special mtg for
code review

Councilwoman Jeffe moved to authorize Cohen Law Group of Pittsburgh, PA, to conduct cable franchise and wireless facilities ordinance audits for the Town at no charge to the Town. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #347
Brd authorizes
Cohen Law Grp
to conduct
cable franchise
and wireless
ordinance
audits

Councilman Snyder moved to authorize the Supervisor to sign the contract/agreement documents with National Fuel Gas Distribution Corporation (NFGD) to sell natural gas (from the Majors Park gas wells) to NFGD. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #348
Supv auth to sign NFGD contract for sale of natural gas

Councilwoman Jeffe moved to approve the following budget amendments to cover the cost of the East Fillmore bridge repairs:
Transfer \$11,000 from A1990 Contingency to A9901 Interfund Transfer

Action #349
Budget amendments for E. Fillmore bridge repair approved

Create Capital Project Fund H4 East Fillmore Bridge
Increase Capital Project Fund H4 by \$11,000
Add appropriation line H4 5120 Maintenance of Bridges
Councilman Snyder seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Councilman Snyder moved to approve the request from Joshua Penfold/Protelcom to continue to lease office space at the Southside Municipal Center, 300 Glead Ave., E. Aurora, NY, on a month-to-month term beginning 11/1/2015 at a rate of \$408 per month. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #350
Month to month lease for Protelcom at SSMC apprvd

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

- Building Department – September 2015 report
- Glead Parking lot – September 26 – October 9, 2015 report

BUSINESS FROM BOARD MEMBERS:

Councilwoman Jeffe stated she visited the Springbrook Shores patio home development in Elma to gain perspective as to what the Aurora Mills project may look like. The Elma project consists of 150 units that were constructed over a period of 7 years.

Supervisor Bach stated he attended a foreclosure seminar (zombie/vacant homes). Mr. Bach noted that this is becoming a real problem in Aurora and pressure needs to be put on the banks to speed-up the foreclosures and maintain the properties.

AUDIENCE II:

Deborah Carr-Hoagland, E. Fillmore Ave., speaking as a resident, not as a Village Trustee, asked several questions about the Brooklea Bridge – who approved the notice to appeal; who is paying for it; and what are the Town’s legal expenses to-date for this issue.

STAFF REPORTS:

Police Chief Krieger stated the EAPD is investigating an armed robbery that took place at Larwood Pharmacy over the weekend.

William Kramer stated an audit of the Town’s cell tower code is a good idea.

Highway Superintendent Gunner thanked the Board for a great job on the 2016 Budget.

The “Prepaid” October 19, 2015 Abstract of Claims, consisting of (1) voucher numbered 1643, was presented to the Board for audit and authorization of payment from the following fund:

| | |
|----------------------|-------------------|
| General | <u>\$1,919.43</u> |
| Grand Total Abstract | \$1,919.43 |

The "Prepaid" October 20, 2015 Abstract of Claims, consisting of (1) voucher numbered 1644, was presented to the Board for audit and authorization of payment from the following funds:

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|----------------------|-------------------|
| Special Districts | <u>\$8,838.46</u> |
| Grand Total Abstract | \$8,838.46 |

The October 26, 2015 Abstract of Claims, consisting of vouchers numbered 1645 to 1732, was presented to the Board for audit and authorization of payment from the following funds:

| | |
|----------------------|-----------------|
| General | \$27,370.47 |
| Part Town | 18.48 |
| Highway | 15,728.00 |
| Gleed/Enterprise | 146,741.40 |
| Trust & Agency | 473.04 |
| Special Districts | <u>2,630.68</u> |
| Grand Total Abstract | \$192,962.07 |

Councilman Snyder moved to approve the October 19, 20, and 26, 2015 Abstracts of Claims as presented and to authorize payment of same. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – three noes – none Motion carried.

Action # 351
10/19; 10/20; &
10/26/15
Abstracts of
Claims aprvd

Councilwoman Jeffe moved to adjourn the meeting at 7:55 p.m.; seconded by Councilman Snyder. Upon a vote being taken: ayes – three noes – none Motion carried.

Action #352
Board adjourns

Martha L. Librock
Town Clerk