

August 13, 2018

A meeting of the Town Board of the Town of Aurora took place on Monday, August 13, 2018 at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris	Councilman
	Susan A. Friess	Councilwoman
	Charles D. Snyder	Councilman
	James J. Bach	Supervisor
Absent/Excused:	Jolene M. Jeffe	Councilwoman
Others Present:	Ronald P. Bennett	Town Attorney
	William Kramer	Code Enforcement Officer
	David Gunner	Highway Superintendent
	Shane Krieger	Chief of Police
	Tony Rosati	Zoning Board member

Supervisor Bach 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 July 23, 2018 Town Board meeting and the minutes of the July 27, 2018 bid opening for the Senior Center window project. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none
Motion carried.

Action #214
7/23/18 TB
minutes; 7/27
bid opening
min. aprvd

AUDIENCE I: none

UNFINISHED BUSINESS:

A bid opening for the Senior Center window replacement project was held on July 27, 2018.

Councilman Snyder moved to award the bid for the Senior Center Window Replacement project that will be funded with CDBG funds, to the low bidder Ledge Creek Development, Inc., County Road, Clarence Center, NY. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none
Motion carried.

Action #215
SrCtr window
contract
awarded to
Ledge Creek

NEW BUSINESS:

Councilwoman Friess moved to amend the agenda to add the following items:

- 6L – Quaker Road parking lot site plan SEQR
- 6M – Quaker Road parking lot site plan
- 6N – Special Use Permit – T&A Tanning, Olean Road
- 6O – Refer Special Use Permit/Site Plan for Quaker Rd. campground to Planning Board
- 6P – Historic marker installation

Councilman Snyder seconded the motion.

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

Action #216
Items 6L thru
6P added to
agenda

The following resolution was offered by Councilwoman Friess and seconded by Councilman Snyder, to wit;

A BOND RESOLUTION, DATED AUGUST 13, 2018, OF THE TOWN BOARD OF THE TOWN OF AURORA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION OF MAINTENANCE VEHICLES AND EQUIPMENT FOR USE BY THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$181,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL

AMOUNT NOT TO EXCEED \$181,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Aurora, in the County of Erie, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to acquire maintenance vehicles and equipment for use by the Town, including all necessary equipment, apparatus and warranties and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$181,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$181,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 90 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 10 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution is expected to be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or
(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or
2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This resolution is subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the signboard of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

YES: Councilman Harris voting aye
Councilwoman Friess voting aye
Councilman Snyder voting aye
Supervisor Bach voting aye

Action #217
\$180,000 Bond
resolution for
equipment
adopted

NOES: none

ABSENT: Councilwoman Jeffe

The foregoing resolution was thereupon declared duly adopted.

* * * *

Councilman Snyder moved to authorize the purchase of an ODB model LCT650 Leaf Vacuum from Old Dominion Brush Co., Inc., Richmond, VA, in the amount of \$38,639.75. The purchase is through NJPA Contract #041217-ODB. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #218
Purch of leaf
vacuum auth

Councilwoman Friess moved to approve the request from Kyla Davis, Maryann Drive, E. Aurora, for a Temporary Use Permit to hold Tinkergarten playgroups at Warren Drive Park on Tuesdays (9/11 -11/13) from 10 -11:15am and Wednesdays (9/12-11/14) from 2:30 – 3:45pm. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #219
Temp use
permit for
Warren Park
Tinkergarten
use aprvd

Councilman Snyder moved to approve the request from Price Enterprises LLC, Transit Road, Orchard Park, for a Temporary Use Permit to hold an employee office party at JP Nicely West Falls Park on Saturday, September 22, 2018 from noon until 5pm. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #220
Temp use
permit for WF
Park – Price
Ent. office
party aprvd

Councilman Harris moved to declare the following as surplus inventory to be recycled:

- HP Officejet 6500A Plus/ Building Dept.
- Konica Minolta BizHub 160 (inventory #2906)/Assessor's office

Councilman Snyder seconded the motion.

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

Action #221
2 printers
declared
surplus
inventory

The Town of Aurora and Village of East Aurora share the expense of the “Redi for Municipal Emergencies III software”. The Town portion has been paid from the General Fund, but since the Village pays part of the invoice, the Town portion should come from the Part Town Fund (town outside the Village).

Action #222
Budget amend/
transfer for
Redi software
aprvd

Councilwoman Friess moved to approve the following budget amendment/transfer:

- Add appropriation line B3020.402 Redi for Municipal Emergencies Software
- Increase appropriation line B3020.402 by \$867.00

Councilman Harris moved to approve a Temporary Use Permit for East Aurora High School Cross Country to hold a 4000-meter cross-country race at the Town managed portion of Knox Farm State Park on Friday, August 31, 2018. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #229
Temp use permit for EA cross country race at Knox aprvd

Supervisor Bach asked Police Chief Krieger if the police department could post Gypsy Lane along the curve with no parking signs during the event.

The Town Board reviewed part 2 of the Short Environmental SEQRA form for the WH Greene & Associates parking lot expansion on Quaker Road, East Aurora.

Action #230
Negative declaration for parking lot expansion – Quaker Rd

Councilman Snyder moved that the proposed action to expand the parking lot at SBL#175.06-3.8 Quaker Road will not result in any significant adverse environmental impacts and therefore a negative declaration is issued. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Councilman Harris moved to approve the site plan for the WH Greene & Associates parking lot expansion at SBL#175.06-3-8 Quaker Road, East Aurora, NY, contingent upon Village approval. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #231
Site plan for WH Green parking lot expansion – Quaker Road aprvd

Councilman Snyder moved to approve the Special Use Permit for T&A Tan for a tanning salon located at 414 Olean Road, East Aurora, NY. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #232
Special use permit for T&A Tan – Olean Rd aprvd

Councilwoman Friess moved to forward the Special Use Permit application and Site Plan application submitted by Gregory Schneider for a four (4) site RV campground at 686 Quaker Road, East Aurora, to the Planning Board for review and recommendation. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #233
Special use permit/site plan for RV camp ground forwarded to planning brd

Councilman Snyder moved to authorize Town personnel from the highway department to install a Historic Marker promoting the hamlet of Griffins Mills on Griffins Mills Presbyterian Church property on Mill Road, with no expense to the Town. The Town will secure a right of entry form from the property owner. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #234
Town auth to install historic marker in WF

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

- Town Clerk – July 2018 report
- Town Clerk/Tax – July 2018 report
- Water Clerk – July 2018 report
- Building Department – July 2018 report
- Senior Center – July 2018 report
- Work requisitions – July 2018 report
- Thank-you letter
- Major's Park – NYSDEC giant hogweed report

BUSINESS FROM BOARD MEMBERS AND LIAISONS: none

AUDIENCE II: none

STAFF REPORTS:

Police Chief Krieger stated they are in the process of hiring a new police officer and will be looking to hire a new police clerk in the near future.

Highway Superintendent Gunner stated his department is dredging the pond at Knox Park (south side of Knox Road).

ABSTRACT OF CLAIMS:

The Prepaid Abstract of Claims dated July 30, 2018, consisting of vouchers numbered 1108 to 1122, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 5,108.35
Capital/MWIA	70,705.41
Special Districts	<u>68,422.75</u>
Grand Total Abstract	\$144,236.51

The Abstract of Claims dated August 13, 2018, consisting of vouchers numbered 1123 to 1244, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 53,466.64
Part Town	958.20
Highway	97,617.76
Capital/SrCtr	8,457.50
Capital/Firehall	14,400.00
Trust & Agency	3,050.00
Trust & Agency2	1,506.70
Special Districts	<u>3,701.04</u>
Grand Total Abstract	\$183,197.84

Councilwoman Friess moved to approve the July 30, 2018 and August 13, 2018 Abstracts of Claims, and authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #235
7/30 ppd and
8/13/18
abstracts aprvd

Councilwoman Friess moved to adjourn at 7:35 p.m.; seconded by Councilman Harris. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #236
Meeting
adjourned

Martha L. Librock
Town Clerk