

December 27, 2016

A meeting of the Town Board of the Town of Aurora took place on Tuesday, December 27, 2016, at 11:00 a.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris	Councilman
	Susan A. Friess	Councilwoman
	Jolene M. Jeffe	Councilwoman
	Charles D. Snyder	Councilman
	James J. Bach	Supervisor
Others Present:	Ronald Bennett	Town Attorney
	David Gunner	Highway Superintendent
	William Wheeler	Engineer/GHD
	Greg Keyser	Environmental Planner/GHD
	Shane Krieger	Chief of Police
	Donna Bodekor	Senior Center Director
	Chris Musshafen	Recreation Director

Supervisor Bach opened the meeting at 11:00 a.m. with the Pledge of Allegiance to the Flag.

Councilwoman Jeffe moved to approve the minutes of the December 12, 2016 Town Board meeting and work session; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #388
12/12/16 wk
sess & mtg
min aprvd

AUDIENCE I: none

UNFINISHED BUSINESS: none

NEW BUSINESS:

Councilwoman Friess moved to extend all Town appointments to the January 9, 2017 Organizational meeting. Councilman Snyder seconded the motion. Upon a vote being taken: ayes - five noes – none Motion carried.

Action #389
2016 apptmts
extended to
1/9/17
Organizational
meeting

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF AURORA TO SET
A PUBLIC HEARING ON THE ADOPTION OF LOCAL LAW INTRO 7 OF 2016
AMENDING CHAPTER 101 OF THE TOWN CODE TO INCLUDE TAX BILL
ENCLOSURES**

WHEREAS, the Town of Aurora is desirous of informing Town residents of certain matters of public interest while at the same time curtailing the cost of postage and mailing by inserting notices in the Town/county tax bills; and

WHEREAS, Section 1826 of the Tax Law of New York State forbids a municipality from mailing or delivering with tax bills any notices, circulars, pamphlets, cards or similar printed material until and unless the municipality has passed local legislation allowing for that practice; and

WHEREAS, the Town Board wishes to adopt a Local Law that would allow the inclusion of certain notices to Town residents in the Town/county tax bill mailing.

NOW, THEREFORE, BE IT

RESOLVED, that a Hearing before the Town Board of the Town of Aurora, in the County of Erie, shall be held at the Town Hall, 300 Gleed Avenue, Aurora, New York at 7:00 p.m. on the 9th day of January, 2017 for the purpose of hearing all persons interested in the proposed Local Law Intro No. 7 of the Year 2016; and be it further

Action #390
Public hrg set
for LL Intro 7
re: tax bill
inserts

RESOLVED, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF AURORA TO SET
A PUBLIC HEARING ON THE ADOPTION OF LOCAL LAW INTRO 8 OF 2016
COMMERCIAL AND PRIVATE SOLAR POWER ENERGY MORATORIUM EXTENSION**

WHEREAS, the Town of Aurora has previously adopted a Local Law pertaining to the establishment of a moratorium in regard to the use of land for commercial and private solar power projects in the Town of Aurora which law was adopted on July 11, 2016; and

WHEREAS, the Town Board has determined that it has been unable to complete its studies and consider and enact appropriate amendments and additions to the Code to protect the health and welfare of the citizens and property of the Town of Aurora; and

WHEREAS, the Town Board wishes to adopt a Local Law extending the moratorium for three months on the use of land for commercial and private solar energy project.

NOW, THEREFORE, BE IT

RESOLVED, that a Hearing before the Town Board of the Town of Aurora, in the County of Erie, shall be held at the Town Hall, 300 Gleed Avenue, Aurora, New York at 7:00 p.m. on the 9th day of January, 2017 for the purpose of hearing all persons interested in the proposed Local Law Intro No. 8 of the Year 2016; and be it further

Action #391
Public hrg set
for LL Intro 8
re: ext of solar
moratorium

RESOLVED, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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

The Town is proceeding with Master Water Improvement Area plans and direct service with the Erie County Water Authority (ECWA). Part of the plan is to replace older meters that do not meet ECWA specifications with radio read meters. The Town Board previously approved piggybacking off of the ECWA contract to purchase meters from Neptune.

Councilwoman Jeffe moved to authorize the purchase of the following meters and antennas from Neptune based on ECWA bid 20150025 and to pay back ECWA the meters that the Town borrowed:

Action #392
Purchase of
water meters
for WMIA
approved.

- 144 ¾ inch meters at \$147.50 per meter
- 32 1 inch meters at \$231.00 per meter
- 30 6 inch antennas at \$15.00 per antenna

Funds will be disbursed from the appropriate water districts from line 8340.401 until such time that money from the bond for the Master Water Improvement Area is received. Councilman Snyder seconded the motion.
Upon a vote being taken: ayes – five noes - none Motion carried.

Councilman Snyder moved to authorize the establishment of a Capital Fund (HA) for the Master Water Improvement Area. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #393
MWIA Capital fund (HA) established.

Councilwoman Jeffe moved to authorize the borrowing of \$200,000.00 from the General Fund to be used to pay start-up costs for the Master Water Improvement Area HA fund. The \$200,000.00 will be repaid to the General Fund from the HA fund upon receipt of bond proceeds. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #394
\$200K borrowed from General fund for HA fund

Councilwoman Jeffe moved to authorize the Supervisor to sign and send a letter to the Erie County Water Authority (ECWA) requesting that ECWA consider including the two Town of Aurora water tank improvement projects with their contract for various ECWA tank improvements. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #395
Supv. auth to sign ltr to ECWA re: water tank improvements

Councilman Snyder moved to refer to the Planning Board a request from Michael Gish to rezone a vacant lot, located on the west side of Olean Road immediately south of the Route 400 overpass and exit ramp, from A (agriculture) to B1 or B2 (business). Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #396
Olean Road rezoning request forwarded to Planning Brd

Councilman Harris moved to approve the request from Highway Superintendent Gunner to hold an electronics recycling pick-up for Town (outside the Village) residents the week of March 13-17, 2017. TV's and monitors will be accepted, but only if the glass is intact. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #397
Electronics recycling pickup approved for Town outside Village

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

**RESOLUTION AUTHORIZING CREATION OF A RESERVE FUND TO PAY
OUTSTANDING OBLIGATIONS ISSUED FOR 300 GLEED AVENUE**

WHEREAS, in 2009 the Town of Aurora purchased real property at 300 Gleed Avenue, East Aurora, New York for use as a municipal center and Town Hall using municipal bonds; and

WHEREAS, between 2010 and 2015, the Town Board authorized renovations to the building and grounds at 300 Gleed Avenue and authorized the use of municipal bonds to cover these costs; and

WHEREAS, in 2016 the Town Board felt it was in the best interest of the Town to declare a portion of the property at 300 Gleed Avenue as surplus inventory and sell the building and surrounding parking lots; and

WHEREAS, on November 1, 2016 the Town of Aurora finalized the sale of real property at 300 Gleed Avenue in the Village of East Aurora, New York; and

WHEREAS, there are outstanding obligations in the form of bond indebtedness for the property in the amount of \$1,670,615.00; and

WHEREAS, General Municipal Law Article 2 Section 6-1 directs that a mandatory reserve fund be set up using the proceeds of the sale of a capital improvement for the purpose of paying the principal and interest due on the outstanding obligations of that capital improvement.

NOW, THEREFORE, BE IT

RESOLVED, that the Aurora Town Board create a reserve fund in the amount of \$1,670,615.00 for the sole purpose of paying the outstanding obligations issued by the Town for 300 Gleed Avenue; and

Action #398
Reserve fund created for 300 Gleed (former ER Fund) debt obligations

RESOLVED, that moneys from the sale of the capital improvement in excess of the sum of all installments of principal and interest due on the indebtedness may be used for any lawful municipal purpose.

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

Councilman Snyder moved to approve the request from Patrick Blizniak and William Kramer to rollover up to two vacation days each to be used during the 1st quarter of 2017, due to office coverage by part-time staff. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #399
Vacation rollover aprvd for P. Blizniak & W. Kramer.

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

RESOLUTION RECOGNIZING TYPE II SEQRA ACTION

WHEREAS, the Town of Aurora is proposing to reline the Aurora Community swimming pool and wading pool, both located at 690 South Street, East Aurora, New York; and

WHEREAS, the Town of Aurora is proposing to install a concrete step inside the wading pool to conform with NYS Building Codes for ingress/egress; and

WHEREAS, this project is a Type II Action for the purposes of SEQRA pursuant to 6NYCRR617.5(c)(1) as this is considered maintenance or repair involving no substantial changes to the existing swimming and wading pools; and

WHEREAS, being that this project is a Type II Action it is not subject to review pursuant to SEQRA.

NOW, THEREFORE, BE IT RESOLVED

1. That this pool-relining project has been determined not to have a significant impact on the environment and is not subject to further review under SEQRA.

Action #400
Pool relining determined to be Type II for SEQRA

2. This resolution shall take effect immediately.

Upon a vote being taken: ayes – five noes – none Motion carried.
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Councilwoman Friess moved to approve the hiring of Brady Tehan, Elmwood Ave., E. Aurora, NY as a Recreation Attendant PT effective December 28, 2016 at an hourly rate of \$9.10 through 12/30/16 and at \$9.80 as of 12/31/16. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #401
B. Tehan hired as rec attendant PT effective 12/28/16.

The Town email currently occupies space on the Town's server. In an effort to extend the life of the server and free up space, the Town's IT service provider recommends converting the Town email to Office 365, a

Cloud-based system. The cost is \$3.50 per email address (license) per month plus a one-time fee of \$350 for Office 365. Other costs would be associated labor fees for Nick Fodero, WNY Networks, Inc.

Action #402
Board approves
cloud-based
email program

Councilwoman Jeffe moved to approve cloud-based email for the Town and to approve the purchase of thirty-three (33) Office 365 Exchange Online Plan licenses and Code Two migration licenses. Funds will be disbursed from 2016 budget line A1680.401 CDP office expense, which has a balance of \$6,638. Labor costs will be disbursed from 2017 budget line A1680.401. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

The owner of Aurora Consulting Group (ACG) recently informed the Town that he would be retiring and permanently closing the business effective 12/31/16. ACG provided IT and development services to the Town. Nick Fodero, an ACG employee, formed a new company called WNY Networks, Inc. to perform the services formerly offered by ACG and provided a quote for system and network support services for the Town at a rate of \$85.00 per hour. The proposal is time and materials and the Town will only be billed for actual hours used to support the computer network.

Councilwoman Friess moved to approve the time and materials proposal from WNY Networks, Inc., to provide computer system and network support services for the Town at a rate of \$85.00 per hour.

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

Motion carried.

Action #403
WNY
Networks apvd
as computer
support vendor

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

WHEREAS, the Emerald Ash Borer was first discovered in the United States in 2002;
and

WHEREAS, the Department of Environment & Conservation has stated that the Emerald Ash Borer is responsible for the destruction of over 50 million ash trees in the United States; and

WHEREAS, there are approximately 900 million ash trees in New York State alone that the Emerald Ash Borer is a threat to; and

WHEREAS, residents in New York, including many in Erie County, the Town of Aurora and Village of East Aurora have to remove trees from their private property that have been killed by the Emerald Ash Borer; and

WHEREAS, removal of dead ash trees can cost up to \$500.00 per tree; and

WHEREAS, New York State Senator Tim Kennedy has introduced legislation in the New York State Legislature to allow residents to apply for a tax credit of 50% of the cost of the removal of each tree, capped at \$300.00 per tree. The bill also allows a tax credit of \$100.00 or 50% of the cost of the treatment for each ash tree on their private property.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Aurora calls on the New York State legislature to pass Senate Bill S8196 to amend the tax code to allow taxpayers to claim credits for treating and removing trees infected by the Emerald Ash Borer; and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Aurora calls on Governor Andrew Cuomo to sign Senate Bill S8196 when it reaches his desk; and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Aurora is

hereby direct to transmit copies of this resolution to New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, New York State Senator Tim Kennedy, New York State Senator Catharine Young (Chairwoman of the Senate Finance Committee), New York State Assemblyman Herman Farrell, Jr. (Chairman of the Assembly Ways & Means Committee), Governor Andrew Cuomo, and to other municipalities in Erie County.

Action #404
Emerald Ash
Borer tax
credit
resolution
adopted.

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

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

- Dog Control – November 2016 report
- Work Requisitions – November 2016 report
- EAPD – November 2016 report
- Supervisor's Report – November 2016

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

All of the Board members wished everyone a happy and safe New Year and thanked all the Town employees for their hard work this past year.

AUDIENCE II: none

STAFF REPORTS:

Bill Wheeler stated that GHD has begun to receive agency comments regarding the Master Water Improvement Area (MWIA) project.

Highway Superintendent Gunner stated his department is working on the water meter changes for the MWIA project.

Donna Bodekor stated that they are very busy at the Senior Center and noted that on December 29, 2016, Laurie Smith, a member and volunteer at the Center, will be recognized as the Erie County Senior Citizen of the Month, and will receive a proclamation from the County Executive.

ABSTRACT OF CLAIMS

The December 27, 2016 Abstract of Claims, consisting of vouchers numbered 1970 to 2024, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 9,408.16
Highway	32,199.28
Enterprise/Gleed	7,205.00
Capital/Hwy Gar	155.92
Capital/MWIA	51,266.70
Special Districts	<u>5,973.69</u>
Grand Total Abstract	\$106,208.75

Councilwoman Jeffe moved to approve the December 27, 2016 Abstract of Claims and to authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #405
12/27/16
Abstract of
Claims aprvd

Councilwoman Jeffe moved to adjourn at 11:30 a.m.; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none
Motion carried

Action #406
Meeting
adjourned

Martha L. Librock
Town Clerk