

August 22, 2016

A meeting of the Town Board of the Town of Aurora took place on Monday, August 22, 2016, 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
	David Gunner	Highway Superintendent
	William Kramer	Code Enforcement Officer
	William Wheeler	GHD/Engineer
	Shane Krieger	Chief of Police

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 August 8, 2016 Town Board work session and meeting; seconded by Councilwoman Jeffe. Upon a vote being taken: ayes – five noes – none Motion carried. Action #236 8/8/16 wk sess & mtg min approved

Councilman Snyder moved to approve the minutes of the August 16, 2016 Town Board work session; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried. Action #237 8/16/16 wk session min approved

#### AUDIENCE I:

Tim Burke, Fillmore Ave. and Alexis Dickerson, Sweet Road, both stated they support the Jackson Falls project

#### UNFINISHED BUSINESS:

Councilwoman Jeffe moved to approve the following budget amendment for the highway building LED lighting project: (Source of funding is a NYPA loan.) Action #238 Budget amendment re: Hwy LED lighting aprvd

- Add revenue line A5789 Other Debt
- Increase A5789 in the amount of \$21,137.78
- Add appropriation line A1620.210 Highway Building LED Lighting
- Increase A1620.210 in the amount of \$21,137.78

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

Councilman Harris moved to approve the final payment to National Energy Professionals, 166 Taylor Road, Depew, NY, in the amount of \$21,137.78 for the Highway Building LED Lighting Project and to authorize the Supervisor to sign the final NYPA inspection report for the project. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action \$239 Final pymt for Hwy LED lighting aprvd & Supv to sign inspection report

NEW BUSINESS:

Councilwoman Friess moved to add the following items to tonight's agenda:

- 6J – dump truck purchase
- 6K – snow plow purchase
- 6L – Polo Match special use permit
- 6M – donation from Stables at Knox
- 6N – WNY Land Conservancy – Jackson Falls project

Action #240  
Items 6J – 6N  
added to agenda

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

Councilman Snyder moved to authorize the Supervisor to sign the Out-of-District Water Intermunicipal Agreement with the Town of Colden regarding the out-of-district water customer at 8955 Falls Road, PO West Falls, Town of Colden. (At their August 8, 2016 meeting the Aurora Town Board approved the request from Thomas and Anne Gottstine to become out-of-district water customers to Aurora Water District 18.) Councilman Harris seconded the motion. Upon a vote being taken:  
ayes – five noes – none Motion carried.

Action #241  
Intermunicipal  
OOD water  
agreement with  
Colden aprvd

Councilwoman Friess moved to approve the following budget amendment with regard to the Justice Court Assistance Program grant that the Aurora Town Court received: (Source of funding-JCAP grant)

- Increase revenue line A3389 Justice Court Assistance Program \$3,280.00
- Increase appropriation line A1110.401 Court Office Expense \$3,280.00

Action #242  
Court budget  
amendment  
approved –  
JCAP grant

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

Councilman Snyder moved to approve the request from Aurora Assessor Richard Dean to attend the NYS Assessors' Assoc. Conference on September 18-21, 2016 at the Fort William Hotel & Conference Center in Lake George, NY. The \$175 conference fee and \$766.50 hotel fee will be paid from A1355.404 expense and travel. The Assessor will submit a reimbursement claim to NYS for these expenses and any mileage costs associated with the conference. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #243  
Assessor to  
attend  
conference

Councilwoman Friess moved to authorize Justice Court Action in reference to Aurora Town Code Chapter 72 – Junkyards for Alexandra Beebe and Steven Halpin, 1809 Davis Road, PO West Falls (Town of Aurora), NY. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #244  
Justice Court  
Action aprvd for  
1809 Davis Rd

Councilman Snyder moved to approve the proposal from GHD to assist William Kramer in the review of the Stormwater Pollution Prevention Plan (SWPPP) for the Aurora Mills Cluster Subdivision for a not-to-exceed fee of \$2,000, which shall be passed on to the developer per Town Code. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #245  
GHD to assist  
with Aurora  
Mills SWPPP

Councilwoman Friess moved to approve the proposal from GHD for grant application support for the Bridge NY Program – Culvert Repair Application for the repairing and/or replacing of culverts located on Cornwall and Snyder Road for a lump sum fee of \$4,500 to be disbursed from A6989.411. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #246  
GHD to assist with culvert repair grant application

Councilman Snyder moved to approve submittal of a NYSDEC recycling grant and to authorize the Supervisor to sign a grant writing services contract with Ann McDonnell, 121 Woodside Dr., Elma, NY in the amount of \$1,460.00 to be disbursed from A6989.411 to prepare the recycling grant application. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #247  
Submittal of NYSDEC recycling grant approved; Supv to sign grant writer contract

Councilwoman Jeffe moved to approve the Civil Service Title Change for Recreation Department employees Patricia Monroe and Dawn DiFilippo from Clerk Part Time Seasonal to Clerk-Typist Part Time effective August 8, 2016. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #248  
Civil Service Title change: P. Monroe & D. DiFilippo

Councilman Snyder moved to authorize the Supervisor to sign and send a letter of support to the Orchard Park Fire District EMS for their efforts to obtain a Certificate of Need to operate in neighboring towns in the event that those towns lack sufficient resources to respond to medical emergencies. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #249  
Supv to send ltr of support for OPFD EMS

Councilwoman Friess moved to approve the request from the Highway Superintendent to purchase a 2017 F550 Ford Dump Truck from Van Bortel Ford, East Rochester, NY for \$66,698.91. The purchase will be piggybacked off the Onondaga County Contract #79742017. Funds will be disbursed from the SR and DB funds to pay for the truck. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #250  
Purchase of 2017 F550 Ford dump truck aprvd.

Councilwoman Friess moved to approve the request from the Highway Superintendent to purchase snowplow equipment for a 2017 F550 Ford Dump Truck from Henderson Truck Equipment, Watertown, NY for \$16,906.00. The purchase will be piggybacked off the Oneida County Contract #RFB 1816 and will be paid from DB5142.449 (2016 budget). Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #251  
Purchase of snow plow equip for 2017 F550 aprvd

Councilwoman Jeffe moved to approve the request from The Stables at Knox, John Hatcher as agent, for a temporary use permit to hold a Polo Match on the polo field and surrounding area at the Town operated portion of Knox Farm State Park (south side of Knox Road) on September 18, 2016. Set-up and takedown will take place on 9/17 and 9/19 respectively. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #252  
Temporary use permit for 9/18 Polo Match at Knox Park polo field approved

Councilwoman Friess moved to accept a \$1,000 donation from The Stables at Knox towards work done at Knox Field. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #253  
Donation from The Stables at Knox accepted

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

- Supervisor's Report – July 2016
- EAPD – July 2016 report

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Supervisor Bach stated that he visited the former fire hall on Oakwood Avenue and noted that the environmental investigation has begun.

AUDIENCE II: none

STAFF REPORTS:

Bill Wheeler thanked the Board for the opportunity to assist with the Aurora Mills Subdivision SWPPP and the culvert repair/replacement grant application.

ABSTRACT OF CLAIMS

The August 10, 2016 Prepaid Abstract of Claims, consisting of vouchers numbered 1349 to 1352, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 48.18
Special Districts	<u>1,386.18</u>
Grand Total Abstract	\$1,434.36

The August 22, 2016 Abstract of Claims, consisting of vouchers numbered 1353 to 1417, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 46,358.77
Part Town	2,449.72
Highway	108,688.96
Enterprise/Gleed	8,187.69
Capital	2,924.48
Trust/Agency 2	17,717.67
Special Districts	<u>124,518.18</u>
Grand Total Abstract	\$310,845.47

Councilwoman Jeffe moved to approve the August 10, 2016 Prepaid Abstract of Claims and August 22, 2016 Abstract of Claims and to authorize payment of same. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #254  
8/10 &  
8/22/16  
Abstracts of  
Claims aprvd

Nancy Smith and Jajeane Rose-Burney from the WNY Land Conservancy and Attorney Beth Holden, from Hodgson Russ LLP, spoke to the Board about the revised property match (down to 98 acres from 138 acres) and restrictions on the Town's Major Park property for the grant the WNYLC is to receive from US Fish and Wildlife Service toward the purchase of property on the south side of Hubbard Road, currently known as Jackson Falls.

Mrs. Smith stated that the WNYLC has a meeting scheduled with Mark Thomas and Noelle Kardos from NYS Parks on Wednesday and she would like to be able to take an approved resolution to the meeting.

Councilwoman Jeffe stated that the Board appreciates the changes made and supports the outcome in principal, but still would like to see written authorization from the NYS Parks (SHPPPO) that confirms the Town's agreement with them would not be "voided". Mrs. Jeffe said the Town needs an opinion from the NYS Comptroller, also.

Attorney Holden spoke about the Jackson Falls property being open to the public.

Councilwoman Friess stated she is still trying to get an understanding of the documents and maps that the Board just received today and that she has not had time to thoroughly review them.

Jajeane Rose-Burney stated that everything, the areas, in the Major Park Master Plan have been excluded from the match and restrictions.

Councilwoman Jeffe asked what if the WNYLC changes? How do we know that 30 years down the road there will not be problems? Town Boards change and this proposal/resolution binds future Boards.

Supervisor Bach stated the Town needs to be indemnified.

Attorney Bennett stated he wants an opinion from the NYS Comptroller stating that it is okay to put restrictions on Town owned property that was paid for with taxpayer dollars. Mr. Bennett noted that the Town cannot give away control of land purchased with taxpayer money. He stated that he also would like an indemnification from the WNYLC regarding the restrictions.

Councilwoman Friess noted that the answer from the State Comptroller could bring up other issues or questions.

Councilwoman Jeffe asked Mrs. Smith if the purchase agreement deadline could be extended.

Attorney Bennett stated that if the Town Board approves the resolution prepared by the WNYLC then they are agreeing with the current sub-agreement and everything else.

Supervisor Bach said that his first job is to protect the Town based on the Town Attorney's advice. Mr. Bach asked if Mr. Bennett would prepare a summary of the Board's concerns.

Councilwoman Friess stated she would not personally sign something with so many unknowns.

Councilwoman Jeffe reiterated that the Board just received all the new/revised paperwork today.

Supervisor Bach stated he could speak with Mark Thomas and let him know the Town Board's concerns, and also let him know that the Board believes the Jackson Falls project is a good project.

Councilman Harris moved to adjourn at 8:25 p.m.; seconded by  
Councilman Snyder. Upon a vote being taken: ayes – five    noes – none  
Motion carried.

Action #255  
Board  
adjourns

Martha L. Librock  
Town Clerk