

July 10, 2017

A regular meeting of the Town Board of the Town of Aurora took place on Monday, July 10, 2017, at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris	Councilman
	Jolene M. Jeffe	Councilwoman
	Charles D. Snyder	Councilman
	Susan A. Friess	Councilwoman
	James J. Bach	Supervisor

Others Present:	Ronald Bennett	Town Attorney
	William Kramer	Code Enforcement Officer
	Camie Jarrell	Engineer/GHD

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 6/20/17 work session; seconded by Councilman Harris. Upon a vote being taken:	Action #210
ayes – five      noes – none	6/20/17 work
	sess min aprvd
	Motion carried.

Councilwoman Jeffe moved to approve the minutes of the 6/26/17 Town Board meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five      noes – none	Action #211
	6/26/17 mtg
	min aprvd
	Motion carried.

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Snyder moved to approve and accept the Declaration of Conservation Easement for the Aurora Mills Cluster Subdivision on Mill Road (SBL#175.00-1-40.1) for the purpose of preserving in perpetuity approximately 60 acres of open, undeveloped real property at this location. Councilman Harris seconded the motion. Upon a vote being taken:	Action #212
ayes – five      noes – none	Aurora Mills
	Subdivision
	Conservation
	Easement aprvd
	Motion carried.

Councilman Harris moved to adopt the following Resolution approving the Aurora Mills Cluster Subdivision Final Plat as presented by Aurora Mills LLC and Wm Schutt Associates:

**RESOLUTION FOR APPROVAL OF AURORA MILLS SUBDIVISION**

WHEREAS, Aurora Mills, LLC, 2730 Transit Road, West Seneca, New York, has applied to the Town of Aurora for an eighty-five single family home cluster development subdivision on property located on Mill Road (SBL# 175.00-1-40.1) in the Town of Aurora, and

WHEREAS, Chapter 99 of the Codes of the Town of Aurora sets forth the provisions and requirements for the subdivision of land including approval procedures, design standards, required improvements and provisions for cluster development, and

WHEREAS, Chapter 99, Article V of the Codes of the Town of Aurora is fully applicable in its provisions to the requested cluster development subdivision, and

WHEREAS, Chapter 99, Article II of the Codes of the Town of Aurora provides for the consideration by the Town Board for approval of the final plat, the sketch plan and preliminary plat having received prior approval, and

WHEREAS, a full environmental assessment form was submitted identified as “Aurora Mills Subdivision” which the Town determined this project will result in no significant adverse impacts upon the environment, and therefore, an environmental impact statement need not be prepared, and

WHEREAS, WM Schutt Associates, on behalf of Aurora Mills LLC, has submitted the final plat documents dated May 26, 2017, for WSA project # 15012A with revisions of the prior preliminary plat approval identified as drawing revisions, and

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Aurora does hereby approve the final plat of Aurora Mills, LLC for an eighty-five (85) single family cluster development subdivision at SBL# 175.00-1-40.1 Mill Road, subject to full and complete compliance with the following:

1. Final Plat: Incorporated by reference and made a part hereof is the final plat document May 26, 2017, by WM Schutt Associates identified as WSA project # 15012A, as submitted.
2. Condominium: Incorporated by reference is the Condominium Declaration and By-laws, which sets forth the provisions for the governing by the Condominium of the Aurora Mills, LLC subdivision.
3. Conservation Easement: The approved Conservation Easement submitted by the applicant is incorporated by reference which easement must be filed in the Erie County Clerk’s office prior to any development.
4. Chapter 99 – Subdivision of Land: The development shall be in complete and full compliance with the provisions of Chapter 99, and specifically Article V – cluster development. Any deviation from the provisions of Chapter 99 in relation to the final plat submitted as WSA project # 15012A and all other incorporated documents requires approval by the Town Board in its sole discretion.
5. Original Subdivision Plat: The original Subdivision Plat shall be filed and recorded in the Erie County Clerk’s office. Prior to such filing, the Subdivision Plat shall be submitted to the Town Board for final review. No final approval will be endorsed on the plat until review and approval by the Town Board, on the basis that there is compliance of all requirements and provisions of this Resolution.
6. Public Utilities: Servicing the development shall be the sole responsibility of the developer and the condominium. Proof of compliance shall be submitted to the Town Board when the installation of all public utilities is completed.

7. Erie County Health Department: Compliance with all requirements of the Erie County Health Department including but not limited to the proposed sewer system serving the development.

8. WM Schutt Associates Engineering submission: By letter dated May 31, 2017, WM Schutt Associates submitted letter of matters relevant to the development. The letter was signed by Patricia Bittar, Senior Project Manager. The letter referenced the final plat design submitted for approval. It included the SWPPP and Engineering Report and the site plan drawing package. The submission references the final plat design plans submitted for considered approval. The submission includes reference to changes from approval of the preliminary plat. The Town reserves the right to require compliance as it may determine between provisions of the preliminary plat and final plat, and be it further

RESOLVED, any deviations of any nature in the approved development plans, including those items enumerated in the first Resolve, must be submitted to the Town Board for consideration of its acceptance and or approval, which shall be in the sole discretion of the Town Board.

Action #213  
Aurora Mills  
Subdivision  
final plat  
aprvd

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

\* \* \* \* \*

Councilman Snyder moved to authorize the Supervisor to sign the Master Water Improvement Ellis Drive Pump Station construction contract with Kandey Company, Ransier Drive, West Seneca, NY. Councilwoman Friess seconded the motion.

Action #214  
Supv auth to  
sign MWIA  
Ellis pump  
station  
contract

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

At the June 26, 2017 meeting, the Town Board set a public hearing on a request for a special use permit for a dog kennel on Cook Road. Due to the hearing notice not being published, the hearing has to be reset.

Councilwoman Jeffe moved to set Tuesday, July 18, 2017 at 7:00 p.m. at the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York, as the date, time and place for a public hearing on an application for a Special Use Permit for a dog kennel at 361 Cook Road. Councilman Harris seconded the motion.

Action #215  
Public hearing  
for Cook Rd  
spec use  
permit – dog  
kennel reset.

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

#### NEW BUSINESS:

Jim Cornell and Darci Cramer, along with children Adam and Sophie, on behalf of The Praxiis Foundation presented Supervisor Bach with a check for \$6,653.52 to be used for a handicapped lift, cover and caddy for the Aurora Community Pool. Mr. Cornell noted that their private family foundation was set up to help children's causes and being charitable is a way of life.

Councilwoman Friess moved to accept a \$6,653.52 donation from The Praxiis Foundation for a handicapped lift, caddie and cover for use at the Aurora Community Pool. Councilman Snyder seconded the motion.  
Upon a vote being taken: ayes – five noes – none Motion carried.

Action #216  
Donation for  
pool handicap  
lift accepted

Councilwoman Jeffe moved to accept the donation of a Samsung DVD player and LG sound bar from the Roycroft Film Society and a \$100 donation from the Lions Club of East Aurora that will be used toward the purchase of a movable partition for the dining room. The monetary donation will be deposited to TA1000.90. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #217  
DVD, sound  
bar & \$\$  
donations for  
SrCtr accepted

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

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires every justice of a village or town to submit his records and docket to the auditing board of said village or town; and

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Justice Court records shall be examined and audited by said auditing board or a certified public accountant.

NOW, THEREFORE BE IT RESOLVED that the audit and examination of the records of the Aurora Town Justices for the year ended December 31, 2016 was performed by the auditing firm of Drescher & Malecki LLP; and

Action #218  
Justice court  
audit  
resolution  
adopted

BE IT FURTHER RESOLVED that the findings of said audit and examination were presented to the Town Board of the Town of Aurora. Upon a vote being taken: ayes – five noes – none Motion carried.  
\* \* \* \* \*

Councilwoman Friess moved to approve payment no. 2 for DJM Contracting, Inc., Boston State Road, Hamburg, NY, in the amount of \$252,998.43, covering the period from June 2 – June 28, 2017 for the Master Water Improvement Area waterline improvements. Funds will be disbursed from Capital Fund HA8340.200. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #219  
Pymt #2 to  
DJM for  
MWIA water  
line project  
aprvd

Councilwoman Friess moved to approve a title change to Lifeguard PT Seasonal and a rate change to \$10.05 per hour for Sierra Kenney, 1422 Emery Road, East Aurora, NY. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #220  
S. Kenney- rec  
title and rate  
change aprvd

Councilman Snyder moved to approve the hiring of Matthew Ortel, 55 Behm Road, West Falls, NY, as a Laborer PT Seasonal at a rate of \$15.00 per hour effective 7/17/17. The payroll will be disbursed from DB5130.100. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #221  
M. Ortel hired  
as laborer PT  
seasonal for  
hwy

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

RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY

WHEREAS, Town Law §64(2) authorizes the Town to acquire real property required for a public purpose; and

WHEREAS, the Town has determined that the acquisition of property located at 559 Oakwood Avenue, East Aurora, New York, (SBL#175.08-5-2) would be for the public purpose

of parking in relation to the purchase of adjacent property acquired by the Town for municipal purposes; and

WHEREAS, the Town submitted a Contract for purchase of 559 Oakwood Avenue in the Town of Aurora from Suzanne M. Massara for the purchase price of \$136,900.00, the said value being in accord with an independent appraisal of the property; and

WHEREAS, the proposed Contract for sale has been approved by the seller, a copy setting forth the terms and conditions of sale being annexed hereto; and

WHEREAS, the Town Board has determined it is in the best interest of the Town to acquire said property for the proposed public purchase of parking for municipal purposes.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Aurora does hereby approve the terms and conditions of the Purchase Contract as referenced herein for 559 Oakwood Avenue; and be it further

Action #222  
Supv auth to  
sign contract  
for purchase of  
559 Oakwood  
Ave.

RESOLVED, that the Supervisor is authorized to sign the Contract on behalf of the Town of Aurora; and be it further

RESOLVED, that a duly executed copy of the Contract be forwarded to Susan S. Hogan, Esq., as attorney for the seller.

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

Councilwoman Friess moved to set Monday, July 24, 2017 at 7:00p.m. at the Aurora Town Hall, 300 Glead Avenue, East Aurora, NY, as the date, time and place for a public hearing on a proposed Local Law to amend the Zoning Map for property at SBL#188.01-1-13.3 Olean Road, East Aurora, New York. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five          noes – none          Motion carried.

Action #223  
Public hearing  
set for LL to  
rezone VL on  
Olean (near 400  
overpass)

Councilwoman Friess moved to amend the agenda by adding item 6J – support of NYS Assembly and Senate Bills prohibiting the collocation of certain facilities with adult facilities in Erie County. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five  
noes – none          Motion carried.

Action #224  
Item 6J added  
to agenda –  
resolution  
supporting  
legislative bill

Councilman Snyder moved to approve the following budget amendment to cover the cost of baseball supplies that were not budgeted for:

Decrease A1990 Contingent Account	\$1,000.00
Increase A7310.440.2 Baseball Supplies	\$1,000.00

Action #225  
Budget  
amendment for  
baseball aprvd

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

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

RESOLUTION OF SUPPORT – A6505/S4630 – RELATES TO PROHIBITING  
THE COLLOCATION OF CERTAIN CHILDREN'S FACILITIES WITH  
ADULT FACILITIES IN ERIE COUNTY

WHEREAS, the Western New York Children's Psychiatric Center opened in West Seneca in 1970. The center takes seriously emotionally disturbed children between the ages of 4 to 18 years old from 19 Western New York counties. The 19 different counties in New York State include: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Herkimer, Livingston, Monroe, Niagara, Ontario, Orange, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates; and

WHEREAS, despite the significant volume from these 19 counties the Western New York Children's Psychiatric Center has the lowest 30 day and 90 day reinstatement or re-institutionalization rate of any facility in New York State. The costs of long term hospitalization and institutionalization are drastically reduced and eliminated when the readmission rates are low; and

WHEREAS, Governor Cuomo in his 2017 Budget proposed that the West Seneca Children's Psychiatric Center be moved to the Buffalo Psychiatric Center, and adult facility and campus. Moving these children into an adult setting would not be therapeutically beneficial and may in fact be detrimental to the psyches of many of these children; and

WHEREAS, the medicinal and therapeutic benefits of treating and counseling children with mental illnesses in both rural and school settings have been documented in many medical journals and academic papers. The Governor's proposal to place these children in a lock down facility with adults runs counter to science, logic and common sense; and

WHEREAS, the New York State Assembly and Senate unanimously passed A6505/S4630 which prohibit the collocation of caring children's facilities with adult facilities in Erie County; and

WHEREAS, Governor Cuomo needs to sign this bill and keep the Western New York Children's Psychiatric Center and its services in West Seneca.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Aurora Town Board supports the passage of A6505/S4630 in the New York State Legislature and strongly urges Governor Cuomo to immediately sign this necessary legislation into law.

Action #226  
Resolution  
supporting  
NYS bills re:  
WNY  
Children's  
Psych Center  
adopted

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

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

- Water Clerk – June 2017 report
- Senior Center – June 2017 report
- Town Clerk – June 2017 report
- Town Clerk/Tax – June 2017 report
- Building Department – June 2017 report

BUSINESS FROM BOARD MEMBERS:

Councilwoman Friess stated that the July 3<sup>rd</sup> festivities, including the parade and fireworks, were phenomenal. Mrs. Friess thanked all the volunteers who participated.

Supervisor Bach thanked Elaine Schiltz, Chris Musshafen and the recreation staff for all the work they did to make the Independence Day events a success.

AUDIENCE II:

Paul Porter spoke to the Board about the new town hall and how having a meeting room on the first floor would better facilitate handicapped persons. Mr. Porter noted that he was not able to attend the last Village Board meeting because the elevator was not operating.

STAFF REPORTS:

Camie Jarrell stated that the waterline replacement project is progressing. The mains are installed on Lawrence Avenue and Pomander Square and are waiting to be tested. The hookups on Canterbury are complete. Work on the West Falls Road mains should begin later this week.

ABSTRACT OF CLAIMS

The June 29, 2017 Prepaid Abstract of Claims, consisting of vouchers numbered 919 to 928, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 9,648.38
Special Districts	<u>17,178.98</u>
Grand Total Abstract	\$26,827.36

The July 10, 2017 Abstract of Claims, consisting of vouchers numbered 929 to 1011, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 105,408.04
Highway	3,665.39
Capital/Sr Ctr	637.97
Capital/Fire Hall	173.99
Capital/MWIA	257,986.18
Trust/Agency	4,232.20
Trust/Agency 2	18,022.84
Special Districts	<u>77,742.99</u>
Grand Total Abstract	\$ 467,869.60

Councilwoman Friess moved to approve the June 29, 2017 Prepaid and July 10, 2017 Abstracts of Claims and to authorize payment of same. Councilwoman Jeffe seconded the motion. Upon a vote being taken:  
ayes – five                      noes – none                      Motion carried.

Action #227  
6/29 prepaid &  
7/10/17  
Abstracts of  
Claims aprvd

Councilwoman Jeffe moved to adjourn at 7:38 p.m. Councilman Snyder seconded the motion. Upon a vote being taken:  
ayes – five                      noes – none                      Motion carried.

Action #228  
Meeting  
adjourned.

Martha L. Librock  
Town Clerk