

August 14, 2017

A regular meeting of the Town Board of the Town of Aurora took place on Monday, August 14, 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
	David Gunner	Highway Superintendent
	Donna Bodekor	Senior Center Director
	Chris Musshafen	Recreation/Aquatics Director
	William Kramer	Code Enforcement Officer
	Elizabeth Cassidy	Building Clerk
	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 7/10/17 Town Board meeting; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none Motion carried. Action #237 7/10/17 TB minutes aprvd

Councilwoman Jeffe moved to approve the minutes of the 7/18/17 work session; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried. Action #238 7/18/17 wk sess minutes aprvd

Councilman Snyder moved to approve the minutes of the 7/24/17 Town Board meeting/public hearing; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried. Action #239 7/24/17 TB meeting/PH aprvd

Councilman Harris moved to approve the minutes of the 8/3/17 Town Board special meeting; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none Motion carried. Action #240 8/3/17 TB spec meeting aprvd

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilwoman Friess moved to amend the agenda by adding item 5D - DASNY Grant Disbursement Agreement. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #241 Item 5D DASNY grant added to agenda

The Town Board reviewed Part 2 of the Short Form SEQR document for Local Law 6-2017. Councilman Harris moved to issue a negative declaration with regard to SEQR for a Local Law to rezone property at SBL#188.00-1-13.3 Olean Road, Town of Aurora from A and RR to B1. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #242 Neg dec issued for LL 6-2017 Olean rezoning

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

TOWN OF AURORA
LOCAL LAW 6 -2017

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 ZONE MAP.

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 Town of Aurora Code” adopted by the Town of Aurora on January 22, 1990, as amended, relating to the administrative, legislative and general legislation of Codes within the Town of Aurora as therein set forth. This Local Law will amend the boundaries of the Zone Map to transfer the described property from its present location in A and RR Zoning Districts to a B1 Zoning District to accommodate the property management; renovation services; and HVAC services provided by MPG Properties, LLC, or its successors.

SECTION 2. SECTION 116-6, ZONE MAP

Section 116-6(A), Zone Map, of the Codes of the Town of Aurora is amended as follows: The present Zone Map adopted heretofore describing the district boundaries within the Town of Aurora is amended to transfer and place the following described property from its present classification as A and RR Zoning Districts to a B1 Zoning District:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Aurora, County of Erie and State of New York, being part of Lot No. 13, Township 9, Range 6 of the Holland Land Company’s Survey bounded and described as follows:

BEGINNING at a point in the center line of Route No. 16, also known as Olean Road and as Creek Road, said point being 1120.9 feet northerly of the south line of Lot No. 13, as measured along the center line of Route No. 16; running thence westerly forming an interior angle of 65° 12’ 06”, along the northerly line of lands conveyed by Lyle A. Giesler and Jean A. Giesler, to Dana G. Holmes and Kathleen A. Cardarelli in Liber 8989 of Deeds at page 72, through an iron pipe a measured distance of 533.95 feet and a recorded distance of 535.1 feet to a point in the easterly line of lands conveyed to the State of New York for the Aurora Expressway, recorded in Liber 7600 of Deeds at page 156; running thence northerly forming an interior angle of 84° 34’ 53” measured and 84° 28’ recorded, along the easterly line of lands of said Aurora Expressway recorded in Liber 7600 of Deeds at page 156, a distance of 304.04 feet to a point; running thence northerly forming an interior angle of 169° 32’ 26” along the easterly line of lands of said Aurora Expressway recorded in Liber 7600 of Deeds at page 156, a distance of 280.86 feet to a point in the southerly line of Sweet Road (abandoned); running thence easterly forming an interior angle of 94° 22’ 44” along the southerly line of Sweet Road (abandoned) a distance of 184.88 feet to a point in the center line of Route No. 16; running thence southeasterly forming an interior angle of 126° 09’ 51”, along the centerline of Route No. 16 a distance of 145.45 feet to an angle point in the center line of Route No. 16; running thence southeasterly forming an interior angle of 180° 08”, along the centerline of Route No. 16 a distance of 444.84 feet to the point and place of beginning, containing 4.70 acres, more or less.

EXCEPTING therefrom that part lying within the bounds of the Olean Road as not laid out.

ALSO EXCEPTING AND RESERVING therefrom so much of the above describe premises as described in a deed from Jennie E. Rickettson to County of Erie, dated July 12, 1941, recorded in Erie County Clerk's Office in Liber 3130 of Deeds at page 576 on July 21, 1941, known as parcel No. 21-A.

ALSO EXCEPTING that part appropriated by notices of appropriation recorded in the Erie County Clerk's Office in Liber 7600 of Deeds page 156, known as Map 886, Parcel 955.

SECTION 3. RESTRICTION ON USE

The rezoning of the real property described herein is subject to the following conditions:

1. Rezoning is for the use of the property solely for a 4800sf office/storage building to accommodate a property management/property maintenance business.
2. Storefront retail business will not be conducted at this location.
3. Prior to the commencement of the development of the property rezoned from A and RR to B1, the property owner shall be required to submit engineered plans and to obtain all required approvals from the Town of Aurora, but not limited to Site Plan approval.
4. Any signage, temporary or permanent, for the property shall be in compliance with all Town of Aurora codes.
5. Any future additions, use or structural, to the site plan must be submitted to the Town Board to determine that the addition is substantially in agreement with the intent of this rezoning.
6. Construction of the project on this property rezoned from A and RR to B1 shall commence within twelve (12) months of obtaining all required approvals and permits from the Town of Aurora, unless an extension of the timeframe for the commencement of construction shall be approved by the Town Board. For purposes of this property rezoned from A and RR to B1, commencement of construction of any structure on the property shall constitute commencement of the project.
7. A Declaration of Restrictive Covenants citing the Restrictions on Use shall be recorded at the Erie County Clerk's Office and shall expressly state that the restrictions contained therein cannot be amended or rescinded without the permission of the Town Board of the Town of Aurora.

SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof contained in this Local Law is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Upon a roll call vote being taken:

Councilman Harris – Aye; Councilwoman Jeffe – Aye; Councilwoman Friess – Aye; Councilman Snyder – Aye; Supervisor Bach – Aye
ayes - five noes – none Motion carried.

Action #243
LL 6-2017
adopted –
Olean
rezoning

Councilwoman Friess moved to approve payment no. 4 for DJM Contracting, Inc., Boston State Road, Hamburg, NY, in the amount of \$126,668.03, covering the period from August 1 – August 9, 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 #244
Pymt #4 to
DJM for
MWIA water
line aprvd

Councilwoman Jeffe moved to authorize the Supervisor to sign the Grant Disbursement Agreement with DASNY for the Community Pool Rehabilitation Grant. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #245
Supv auth to
sign DASNY
pool grant
disbursement
agreement

NEW BUSINESS:

Cornell Local Roads Program intern Thomas Morris gave a presentation on the Cornell Asset Management Program Summer Intern Project. Mr. Morris attended a three-day training session at Cornell University. Tonight's presentation included a five-year plan providing a guide for fixing and maintaining most town roads, including budgeting details.

Supervisor Bach and the Board thanked Thomas for the detailed report.

Councilwoman Jeffe moved to approve the installation of a concrete pad for the handicapped lift at Community Pool by Creative Concrete, Inc., 801. N. Davis Road, Elma, NY. The \$2400 cost will be disbursed from A7180.426 Pool maintenance. This job was treated as an emergency installation since the old lift was not functioning and a lift is needed under the Americans with Disabilities Act. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #246
Pymt to
Creative
Concrete for
pool work
aprvd

Councilwoman Jeffe moved to approve the transfer of the Highway Repairs and Maintenance Stipend from David Drosendahl Jr. to David Drosendahl Sr. effective 7/17/ 2017. The stipend will be disbursed from DB5130.100. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #247
Hwy maint
stipend
transferred to
D. Drosendahl
Sr.

Councilwoman Friess moved to authorize amending the 2017 budget as follows to record the donation from The Praxiis Foundation for the handicapped lift at Community Pool:

- Increase revenue line A2705 Gifts/Donations \$6,653.32
- Increase appropriation line A7180.426 Maintenance of Pool \$6,653.32

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

Action #248
Budget
transfer re:
Donation for
handicapped
lift aprvd

Councilman Snyder moved to approve and authorize the following budget transfers to rectify negative budget line balances:

From: DB5140.141 Highway Misc. PT wages	\$1,380.00
To: DB5110.141 Highway Gen. Repairs PT wages	\$1,380.00
From: DB5110.100 Highway Gen. Repairs Wages	\$1,109.00
To: DB5110.140 Highway Gen. Repairs OT	\$1,109.00
From: A7110.105 Parks Seasonal	\$ 414.00
To: A7110.107 Parks OT	\$ 414.00

Action #249
Hwy/Parks
budget
transfers aprvd

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

Councilwoman Jeffe moved to authorize amending the 2017 budget as follows to record the purchase of 559 Oakwood Avenue, E. Aurora, NY:

- Decrease A599 Appropriated Fund Balance \$138,254.08
- Add appropriation line A8660 – Acquisition of Real Property
- Increase A8660 Acquisition of Real Property \$138,254.08

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

Action #250
Budget
amendment
for purchase of
559 Oakwood
aprvd

The Town received a Community Development Block Grant for the purchase of carpeting, exercise equipment, windows and a generator for the Aurora Senior Center. To date the exercise equipment is the only item purchased from the grant. Donna Bodekor is requesting that the Board approve the purchase and installation of carpeting for the office area at the Senior Center.

A quote was received from GP Flooring, Brockport, NY in the amount of \$4,646.05 to supply and install Mohawk carpet tiles. The cost includes removing old carpeting and moving heavy furniture. GP Flooring is on NYS Contract PC67774, with a contract period of June 30, 2017 through February 16, 2021.

Councilwoman Friess moved to approve the purchase and installation of carpet tiles at the Aurora Senior Center by GP Flooring Solutions (a WBE certified company), 5905 Lake Road South, Brockport, NY 14420, in the amount of \$4,646.05. (NYS Contract PC67774). This purchase is being made with CDBG funds. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #251
Purchase &
installation of
carpet tiles at
Sr. Ctr. aprvd
– CDBG funds

Councilman Snyder moved to approve the following 2017 budget amendment to reflect additional revenue generated by an increase in Recreation program participation:

- Increase Revenue line A2055 Playground Sports \$849.00
- Increase Appropriation line A7142.400.1
Playground Sports Vendors \$849.00

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

Action #252
Recreation
budget
amendment
aprvd

Councilman Harris moved to approve the following rate increases effective August 12, 2017 for lifeguards who completed WSI Training:

<u>Employee:</u>	<u>Current Rate:</u>	<u>New Rate:</u>
Alex Christie	\$10.10	\$10.20
Julia May	\$10.05	\$10.15
Yana Ray	\$10.05	\$10.15

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

Action #253
Lifeguard rate
increases
aprvd for WSI
training

Councilwoman Jeffe moved to approve payment to Delo Drain & Septic Service, LLC, in the amount of \$862.50, to unplug the main sewer drain at the Aurora Town Library due to a backup of sewer water into the building. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #254
Pynt to Delo
for library
sewer repair
aprvd

Councilman Snyder moved to approve payment to BWE, LLC, in the amount of \$932.87, for the purchase of grease and oil for the highway shop. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #255
Pynt to BWE,
LLC for hwy
grease/oil
aprvd

Councilman Harris moved to authorize the Supervisor to sign an agreement with three+one, 180 Office Parkway, Pittsford, NY 14534, for a liquidity analysis for a one-time fee of \$9,900. If through the analysis the Town does not realize \$9,900 in new savings or income, three+one will waive the one-time fee. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #256
Supv auth to sign agreement with three+one for liquidity analysis

Councilwoman Friess moved to accept a \$50 donation from the Clarkson Family for Town parks. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #257
\$50 donation for parks aprvd

Councilman Snyder moved to approve the temporary borrowing of funds from General Fund fund balance for capital projects H5-Purchase Fire Hall/New Town Hall and H4-Purchase/Improvements of Senior Center to date:

From: General Fund Balance	\$61,000
To: H5 Purchase of Fire Hall/New Town Hall	\$51,000
H4 Purchase/Improvements Senior Center	\$10,000

and to allow the bookkeeper to borrow funds, with permission of the Supervisor, from the General Fund Balance as needed until financing for the two projects is obtained. Reports on the borrowing will be included with the monthly Supervisor's Report.

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

Action #258
Borrowing from General Fund fund balance for fire hall/sr ctr capital projects aprvd

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

- EAPD – July 2017 report
- Senior Center – July 2017 report
- Town Clerk – July 2017 report
- Town Clerk/Tax – July 2017 report
- Water Clerk – July 2017 report
- Dog Control – July 2017 report
- Building Department – June 2017 report
- Recreation – May, June, and July 2017 reports
- Letter re: praise for the Senior Center

BUSINESS FROM BOARD MEMBERS: none

AUDIENCE II:

Karl Simmeth, Community Liaison for NYS Assemblyman David DiPietro, spoke to the Board about legislation that Mr. DiPietro is in favor of including keeping the WNY Children's Psychiatric Center in West Seneca.

STAFF REPORTS:

Donna Bodekor stated the Senior Center Open House and Program Registration are set for Monday, September 11th from 9am to noon. Ms. Bodekor invited the Board to attend.

Chris Musshafen noted that his department is preparing for Fall recreation programs and staff training.

David Gunner recently met with the Highway budget liaisons in preparation for the 2018 budget. Mr. Gunner noted there were 33 dog calls in July.

William Wheeler stated the West Falls water line installation is progressing and restoration is in progress on Pomander and Lawrence.

William Kramer noted that the energy audit he was asked to perform for the Town to qualify for a \$50,000 NYSERDA grant has been completed.

Police Chief Krieger spoke with West Herr regarding vehicle delivery trucks getting stuck on Olean Road while entering/exiting the parking lot. Chief Krieger noted that West Herr is looking for a solution to the problem.

ABSTRACT OF CLAIMS

The July 24, 2017 Abstract of Claims, consisting of vouchers numbered 1012 to 1086, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 48,183.59
Part Town	26.95
Highway	42,402.21
Capital/MWIA	29,666.38
Trust/Agency	13,952.46
Special Districts	<u>14,229.78</u>
Grand Total Abstract	\$148,461.37

The July 28, 2017 Prepaid Abstract of Claims, consisting of vouchers numbered 1087 to 1099, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 3,600.77
Special Districts	<u>63,352.71</u>
Grand Total Abstract	\$66,953.48

The August 14, 2017 Abstract of Claims, consisting of vouchers numbered 1100 to 1218, plus prepaid vouchers 1219 to 1223, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 240,981.05
Part Town	540.00
Highway	482,760.78
Capital/Fire Hall	27,564.00
Capital/MWIA	248,065.60
Trust/Agency	18.72
Trust/Agency 2	217.90
Special Districts	<u>2,316.94</u>
Grand Total Abstract	\$1,002,464.99

Councilwoman Jeffe moved to approve the July 24, 2017, July 28, 2017 Prepaid and August 14, 2017 Abstracts of Claims and to authorize payment of same. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #259
 7/24; 7/28; &
 8/14/17
 Abstracts
 aprvd

Councilwoman Jeffe moved to adjourn at 7:48 p.m. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #260
 Mtg adjourned

Martha L. Librock
 Town Clerk