

November 13, 2018

A meeting of the Town Board of the Town of Aurora took place on Tuesday, November 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
	Jolene M. Jeffe	Councilwoman
	Susan A. Friess	Councilwoman
	Charles D. Snyder	Councilman
	James J. Bach	Supervisor

Others Present:	William Kramer	Code Enforcement Officer
	Kathleen Moffat	Asst. to Supervisor
	William Wheeler	Engineer/GHD
	David Gunner	Highway Superintendent
	Elaine Schiltz	Recreation Supervisor
	Tony Rosati	ZBA Member
	Shane Krieger	Chief of Police

Supervisor Bach opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the Flag.

The first item on the agenda was a presentation on the 2019 Town Operating Budget. Supervisor Bach noted that the Town stayed below the tax cap. The General (A) Fund has a 3.7% increase from \$3.20 per thousand assessed value to \$3.32. The Part Town (B) Fund has decreased from \$2.67 per thousand assessed value to \$2.56. The Highway (DB) Fund has a .7% increase from \$1.54 per thousand assessed value to \$1.56.

Councilwoman Friess moved to approve the minutes of the October 22, 2018 Town Board work session and meeting. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none	Action #319 10/22/18 minutes aprvd
Motion carried.	

AUDIENCE I: none

UNFINISHED BUSINESS:	Action #320 2019 Budget adopted
Councilman Snyder moved to adopt the 2019 Operating Budget for the Town of Aurora. <i>H:\mll\BUDGET\2019 Adopted Budget.pdf</i> Seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none	Motion carried.

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

**RESOLUTION APPROVING ODA VARIANCE REQUEST**

WHEREAS, Sally and Richard Erbe have applied for an Open Development Area (ODA) permit for property located at 643 Knox Road (SBL#164.00-2-6.21) in the Town of Aurora; and

WHEREAS, the proposed location of the single family dwelling is approximately one hundred eighty eight (188) feet from the front yard lot line and sixty (60) feet from the ingress/egress (driveway) side yard lot line of the property; and

WHEREAS, Chapter 99-31(A)(1) of the Codes of the Town of Aurora requires the front yard setback to be two hundred (200) feet from the boundary line parallel to the street right-of-way; and

WHEREAS, Chapter 99-31 (A)(2) of the Codes of the Town of Aurora requires the side yard setback on the ingress/egress side of the property to be seventy five (75) feet; and

WHEREAS, the applicant has requested a front yard setback variance of twelve (12) feet and a side yard setback variance of fifteen (15) feet to permit the construction of the residence closer to the lot lines than provided for in the Town Code; and

WHEREAS, the petitioner has demonstrated the need for said variance due to the topography and make-up of the soil of the property; and

WHEREAS, this Open Development Area variance request was reviewed by the Town Planning Board and said Board recommended that the Town Board approve the front yard and side yard setback variances; and

WHEREAS, §99-37 of Chapter 99 authorizes the Town Board to vary the strict compliance of the regulations would not cause a concern of public interest.

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Aurora does hereby grant a twelve (12) feet front yard setback variance and a fifteen (15) feet side yard setback variance allowing the single family residence to be built not closer than one hundred eighty eight (188) feet to the north lot line and not closer than sixty (60) feet to the east lot line of the property at 643 Knox Road (SBL#164.00-2-6.21).

Action #321  
ODA variances  
for 643 Knox  
aprvd

RESOLVED, this Resolution shall be incorporated by reference into the application and approval of the Open Development Area permit.

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

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

RESOLUTION  
APPROVING OPEN DEVELOPMENT AREA PLAN  
643 KNOX ROAD, TOWN OF AURORA, NEW YORK

WHEREAS, Chapter 99 of the Code of The Town of Aurora establishes standards for landowners who wish to develop or subdivide land that lacks adequate public road frontage for standard lot development (known as “open development area”); and

WHEREAS, the Applicant has filed an Open Development Area application for 643 Knox Road (SBL#164.00-2-6.21) and seeks approval to construct a single family residence on the 10.21± acre parcel; and

WHEREAS, the Applicant has made every reasonable attempt and all necessary effort to comply with specifications of Chapter 99 of the Code of the Town of Aurora; and

WHEREAS, in 2016 the Town Board approved the Open Development Area application to subdivide a forty-one acre parcel into three lots, all of which lack required public road frontage, with one of those lots being 643 Knox Road; and

WHEREAS, a narrative description of the private right-of-way, including but not limited to, ownership of the right-of-way and a maintenance plan for the right-of-way, has been recorded in the office of the Erie County Clerk in Liber 11139 of Deeds at page 9028; and

WHEREAS, this action is considered a Type II under SEQR and no further review under SEQR is required; and

WHEREAS, the applicant petitioned the Town Board for front yard and side yard setback variances to allow the residence to be constructed twelve (12) feet closer to the north lot line and fifteen (15) feet closer to the east lot line than allowed by code and the variances were granted; and

WHEREAS, according to Section 99-37 of the Code, the Town Board may modify the specifications and requirements in any Open Development Area Plan, where in the Board's judgment, such modifications are in the public interest and/or will avoid the imposition of unnecessary hardship on the applicant.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Aurora acknowledges that compliance with all other standards, requirements and conditions, including those specified by the Town Board as noted above, is in the public interest and will substantially secure the objectives of the modified standard; and BE IT FURTHER

Action #322  
ODA for 643  
Knox aprvd

RESOLVED, that approval of this Open Development Area, with front yard and side yard setback variances, by the Town Board of the Town of Aurora, and any future development will be subject to the standards and requirements of Chapter 99 of the Code of the Town of Aurora without modification, variance or waiver; and BE IT FURTHER

RESOLVED, that said Open Development Area Plan for 643 Knox Road (SBL#164.00-2-6.21) is approved.

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

Councilman Snyder moved to approve payment no. 1 to Ingalls Site Development, Inc., 297 Meyer Road, West Seneca, NY, in the amount of \$104,808.74 for work performed through 10/25/18 for the parking lot, retaining wall, fence project at 575 Oakwood Avenue. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #323  
Payment #1 to  
Ingalls for 575  
Oakwood  
parking lot,  
wall, fence  
project aprvd

Councilwoman Friess moved to add item 6R – Change Order No. 1 for 575 Oakwood parking lot/wall/fence project, to the agenda. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #324  
Change order  
no. 1 – Ingalls  
- 575 Oakwd  
proj aprvd

NEW BUSINESS:

Councilman Harris moved to authorize the purchase of a new Dell PowerEdge T430 Server for the Town Hall at a cost of \$4,758.25 to be disbursed from A1680.401. The purchase is being made from the NY OGS bid list – Contract No. PM20820 (Award No. 22802/Group No. 73600). Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #325  
Dell server  
purchase  
aprvd

Councilwoman Friess moved to authorize the Supervisor to sign Service/Pricing/E911 Agreements with Time Warner/Spectrum Cable for high-speed internet upgrades to the following locations:

- Aurora Senior Center, 101 King Street
- Aurora Highway Dept., 251 Quaker Road
- Aurora Town Hall offices, 300 Gleed Avenue
- Aurora Town Court, 571 Main Street

Action #326  
Supv auth to  
sign hi-speed  
internet  
agreements  
with Time  
Warner /  
Spectrum

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

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

**RESOLUTION, DATED NOVEMBER 13, 2018, OF THE TOWN BOARD OF THE TOWN OF AURORA, ERIE COUNTY, NEW YORK (THE "TOWN") ADOPTING SEC-DRIVEN CONTINUING DISCLOSURE COMPLIANCE PROCEDURES**

WHEREAS, Securities Exchange Commission ("SEC") Rule 15c2-12 (the "Rule") generally prohibits underwriters from purchasing or selling municipal securities unless the issuer of such securities has entered into a continuing disclosure obligation; and

WHEREAS, the Town is a periodic issuer of municipal securities and thus has entered into continuing disclosure obligations (or will do so) from time to time; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the Town, has prepared and has recommended that the Town adopt certain SEC-driven continuing disclosure compliance procedures; and

WHEREAS, the Town deems it to be in the best interest of the Town to adopt formal written procedures to help ensure continuing disclosure compliance, and to designate an official responsible for ensuring that such procedures are followed;

NOW THEREFORE, BE IT RESOLVED, that the Town hereby adopts the continuing disclosure compliance procedures that are attached hereto as "Schedule A" and resolves to be governed thereby; and be it further

RESOLVED, that the below Schedule A will be placed in its entirety in the official records, files, and minutes of the Town and adhered to going forward; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

**Schedule A**

**TOWN OF AURORA  
ERIE COUNTY, NEW YORK  
Continuing Disclosure Compliance Procedures for  
Tax-Exempt Bonds and Notes**

**a. Purpose:** The purpose behind implementation of these continuing disclosure compliance procedures is to ensure that the **Town of Aurora, Erie County, New York** (the "Issuer") (i) is compliant with its continuing disclosure obligations with respect to the securities it issues, pursuant to Rule 15c2-12, as amended (the "Rule"), promulgated under the Securities Exchange Act of 1934, as amended and (ii) makes accurate reports as to its compliance therewith in connection with its offerings of securities from time to time.

**b. Disclosure Compliance Officer Designation, Education and Training:** The Issuer will designate a "Disclosure Compliance Officer" who will be the primary official responsible for monitoring compliance with the continuing disclosure requirements listed in the Issuer's continuing disclosure undertakings. The Disclosure Compliance Officer will attend training and educational seminars that are offered on an annual basis by the Issuer's bond counsel (the law firm of Hodgson Russ LLP) and will consult with the Issuer's bond counsel and municipal advisor as needed to keep current on Securities and Exchange Commission regulations and developments relating to continuing disclosure compliance for its obligations. **The Issuer's designated Disclosure Compliance Officer is the Town Supervisor, currently James J. Bach.**

**c. Continuing Disclosure Obligations Review:** The Disclosure Compliance Officer is responsible for reviewing, with the Issuer’s municipal advisor, the Issuer’s continuing disclosure undertakings to determine the date(s) by which annual financial information and audited financial information, along with any required material events notices and, if applicable, failure to file notices, must be filed with the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access (“EMMA”) system in accordance with the Rule.

**d. Preparation of Annual Financial Information and Audited Financial Statements:** If the Issuer’s continuing disclosure undertakings require the filing of annual financial information and audited financial statements with EMMA, the Disclosure Compliance Officer will coordinate with the Issuer’s auditor and municipal advisor to ensure that such documents are prepared and submitted in advance of the deadline for such filing.

**e. Monitoring Disclosure Compliance:** The Disclosure Compliance Officer will monitor the filing with EMMA of any and all documents required under the Issuer’s continuing disclosure undertakings through consultation with the Issuer’s municipal advisor and bond counsel when necessary.

**f. Correcting Potential Non-Compliance:** Upon discovery of potential or existing non-compliance with the Issuer’s continuing disclosure undertakings, the Disclosure Compliance Officer will promptly take steps, including consultation with the Issuer’s municipal advisor and bond counsel, to correct such non-compliance, such as by filing failure to file notices with EMMA.

**g. Official Statements:** The Disclosure Compliance Officer will review for accuracy and completeness any descriptions of the Issuer’s continuing disclosure compliance history contained in the initial drafts of notices of sale or official statements that are promulgated by the Issuer in connection with its bond and note issues, and will inform the Issuer’s municipal advisor and bond counsel of any potential inaccuracies or omissions within, so that any discovered inaccuracies or omissions in the draft document(s) can be corrected before such document(s) are finalized and distributed.

\* \* \*

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

AYES: Five	Action #327
NOES: None	Continuing disclosure compliance procedure adopted
ABSENT: None	

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

Quotes to strip/seal/wax the vinyl floors at the Aurora Senior Center were received from:

- |                              |            |   |
|------------------------------|------------|---|
| • Bieler Janitorial Services | \$1,427.88 | Action #328   |
| • All Guard Sealer Systems   | \$1,575.00 | Quote from Bieler to strip, seal, wax Sr Ctr floors aprvd |

Councilwoman Friess moved to approve the quote from Bieler Janitorial Services, 3592 N. Buffalo Rd., Orchard Park, NY, in the amount of \$1,427.88 to strip, seal and wax the vinyl floors at the Aurora Senior Center, including moving furniture. Funds will be disbursed from A1620.422. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Councilman Snyder moved to approve and authorize the Supervisor to sign the proposal from GHD to increase the Construction Administration and Inspection fee for engineering services for the Aurora Mills Cluster Development Public Improvement Permit by an additional \$45,000, bringing the not-to-exceed fee to \$135,000. All other terms of the 8/28/2017 Standard Term for Professional Services for this project remain the same. The project is approximately 65% complete. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #329  
Supv auth to  
sign GHD fees  
for Aur Mills  
PIP work

Councilman Harris moved to approve the request from Elaine Schiltz, Recreation Supervisor, to hold a New Year's Eve Ball Drop on 12/31/18 at the Healthy Zone Rink, Riley Street, E. Aurora. The total proposed budget is \$565.00 (rink rental \$220 from A7186.411; ball \$300 from A7140.440; staff \$45 from A7020.112). Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none abstain – one (Councilwoman Friess is a board member of AIA which owns the Healthy Zone Rink)  
Motion carried.

Action #330  
12/31/18 Ball  
Drop aprvd

Councilwoman Jeffe moved to approve the request from the Highway Superintendent to declare a 2011 Ford F150 pickup truck, vin# 1FTMF1EM8BFB46728 as surplus inventory to be auctioned through Auctions International. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.  
(Note: this truck was purchased in 2011 from budget line DB5130.217)

Action #331  
2011 Ford  
F150 – surplus  
inventory to be  
auctioned

Councilwoman Jeffe moved to set December 13, 2018 at 10:00 a.m. at the Town Clerk's office, 300 Gleed Avenue, East Aurora, New York, as the date, time and place for a bid opening for a new 2019 ½ ton 2x2 pickup truck. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #332  
Bid opening  
set for new  
2019 ½ ton  
2x2 pickup trk

Councilwoman Jeffe moved to approve the hiring of Nicholas Snyder as a full-time laborer effective 12/1/18 at a rate of \$17.41 per hour. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none abstain – one (Councilman Snyder is related to Nicholas)  
Motion carried.

Action #333  
N. Snyder  
hired as FT  
laborer

Councilwoman Friess moved to approve the following Parks budget transfers:

From: A7110.410 Fuel & Oil	\$1,373.87
To: A7110.434 Landscaping Materials	\$1,373.87
From: A7110.110 Secretary	\$1,398.18
To: A7110.444 Supplies	\$1,398.18
From: A7189.410 Fuel & Oil (Knox)	\$320.17
To: A7189.105 Seasonal Labor (Knox)	\$320.17

Action #334  
Parks budget  
transfers aprvd

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

Councilman Snyder moved to approve the following budget amendment to property account for the purchase of new software for the Building Department:

- Add appropriation line A1680.211 Software

- Decrease appropriation line A3620.101 Supt. Bldg. by \$18,377.00
- Decrease appropriation line A3620.102 Clerical by \$2,213.00
- Increase appropriation line A1680.211 by \$20,590.00
- Decrease appropriation line A3620.102 by \$2,772.00
- Increase appropriation line A1680.401 by \$2,772.00

Action #335  
Budget  
amendment  
for bldg dept  
software aprvd

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

Councilwoman Friess moved to approve the following budget amendment to record the donation from Girl Scouts for a bench at Community Pool:

Action #336  
Budget  
amendment  
for pool bench  
aprvd

- Increase revenue line A2705 Gifts & Donations by \$626.08
- Increase appropriation line A7180.426 Pool Maintenance by \$626.08

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

Councilwoman Jeffe moved to approve the following budget amendment to properly account for the reimbursement from the Village of East Aurora for ash tree inoculation expenses performed by the Town:

Action #337  
Budget  
amendment  
for ash tree  
inoculation  
aprvd

- Increase revenue line A2770 Other unclassified revenues by \$4,498.00
- Increase appropriation line A7110.434 Landscaping materials by \$4,498.00

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

Councilman Snyder moved to authorize the Supervisor to sign the annual Building & Code Enforcement software support agreement with Williamson Law Book Company in the amount of \$2,380.00 for the period 11/1/18 to 10/31/19. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #338  
Supv to sign  
bldg dept  
software  
support agrmt

Councilwoman Friess moved to approve the issuance of a Town credit card to Supervisor Bach for Town purchases made through his department. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #339  
Supv to be  
issued Town  
credit card

Councilwoman Friess moved to set December 24, 2018 as a day off with pay for non-union employees scheduled to work that day. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #340  
12/24/18 set as  
day off for  
non-union  
employees

Councilman Snyder moved to approve change order no. 1 to increase the total of the contract with Ingalls Site Development, Inc., 297 Meyer Road, W. Seneca, for the parking lot/retaining wall/fence project at 575 Oakwood Ave. as follows to account for additional material and labor for the project:

- Additional materials and labor to relocate the wall                      \$760.00
- Provide anchor bolts for light bases                      \$340.00
- Upsize catch basins                      \$555.00

Action #341  
Change order  
no. 1 for 575  
Oakwood  
parking lot,  
wall, fence  
project aprvd

The original contract sum was \$173,000.00. The contract sum will be increased by \$1,655.00 by this change order. The new contract sum will be \$174,655.00. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

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

- Town Clerk – October 2018 report
- Town Clerk/Tax – October 2018 report
- Water Clerk – October 2018 report
- Dog Control – October 2018 report
- Library Trustee Carr-Hoagland – email re: resigning at end of term
- Assessor R. Pigeon – memo re: Senior exemption filing date
- Supervisor – October 2018 report

**BUSINESS FROM BOARD MEMBERS AND LIAISONS:**

Councilwoman Jeffe visited the Ecoverde composting site on Blakeley Road and spoke with neighboring residents.

Councilwoman Friess attended the School Superintendent’s communication meeting.

Councilman Harris also toured the Ecoverde site.

Councilman Snyder also toured the Ecoverde site and stated he came away much better informed. Mr. Snyder thanked all Veterans for their service.

Supervisor Bach attended the Veterans Day ceremony at the American Legion.

**AUDIENCE II:**

Mike Rumfola, Blakeley Road, spoke to the Board about the Ecoverde site, which is directly behind his property, and the 20-foot wide right of way being used to access the site. Mr. Rumfola stated that they are adamant about making sure the Board is aware of their concerns.

Joe Kenefick, Blakeley Road, commented on the Ecoverde site and stated that this is how dumps get started. He expressed his concern about other companies coming in to the Town and doing the same thing.

Jen White, Blakeley Road, expressed her concern about increase traffic, noting that the East Aurora cross-country team runs on Blakeley daily. Ms. White asked if there would be a traffic study.

Tony Rosati, Oakwood Ave., commented on some parking confusion at the League of Women Voters forum at the Senior Center.

Mark Clapsadl, Blakeley Road, stated he is opposed to the Ecoverde project and that there are zoning rules for a reason.

Barb Dugan, Center Street, stated she is against the Ecoverde composting and that she listens to noise from the site on a daily basis.

**STAFF REPORTS:**

Bill Kramer stated that the Building Department software has been installed and they hope to “go live” on 12/1/18.

Shane Krieger stated that Halloween this year was uneventful. He mentioned that he and several East Aurora police officers are growing beards as a fundraiser for Roswell Park Cancer Center.

David Gunner stated that highway crews plowed twice during the recent snowfall.

Bill Wheeler thanked the Board for approving the increase for the Aurora Mills PIP inspections.

**ABSTRACT OF CLAIMS:**

The Prepaid Abstract of Claims dated October 30, 2018, consisting of vouchers numbered 1634 to 1649, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 7,015.88
Special Districts	<u>63,321.05</u>
Grand Total Abstract	\$ 70,336.93

The Abstract of Claims dated November 13, 2018, consisting of vouchers numbered 1650 to 1751, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 54,328.39
Part Town	1,507.89
Highway	3,377.85
Trust & Agency	15,360.88
Trust & Agency 2	1,606.28
Capital/Town Hall	127,308.74
Special Districts	<u>40,608.19</u>
Grand Total Abstract	\$ 244,098.22

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

Action #342  
10/30 &  
11/13/18  
Abstracts  
aprvd

Councilwoman Jeffe moved to adjourn at 7:55 p.m.; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #343  
Meeting  
adjourned

Martha L. Librock  
Town Clerk