

December 9, 2019

A meeting of the Town Board of the Town of Aurora took place on Monday, December 9, 2019 at 7:00 p.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
	William Kramer	Code Enforcement Officer
	David Gunner	Highway Superintendent
	William Wheeler	GHD/Engineer
	Shane Krieger	Chief of Police
	Tony Rosati	ZBA member
	Luke Wochenski	Councilman Elect
	Paul Porter	East Aurora Village Trustee

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 PUBLIC HEARING on Local Law Intro. 4-2019, a local law that would amend Town Code Chapter 109, by adding parking restrictions on Gypsy Lane. Supervisor Bach explained the intent of the proposed law by stating that parking on the sides of Gypsy during events at Knox Farm State Park has become a safety issue. The road is very narrow, has no shoulders and has a blind curve. Police Chief Krieger had recommended a no-parking zone from the driveway at 99 Gypsy, north to Knox Road. The proposed law lists no parking on the east side of Gypsy beginning 1100' from the intersection of Gypsy and Route 20A, north to Knox Road and no parking on the west side of Gypsy beginning 1100' from the intersection of Gypsy and Route 20A, north to a point 730' south of Knox Road. Supervisor Bach opened the hearing at 7:05 p.m. and asked if anyone wished to comment.

- Steve Tasker, Gypsy Lane, asked what the Town's concerns were. Supervisor Bach responded that parking on both sides of Gypsy presents a danger to pedestrians and drivers. Mr. Tasker stated that the event coordinators should be handling parking in a way that does not cause parking problems. He suggested speed bumps at the curve. Mr. Tasker agreed that walking on Gypsy can be dangerous as there are no shoulders or sidewalks to walk on.
- David and Linda Beyer, Gypsy Lane, cited their concerns about not being able to park on the road when they have company, as often all the cars do not fit in their driveway. The Beyer's stated that NYS Parks needs to provide parking for the events they approve to take place at the park. They stated they understand the safety issue, but no parking would affect many residents. Mrs. Beyer stated restrictions at the blind curve would be okay. Mr. Beyer suggested continued use of the temporary no parking signs, but with more police enforcement.
- Jill Tiebor Franz, Gypsy Lane, stated parking restrictions on the curve are needed, but not on the rest of the road. Ms. Tiebor Franz stated she believes no parking on the road would make traffic go faster than it does now and Gypsy Lane has become a cut-through from Route 20A to Knox Road.
- Al Nicosia, Gypsy Lane, stated parking is usually not an issue, but no parking on both sides of the road at the curve is reasonable.
- Mike Breddy, Gypsy Lane, noted that events at the park are getting larger and larger, but people will park where they want. Mr. Breddy suggested no parking signs that could be folded up when not in use.
- Karen DeSantis, Gypsy Lane, wants to see no parking between 183 Gypsy and Hickory Lane. Ms. DeSantis noted that the "slow, curve" sign is no longer there.
- Police Chief Krieger stated that the first cross-country event held at the park this year was overwhelming. Public safety is an issue. Chief Krieger noted that there are no shoulders

on Gypsy Lane to park on and parking on road pavement is illegal. He also noted that this also pertains to garage sales, parties, and not just events at the park.

The Town Clerk stated she received letters objecting to the local law from Deanne Cunningham, Gypsy Lane and Roger Meissner, Gypsy Lane. A letter in favor of the local law was received from Paul and Carol Kostusiak, Hickory Lane.

Supervisor Bach closed the hearing at 7:31 p.m.

Councilwoman Jeffe suggested the Town talk to State Park personnel about putting in additional parking areas in the park. Chief Krieger stated the southwest corner of Gypsy and Knox would be a good location.

Councilwoman Friess stated she is still concerned with the area on the curve and noted it should be posted for no parking on one or both sides of the road. Chief Krieger stated the curve should be posted on both sides, as it is a narrow, sharp curve on a hill.

Supervisor Bach stated this issue will continue to be discussed by the Board until a reasonable solution can be found.

Councilwoman Friess moved to approve the minutes of the November 25, 2019 Town Board work session and meeting; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #422
11/25/19 wk
sess & mtg
min aprvd

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilwoman Friess moved to approve the Senior Center HVAC Replacement Project being funded with Community Development Block Grant funds and authorize payment to the contractor, Tri-R Mechanical Services, Inc., 150 Empire Drive, West Seneca, NY 14224, in the amount of \$86,112.00. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #423
SrCtr HVAC
proj approved
& payment to
contractor
authorized

Councilwoman Friess moved to approve the following budget transfer for the Town's portion of the Senior Center HVAC replacement cost:

From: A 1990 Contingency	\$13,073.00
To: A 1620.422 Op Bldg R&M	\$13,073.00

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

Action #424
Budget
transfer for
SrCtr HVAC
proj aprvd

NEW BUSINESS:

Councilman Snyder moved to authorize the Supervisor to sign and submit the following letter with regard to Aid and Incentives for Municipalities (AIM) funding to NYS Budget Director Robert F. Mujica Jr.:

TOWN OF AURORA
Southside Municipal Center
300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com

December 9, 2019
Budget Director Robert F. Mujica Jr.
New York State Division of the Budget
New York State Capitol
Albany, NY 12224

Re: Potential Delay in AIM Payments to Municipalities in Erie County

Dear Budget Director Mujica:

As you are aware, the Office of State Comptroller (“OSC”) is required by Chapter 59 of the Laws of 2019 to withhold certain county sales tax revenues and make payments to various towns and villages in amounts previously received through the Aid and Incentives for Municipalities (“AIM”) program in the SFY 18-19 as “AIM-related” payments.

In a recent letter, OSC has informed us that, due to the insufficient language of the law as currently written to appreciate the existence of State-appointed control boards, they do not possess the statutory authority to make these “AIM-related” payments. And, unless some workable solution is identified by the NYS Division of Budget (“DOB”) by December 15, 2019, nearly every single town and village in Erie County should not expect to receive their distributions on time. Please note that this is an unacceptable outcome to the Town of Aurora.

We have been assured that the State is aware of the insufficient language related to these new “AIM-related” payments and there is a commitment to a permanent Legislative remedy when Session resumes in 2020. **However, it is of utmost importance that a temporary solution be enacted before the December 15, 2019 statutory payment deadline to ensure that the towns, who are expecting a December 2019 payment, are unharmed before the legislative fix can be approved.**

For the Town of Aurora, any delay to the \$78,698.00 payment we expect in December would lead to a significant – and needless – budgetary and cashflow challenges as we approach the end of our fiscal year on December 31, 2019.

We have been advised by Erie County that discussions have and continue to take place among DOB, OSC, the Buffalo Fiscal Stability Authority (“BFSA”), the Erie County Fiscal Stability Authority (“ECFSA”), Erie County and City of Buffalo, where a number of ideas – ranging in complexity – have been discussed without much consensus on their viability as a temporary solution.

The simplest solution would be for DOB to identify a source of State funding whereby \$3,709,039 could be advanced to OSC specifically earmarked for “AIM-related” payments, which would allow OSC to distribute in December 2019, as expected, without having to interpret its statutory obligation to remit sales tax revenues directly to the control boards. Then, once a permanent legislative fix is adopted by the Legislature, DOB can easily recoup its advanced funds through the regular sales tax accrual and reconciliation process in early 2020. Given that this advance and recoupment would take place wholly within the State Fiscal Year, we do not foresee any challenge beyond a temporary and minor cashflow concern.

Simply put, the Town of Aurora did not make this mistake – the State did – yet we are set up to be victims of it. Given how little time remains, it is our view that the simplest solution is likely the best solution. As such, we call on DOB to take an action that is well within its power to avert a looming fiscal challenge for the towns and villages in Erie County.

Where there is a will, there is a way. I ask you on behalf of the residents and taxpayers of the Town of Aurora, to find the will and the way to do the right thing before it is too late.

Sincerely yours,

James J. Bach
Supervisor
Town of Aurora

CC: Hon. Andrew M. Cuomo, Governor
Morris Peters, Assistant Chief Budget Examiner, NYS Division of Budget
Tim Ryan, NYS Division of Budget
Ryan Meisner, Budget Examiner, NYS Division of Budget
Robert Keating, Erie County Director of Budget and Management
Hon. Patrick M. Gallivan, Senator 59th District

Councilwoman Jeffe seconded the motion.

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

Action #425
Supv to send
ltr re: AIM
funding

Councilwoman Friess moved to approve the purchase of thirty (30) new Dell Computers with Windows 10 operating system and ten (10) new monitors from Dell Marketing LP. The computers and monitors are on NYS Contract PM20820 (group 73600). Funds for 26 computers and all 10 monitors will be disbursed from A1680.401 and funds for 4 computers will be disbursed from TA1000.0090. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes - none Motion carried.

Action #426
Purchase of 30
Dell
computers &
10 monitors
aprvd

Councilwoman Jeffe moved to approve the use of Debt Reserve funds, as previously planned, for the \$10,450.00 Gled Improvement Bond interest payment due 12/15/2019. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #427
Use of debt
reserve for
Gled bond
int. pymt
aprvd

Councilman Snyder moved to approve the request from Supervisor Bach to attend the 2020 Association of Towns of New York Annual Meeting and Training School in New York, New York on February 16-19, 2020. Funds will be disbursed from A1220.404 Supervisor expense and travel. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #428
Supv auth to
attend 2020
AOT mtg in
NYC

Councilman Harris moved to accept a \$200 donation from David and Ann Meltzer to be used toward the purchase of new window blinds for the Senior Center exercise and craft rooms. The funds will be deposited to TA1000.0090. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #429
Donation from
D&A Meltzer
for Sr Ctr
aprvd

Councilman Snyder moved to approve the following budget transfers to cover budget deficits:

From: SR8189.100 Rubbish payroll \$2,731.00
To: SR8189.401 Recycling services \$2,731.00

From: A7189.410 Knox Fields fuel & oil \$143.05
A7189.425 Knox Fields maintenance \$100.00
To: A7189.444 Knox Fields supplies \$243.05

From: A3510.404 Dog Control Expense/Travel \$450.00
To: A3510.401 Dog Control Supplies \$102.25
A5010.401 Highway Admin. Office Exp. \$347.75

Action #430
Budget
transfers aprvd

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 NYSEG Streetlight request form to replace a 150 watt high pressure sodium lamp with a 250 watt high pressure sodium lamp at the intersection of Quaker Road (Route 20A) and Jewett Holmwood Road. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #431
Upgrade to
streetlight at
20A & Jewett
Holmwood
aprvd

Councilwoman Friess moved to approve the following 2019 Budget amendment to reflect addition recreation budget revenue:

- Increase revenue line A2056 Youth Ed. \$1,161.00
- Increase appropriation line A7310.400.1 Youth vendor \$1,161.00

Action #432
Rec budget
amendment
aprvd

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

Councilwoman Friess moved to reappoint David Librock, Sycamore Street, E. Aurora, to the Board of Assessment Review for a term beginning October 1, 2019 and ending September 30, 2024. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #433
D. Librock
reappointed to
B.A.R.

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

- Town Clerk – November 2019 report
- Town Clerk/Tax – November 2019 report
- Water Clerk – November 2019 report
- Supervisor – November 2019 report

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Supervisor Bach stated that the next Town Board meeting will be on Monday, December 23, 2019 at 11:00 a.m.

AUDIENCE II:

Tony Rosati, Oakwood Ave., stated he attended the Village of East Aurora Citizen Committee meeting and spoke about the need to create demand for recycled products.

STAFF REPORTS:

Highway Superintendent Gunner stated the North Grove Bridge should be open tomorrow. The sidewalks will be completed in spring of 2020.

Police Chief Krieger stated that the section of Oakwood Avenue in the Village between King Street and Park Place will be paved tomorrow.

ABSTRACT OF CLAIMS:

The Abstract of Claims dated December 9, 2019, consisting of vouchers numbered 1624 to 1682 was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 36,061.59
Part Town	69.20
Highway DB	21,304.41
Capital/SrCtr	72,619.00
Capital/VEA Bridges	157,149.09
Trust/Agency 2	708.89
Special Districts	<u>55,651.84</u>
Grand Total Abstract	\$ 343,564.02

Councilwoman Friess moved to approve the 12/9/19 Abstract of Claims, and authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #434
11/25/19
Abstract of
Claims aprvd

Councilwoman Jeffe moved to adjourn at 7:55 p.m.; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried. Action #435
Meeting
adjourned

Martha L. Librock
Town Clerk