

May 22, 2017

A regular meeting of the Town Board of the Town of Aurora took place on Monday, May 22, 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
	William Kramer	Code Enforcement Officer
	Camie Jarrell	GHD/Engineer
	Kathleen Moffat	Assistant to the Supervisor
	Thomas Malecki	Drescher & Malecki
	Carl Widmer	Drescher & Malecki

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 the 2016 Annual Audit presentation by Carl Widmer, Drescher & Malecki LLP. Mr. Widmer explained that Drescher & Malecki is the third party external auditor for the Town. He reviewed the General, Part town, Highway and Water Funds, noting that all had healthy fund balances. The auditors' observations are that the Town should formalize a fund balance policy, revisit contracts with the Village of East Aurora, and formalize IT policies. Overall, the Town is in stable financial condition.

Councilwoman Jeffe moved to approve the minutes of the 4/26/17 joint meeting of the Village and Town Boards; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #163 4/26/17 joint VEA TOA mtg aprvd
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Councilman Snyder moved to approve the minutes of the 5/8/17 Town Board meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #164 5/8/17 TB mtg min aprvd
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AUDIENCE I: none

UNFINISHED BUSINESS: none

Councilwoman Friess moved to amend the agenda by adding items 6J – ECWA agreement and 6K – Ellis Drive pump station easement to tonight's agenda. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #165 Items 6J and 6K added to agenda
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NEW BUSINESS:

Councilwoman Jeffe moved to approve the following amendments to the garbage and recycling contract with Waste Management and authorize the Supervisor to sign the agreement amendments:

AMENDMENT TO AGREEMENT

This Amendment to the Agreement between **Waste Management of New York, LLC** (“WMNY”) and the **Town of Aurora** (“Town”) (collectively, the “Parties”, or individually, “Party”) is made and entered into this 22nd day of May, 2017.

WHEREAS, on November 25, 2009, the Parties entered into an Agreement for the collection and disposal of solid waste and recyclables from residents and commercial establishments in the Town of Aurora; and

WHEREAS, the Agreement requires the collection of recyclables in a vehicle separate from the solid waste compaction trucks, and on the same day as the solid waste collection; and

WHEREAS, WMNY and the Town have established a schedule for the collection of solid waste and recyclables; and

WHEREAS, WMNY has purchased collection vehicles known as 60/40 split body trucks which are capable of picking up both solid waste and recyclables, without commingling the two streams; and

WHEREAS, employing the split body trucks will benefit the Town and its residents, and WMNY by making collection operations more efficient.

NOW, THEREFORE, the Parties agree as follows:

1. All terms contained in the Agreement shall remain in full force and effect, except as specifically modified herein.
2. Section 3.1.10 of the Bidding Documents is hereby amended to allow WMNY to employ split body trucks to provide the services required under the Agreement.
3. Any changes in the scheduled collection routes within the Town shall be implemented only on advance written notice from WMNY to the Town, and on agreement of the Town to the proposed changes.
4. WMNY shall provide Public Notice, as required in Section 3.1.19 of the Bidding Documents, of any agree-on changes in the scheduled collection routes within the Town.
5. This Amendment may be executed in one or more counterparts and by facsimile signatures, each of which shall be deemed an original agreement, but all of which together constitute one and the same instrument.
6. This Amendment shall be effective upon the signature of all Parties.

IN WITNESS HEREOF, the Parties hereto are authorized and have executed this Agreement

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AMENDMENT TO AGREEMENT

This Amendment to the Agreement between **Waste Management of New York, LLC** (“WMNY”) and the **Town of Aurora** (“Town”) (collectively, the “Parties”, or individually, “Party”) is made and entered into this 22nd day of May, 2017.

Proposed Amendment:

- Go from eight routes to seven routes
- One route will run in the Town Monday through Thursday
- A second route will run in the Town Monday, Wednesday and Thursday
- Approximately 381 residents/customers would have a collection day change
- WMNY will pay for a notification by mail to the residents that would be affected by the change
- The Town and WMNY will post on their websites the streets that will be affected.

Listing of Streets that will be affected:

Collection day moving from Tuesday to Monday:

Grover Road (from Mill to Olden)
Mill Road (from Blakeley to Davis (Rte. 240))
Olden Road
West Falls Road

Collection day moving from Tuesday to Wednesday:

Boies Road	Action #166
Emery Road (from Boies Road to Center Street)	Supv auth to
Falls Road	sign
Grover Road (from Olden to Falls Road)	amendments
Reading Road	to WM
Schopper Road	garbage
	contract

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

Councilwoman Friess moved to approve the hiring of the following persons as 2017 seasonal recreation personnel at the following rates, (orientation date will be considered first day worked):

<u>Name</u>	<u>Address</u>	<u>Civil Service Title</u>	<u>Rate/hr.</u>
Morgan Adams [^]	1500 Porterville, EA	Lifeguard PT Seasonal	\$10.10
Harry Hoffman	51 Elmwood Ave., EA	Lifeguard PT Seasonal	\$10.05
Gretchen Riemer	326 Grover Rd., EA	Rec. Attendant PT Seasonal	\$ 9.70
Emmalee Lowe	177 Stoneridge Ct., EA	Rec. Attendant PT Seasonal	\$ 9.70
Frank Nigro	104 Maple Rd., EA	Rec. Attendant PT Seasonal	\$ 9.90
Oliver Biggs	780 Warren Dr., EA	Rec. Attendant PT Seasonal	\$ 9.80

[^] non-resident

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

Councilman Snyder moved to approve a Temporary Use Permit for Up and Over Dog Sports, Michael Wolff and Lynn Broderick, to hold a dog agility trial event in the equestrian park area at Knox Farm State Park on August 3-6, 2017. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #167
 Hiring of pool
 & recreation
 employees &
 rates apprvd

Councilwoman Friess moved to approve the following budget amendment and transfer to properly record the biweekly payments to the Highway Superintendent for medical insurance reimbursement:

- Add expenditure line A5010.109 Highway Administration – Medical Insurance Reimbursement
- Transfer \$1,275 from A9060.800 Hospital & Medical Insurance to A5010.109 Highway Administration – Medical Insurance Reimbursement

Action #168
 Hwy Admin
 budget
 amendment &
 transfer
 apprvd

Councilman Harris seconded the motion. 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 TAX EXEMPTION AGREEMENT

WHEREAS, the Town of Aurora (“Town”) and Maple Road Aurora Limited Partnership by Belmont Corporation (“Developer”) entered into an tax exemption agreement (“Agreement”) dated September 25, 2001, for property located at 208 Maple Road in the Town of Aurora, and

WHEREAS, the Agreement provided for a 50% exemption from county, town, and school taxes pursuant to Section 125, Article V, of the Private Housing Finance Law of the State of New York, and

WHEREAS, the Agreement was for fifteen (15) years terminating in the year 2017, and

WHEREAS, Section 10 of the Agreement provides for a renewal of the Agreement for an additional fifteen (15) years so long as the subject property is eligible for tax exemption pursuant to Section 125 of the Private Housing Finance Law, and

WHEREAS, the subject property provides housing to tenants with limited income,

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Aurora does hereby approve a continuation of the tax exemption Agreement for an additional fifteen (15) years in accordance with the provisions of the original Agreement dated September 25, 2001, and be it further

RESOLVED, the Supervisor of the Town of Aurora is authorized to sign the tax exemption Agreement on behalf of the Town of Aurora, and be it further

RESOLVED, that a certified copy of this Resolution shall be submitted to Belmont Corporation on behalf of Maple Road Aurora Limited Partnership.

Action #169
Tax exempt
agreement for
208 Maple
approved

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

Highway Superintendent David Gunner stated that a contractor doing work for NYSEG hit a watermain on Hillcrest Road. Mr. Gunner was able to get DJM Contracting, who was already mobilized to begin watermain replacement for the MWIA to assist in repairing the damaged line.

Councilman Snyder moved to approve payment of \$2,320 to DJM Contracting, Inc., 7174 Boston State Road, Hamburg, NY, for the emergency repair of a watermain on Hillcrest Road. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes - none Motion carried.

Action #170
Payment to
DJM for emerg
repair of
Hillcrest water
line approved

Councilwoman Jeffe moved to approve the request from Highway Superintendent Gunner to attend the Cornell University Pavement Management Summer Workshop, along with Town employee Thomas Morris, from May 29-June 1, 2017. The \$60 workshop fee and \$620 hotel cost will be disbursed from A5010.404 Highway – expense and travel. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #171
Hwy Supt & T.
Morris to attend
Cornell
workshop

Councilman Harris moved to approve the request from Highway Superintendent Gunner to attend the annual Association of Towns Highway School on June 12-14, 2017 in Ithaca, NY. The hotel cost of \$567 will be disbursed from A5010.404 Highway – expense and travel. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #172
Hwy Supt to
attend AOT
Hwy school

Councilwoman Jeffe moved to approve the request from Highway Superintendent Gunner to attend the annual NY Rural Water Association Technical Training Workshop on May 22-25, 2017 in Niagara Falls, NY. The hotel cost of \$387 will be disbursed from A5010.404 Highway – expense and travel. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #173
Hwy Supt to
attend
NYRWA
training
wkshop

Councilwoman Friess moved to authorize the Supervisor to sign the following agreement with the Erie County Water Authority regarding the Emery Road and Townline (water) Storage Tanks:

AGREEMENT made this _____ day of _____, 2017, by and between the **TOWN OF AURORA**, New York, a municipality, having its offices and principal place of business at 300 Gleed Avenue, East Aurora, New York 14052, hereinafter referred to as the “Town”, and the **ERIE COUNTY WATER AUTHORITY**, a public benefit corporation, having its offices and principal place of business at 295 Main Street, Room 350, Buffalo, New York, 14203, hereinafter referred to as the “Authority”.

WHEREAS, the Authority has initiated plans to undertake the storage tank refurbishing in the Town of Aurora; and

WHEREAS, the Town intends to make safety improvements to the Emery Road and Townline Tanks; and

WHEREAS, the Town and the Authority desire to enter into a cooperative Agreement to coordinate and facilitate safety improvements of the Emery Road and Townline Storage Tanks in order to achieve cost containment and efficiency;

NOW, THEREFORE, the parties agree as follows:

1) **PUBLIC BIDDING**

In accordance with the terms of General Municipal Law §103 and Public Authorities Law §1069, the Authority will bid the cost of construction and provide inspection in accordance with the project plans and specifications developed by the Authority.

2) **PROJECT COST**

Subsequent to the bidding process in which the Authority will determine the lowest responsible bid, the Authority will refer to the Town for its review and approval the cost pertaining to the Emery Road and Townline Storage Tanks portion of the project defined in the bid specifications.

3) **APPROVAL OF COST**

The Town will review the cost of the Aurora related portion of the lowest responsible bid and determine in its sole judgment whether such cost is acceptable prior to the Authority awarding the project in accordance with the plans and specifications. The Town will provide written approval of the cost within fourteen days after notification by the Authority.

4) **REIMBURSEMENT**

Upon completion of the construction project and pending its final approval of the contract for related work, the Authority will submit to the Town an accounting setting forth reimbursement of the actual installed cost of related items listed under the Aurora portion of the plans and specifications. The Town will reimburse the Authority for the cost of the Aurora portion of the project as set forth in the project plans and specifications. Payment will be made within 60 days from receipt of the invoice and approval.

5) **AMENDMENTS AND MODIFICATIONS**

No modification, amendment or changes in the Aurora portion of the construction project involving the Town will be valid unless the Town is advised in writing and approves of same.

6) **ENTIRE AGREEMENT**

This Agreement contains the entire Agreement between the parties relating to its subject matter. All prior or contemporaneous contracts, understandings and statements are merged herein.

7) **APPROVAL**

This Agreement is subject to approval by the respective parties in accordance with the authority granted to each party.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the date above written.

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

Action #174
Supv auth to
sign agrmt
with ECWA
re: tank repair

Councilwoman Jeffe moved to authorize the Supervisor to sign a temporary easement with David and Cheryl Tubinis, 79 Old Glenwood Road, PO West Falls, Town of Aurora, NY, for the installation of a water pump facility at SBL#199.01-1.35, and whereby the Town in consideration for the easement will pay \$1,000. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #175
Supv auth to
sign Ellis Rd
temp easement
for MWIA
pump station

Councilwoman Jeffe moved to authorize the Supervisor to sign a permanent easement with David and Cheryl Tubinis, 79 Old Glenwood Road, PO West Falls, Town of Aurora, NY, for the installation of a water pump facility at SBL#199.01-1.35, and whereby the Town in consideration for the easement will pay \$6,000. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #176
Supv auth to
sign Ellis Rd
perm easement
for MWIA
pump station

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

- Supervisor – April 2017 report
- EAPD – April 2017 report

BUSINESS FROM BOARD MEMBERS:

The Board wished everyone a safe Memorial Day weekend and reminded everyone to thank Veterans for their service to our country.

AUDIENCE II:

Patrick Welch, Sweet Road, spoke to the Board as a representative of the Quaker Club PBA. Mr. Welch stated that the department currently polices with 15 officers, less the Police Chief and detective. He noted that in 1981 there were 19 officers. Mr. Welch spoke about the need for another detective especially due to the opiate epidemic. He stated that hiring more officers would give those currently working a break from over-time. Mr. Welch also stated that about 90% of the officers currently live in the Town or Village. He noted he and others would welcome a study to find out what adequate staffing levels should be for the police department.

STAFF REPORTS:

Camie Jarrell stated that the MWIA Hillcrest water line installation is complete and the contractor is moving forward with good progress.

Highway Superintendent Gunner stated the pool liner project should be done soon.

ABSTRACT OF CLAIMS

The May 15, 2017 Prepaid Abstract of Claims, consisting of vouchers numbered 618 to 625, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 440.00
Highway	329.00
Special Districts	<u>480.13</u>
Grand Total Abstract	\$1,249.13

The May 22, 2017 Abstract of Claims, consisting of vouchers numbered 626 to 709, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 32,395.88
Part Town	270.47
Highway	16,741.38
Capital/Sr Ctr	2,371.85
Capital/Fire Hall	661.05
Capital/MWIA	35,475.60
Trust/Agency 2	2,100.00
Special Districts	<u>2,554.56</u>
Grand Total Abstract	\$ 92,570.79

Councilwoman Friess moved to approve the May 15, 2017 Prepaid and May 22, 2017 Abstracts of Claims and to authorize payment of same. Councilwoman Jeffe seconded the motion. Upon a vote being taken:
eyes – five noes – none Motion carried.

Action #177
5/15/17 &
5/22/17
Abstracts of
Claims aprvd

Councilwoman Jeffe moved to adjourn at 7:32 p.m. Councilman Snyder seconded the motion. Upon a vote being taken:
eyes – five noes – none Motion carried.

Action #178
Meeting
adjourned.

Martha L. Libroek
Town Clerk