

March 12, 2018

A meeting of the Town Board of the Town of Aurora took place on Monday, March 12, 2018 at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Susan A. Friess	Councilwoman
	Jolene M. Jeffe	Councilwoman
	Charles D. Snyder	Councilman
	James J. Bach	Supervisor
Absent/Excused:	Jeffrey T. Harris	Councilman
Others Present:	Ronald P. Bennett	Town Attorney
	William Kramer	Code Enforcement Officer
	Camie Jarrell	GHD/Engineer
	Tony Rosati	Zoning Board member
	David Gunner	Highway Superintendent
	Robert Goller	Town Historian/Secy. to Supervisor
	Shane Krieger	Chief of Police

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

Robert Goller gave a brief update on the Town's Bicentennial plans. Mr. Goller stated that the Bicentennial Committee received a quote for Bicentennial banners that will be hung along Main Street and other locations throughout the Town. The Bank of Holland stepped forward and stated they will fund the \$3,000 cost to purchase the banners. Mr. Goller introduced Bank of Holland representatives Peter Ertl and Tim Dickey. The Board thanked them for their generosity.

Mr. Goller introduced Susan McBurney, President of the Aurora Historical Society (AHS). It was noted that the AHS will use the banners as part of a fund raising activity at the conclusion of the Bicentennial.

Councilman Snyder moved to approve the minutes of the February 26, 2018 Town Board work session; February 26, 2018 meeting; and March 2, 2018 special meeting. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.	Action #72 2/26/18 & 3/2/18 TB min aprvd
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AUDIENCE I: none

UNFINISHED BUSINESS: none

NEW BUSINESS:

Councilwoman Friess moved to amend the agenda by adding two (2) items under New Business: 6J – MWIA contractor payment 6K – WNYPRISM postcard funding Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.	Action #73 2 items added to agenda
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Councilwoman Friess moved to adopt the following Investment Policy; seconded by Councilman Snyder:

Town of Aurora Investment Policy

I. SCOPE

This investment policy applies to all moneys and other financial resources available for deposit and investment by the Town of Aurora on its own behalf or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order:

- To conform with all applicable federal, State and other legal requirements (legality);
- To adequately safeguard principal (safety);

- To provide sufficient liquidity to meet all operating requirements (liquidity) and
- To obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Town Supervisor, who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Aurora to govern effectively.

Investments shall be made with prudence, diligence, skill, judgment and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the Town of Aurora to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

The governing board shall establish appropriate limits for the amount of investments that can be made with each financial institution or dealer, and shall evaluate this listing at least annually.

VI. INTERNAL CONTROLS

It is the policy of the Town of Aurora for all moneys collected by any officer or employee of the government to transfer those funds to the Town of Aurora within 7 days of deposit, or within the time period specified in law, whichever is shorter.

The Town Supervisor is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies that are authorized for the deposit of moneys are as follows:

- JP Morgan Chase Bank
- Bank of America
- Bank of Holland
- Key Bank
- Citizens Bank
- Manufacturers & Traders Trust Company
- Five Star Bank

VIII. SECURING DEPOSITS AND INVESTMENTS

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the Town of Aurora that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act, including pursuant to a Deposit Placement Program in accordance with law, shall be secured by one or more of the following:

1. A pledge of "eligible securities" with an aggregate "market value" (as provided by the GML

Section 10) that is at least equal to the aggregate amount of deposits by the officers. See Schedule A of this policy for a listing of “eligible securities.”

2. A pledge of a pro rata portion of a pool of eligible securities, having in the aggregate, a market value at least equal to the aggregate amount of deposits from all such officers within the State at the bank or trust company.
3. An “eligible surety bond” payable to the government for an amount at least equal to 100 percent of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The governing board shall approve the terms and conditions of the surety bond.
4. An “eligible letter of credit,” payable to the Town of Aurora as security for the payment of 140 percent of the aggregate amount of deposits and the agreed-upon interest, if any. An “eligible letter of credit” shall be an irrevocable letter of credit issued in favor of the Town of Aurora, for a term not to exceed 90 days, by a qualified bank (other than the bank where the secured money is deposited). A qualified bank is either one whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company’s commercial paper and other unsecured short-term debt obligations) are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization, or one that is in compliance with applicable federal minimum risk-based capital requirements.
5. An “irrevocable letter of credit” issued in favor of the Town of Aurora by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100 percent of the aggregate amount of deposits and the agreed-upon interest, if any.

IX. COLLATERALIZATION AND SAFEKEEPING

Eligible securities used for collateralizing deposits made by officers of the Town of Aurora shall be held by (the depository or a third party) bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities (or pro rata portion of a pool of eligible securities) held may be sold, presented for payment, substituted or released and the events of default which will enable the local government to exercise its rights against the pledged securities.

In the event that the pledged securities are not registered or inscribed in the name of the Town of Aurora, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Aurora or the custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the local government in the securities (or the pro rata portion of a pool of eligible securities) as set forth in the security agreement.

The custodial agreement shall provide that pledged securities (or the pro rata portion of a pool of eligible securities) will be held by the custodial bank or trust company as agent of, and custodian for, the Town of Aurora, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the Town of Aurora with a perfected security interest in the eligible securities and to otherwise secure the local government’s interest in the collateral, and may contain other provisions that the governing board deems necessary.

X. PERMITTED INVESTMENTS

As provided by General Municipal Law Section 11, the Town Board of the Town of Aurora authorizes the Town Supervisor to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York;
- Through a Deposit Placement Program, certificates of deposit in one or more “banking institutions”, as defined in Banking Law Section 9-r;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America, where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- With the approval of the State Comptroller, obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (i.e., Tax Anticipation Notes and Revenue Anticipation Notes) by any municipality, school district or district corporation in the State of New York other than the Town of Aurora; and
- Obligations of the Town of Aurora, but only with moneys in a reserve fund established pursuant to General Municipal Law Section 6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Town of Aurora within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event at the option of the Town of Aurora within two years of the date of purchase. Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as provided in Sections VIII and IX herein.

Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the Town of Aurora authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the Town of Aurora within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law Section 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

All financial institutions and dealers with which the Town of Aurora transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size and other factors that make the financial institution or the dealer capable and qualified to transact business with the Town of Aurora. The Town Supervisor shall evaluate the financial position and maintain a listing of proposed depositories, trading partners, and custodians. Recent Reports of Condition and Income (call reports) shall be obtained for proposed banks, and security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Town of Aurora shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amounts of investments that can be made with each financial institution or dealer.

XII. PURCHASE OF INVESTMENTS

The Town Supervisor is authorized to contract for the purchase of investments:

1. Directly, from an authorized trading partner
2. By participation in a cooperative investment agreement with other authorized municipal corporations pursuant to Article 5-G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Aurora by the bank or trust company.

Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10(3)(a). The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the Town of Aurora, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the local government's perfected interest in the securities, and the agreement may also contain other provisions that the governing board deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the Town of Aurora with a perfected interest in the securities.

The Town Supervisor, where authorized, can direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or may deposit or authorize the bank or trust company to deposit, or arrange for the deposit of any such evidences of investments with a federal reserve bank or other book-entry transfer system operated by a federally regulated entity. The records of the bank or trust company shall show, at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in General Municipal Law Section 10(3)(a), and as described earlier in this section. When any such evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

XIII. COURIER SERVICE

The Town Supervisor may, subject to the approval of the governing board by resolution, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the Town of Aurora and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service for deposit or failure to deposit the full amount entrusted to the courier service.

The Town of Aurora may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the Town of Aurora in transporting items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the Department of Financial Services or other federal or State authority.

XIV. ANNUAL REVIEW AND AMENDMENTS

The Town of Aurora shall review this investment policy annually, and it shall have the power to amend this policy at any time.

XV. DEFINITIONS

The terms "public funds," "public deposits," "bank," "trust company," "eligible securities," "eligible surety bond," and "eligible letter of credit" shall have the same meanings as set forth in General Municipal Law Section 10.

Schedule A

Schedule of Eligible Securities for Collateralizing Deposits and Investments in Excess of FDIC Coverage
 (see Investment Policy, Section VIII)

[Note: This is not a list of Permitted Investments. Please see Investment Policy, Section X, for Permitted Investments. Moreover, this list is for the purposes of illustration only. Governing Boards, in the exercise of their prudent discretion, must determine which types of eligible securities, authorized by law, to list as permitted.]

“Eligible Securities” for Collateral	For purposes of determining aggregate “market value”, eligible securities shall be valued at these percentages of “market value”:
(i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.	100%
(ii) Obligations issued or fully guaranteed by the international Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank	100%
(iii) obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.	100%
(iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of this State or obligations of any public benefit corporation, which under a specific State statute may be accepted as security for deposit of public moneys.	100%
(v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	100% if rated in the highest category; 90% for 2 nd highest; 80% for 3 rd highest
(vi) Obligations of the Commonwealth of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	100% if rated in the highest category; 90% for 2 nd highest; 80% for 3 rd highest
(vii) Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	100% if rated in the highest category; 90% for 2 nd highest; 80% for 3 rd highest
(viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.	80%
(ix) Any mortgage-related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.	70%
(x) Commercial paper and bankers’ acceptances issued by a bank (other than the bank with which the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.	80%
(xi) Zero-coupon obligations of the United States government marketed as “Treasury STRIPS.”	80%

Upon a vote being taken: ayes – four noes – none Motion carried. Action #74
 * * * * * Investment policy adopted

Councilman Snyder moved to set Thursday, April 5, 2018 at 10:00am as the date and time to hold a bid opening in the Town Clerk’s office, 300 Gleed Avenue, East Aurora, NY for the demolition of 559 Oakwood Avenue, East Aurora. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #75
 Bid opening set for 559 Oakwood demolition

Councilwoman Friess moved to accept a \$100.00 donation from the East Aurora Art Society for the Aurora Senior Center. The donation will be deposited to TA 1000.0090 Senior Center Donations. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #76
 Donation to SrCtr accepted

Councilwoman Jeffe moved to declare an HP1040 fax machine (Town inventory no. 2917) as surplus inventory to be recycled. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #77
Fax machine declared surplus inventory

Councilman Snyder moved to authorize Justice Court Action in reference to Aurora Town Code Chapter 91 Article II Solid Waste Management Section 91-4 Duty of owners and occupiers of property; collection procedures, for Theodore Hanes II, 24 Canterbury Lane, East Aurora, NY 14052. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #78
Justice Court action auth for 24 Canterbury

Councilwoman Friess moved to approve the hiring of James Webster, Jr., 290 West Falls Road, West Falls, NY, as a laborer full time at an hourly rate of \$16.73, with a start date of March 19, 2018; and to assign the hourly mechanics stipend to David Drosendahl effective March 19, 2018. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #79
J. Webster, Jr. hired laborer PT; D. Drosendahl to receive mech stipend

Councilwoman Jeffe moved to approve the Civil Service Title change for Dawn DiFilippo and Patricia Monroe from Clerk Typist PT to Clerk PT Seasonal for twenty (20) weeks beginning on March 5, 2018. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #80
Rec clerks Civil Svc title change aprvd

Councilman Snyder moved to authorize the following budget amendment to cover the cost of a water sample station for the private water line on Center Street in Water District 6:

- Increase appropriation line W6 8340.401 Repairs by \$1,459.00
- Decrease W6 fund balance by \$1,459.00

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

Action #81
W6 budget amendment authorized

Councilwoman Friess moved to authorize the Supervisor to sign the two-year General Financial Services contract and the two-year MSRB Continuing Disclosure Updates and EMMA Filings contract with Municipal Solutions, Inc., 62 Main Street, LeRoy, NY 14482. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #82
Supv to sign contracts with Municipal Sol.

Councilwoman Jeffe moved to approve payment no. 10 to DJM Contracting, Inc. in the amount of \$33,101.26 for MWIA waterline improvements for the period 2/7/18 to 3/2/18. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #83
Payment to DJM for MWIA waterline work aprvd

Councilman Snyder moved to approve the expenditure of \$409.00 from budget line A1670.403 printing and advertising to cover the cost of post cards bearing information about the invasive Japanese Stilt Grass found in several locations in the Town. The post cards will be mailed by WNYPRISM to selected Town residents. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #84
Funds auth for invasive plant postcard

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

- Town Clerk/Tax – February 2018 report
- Town Clerk – February 2018 report
- Building Department – February 2018 report

- Recreation – January 2018 report
- Recreation – February 2018 report
- Water Clerk – February 2018 report
- Southern Tier West – Local Government Conference announcement

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Councilwoman Friess asked Highway Superintendent Gunner if he was at the Planning Board meeting with WNYPRISM? He responded, yes.

AUDIENCE II: none

STAFF REPORTS:

Camie Jarrell reported that the spring clean-up/grass restoration is all that is left on the waterline installation portion of the MWIA project. Start-up on the Ellis Drive pump station is scheduled for March 20, 2018.

Highway Superintendent Gunner stated that:

- new hire James Webster is a Captain with the West Falls Fire Department.
- a road inventory was done and the Town roads are in good condition.
- the highway dept. is assisting Erie County DPW with pothole repair on County roads in the Town.
- the new grapple truck was used for cleanup after the latest snowstorm.

ABSTRACT OF CLAIMS:

The 2018 Prepaid Encumbered Abstract of Claims dated March 2, 2018, consisting of vouchers numbered 260 to 266, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 919.01
Special Districts	<u>10,928.57</u>
Grand Total Abstract	\$11,847.58

The 2018 Abstract of Claims dated March 12, 2018, consisting of vouchers numbered 267 to 347, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 28,219.30
Highway	154,710.08
Part Town	29.99
Capital/MWIA	5,955.00
Capital/Firehall reno	6,106.00
Trust/Agency	1,528.95
Trust/Agency 2	21,610.88
Special Districts	<u>549,089.14</u>
Grand Total Abstract	\$767,249.34

Councilwoman Friess moved to approve the 3/2/18 Prepaid and 3/12/2018 Abstracts of Claims, and authorize payment of same.

Councilman Snyder seconded the motion. Upon a vote being taken:

ayes – four noes – none

Motion carried.

Action #85
3/2/18 &
3/12/18
abstracts aprvd

Councilwoman Jeffe moved to adjourn at 7:25 p.m.; seconded by Councilwoman Friess. Upon a vote being taken: ayes – four noes – none

Motion carried.

Action #86
Meeting
adjourned

Martha L. Librock
Town Clerk