

December 10, 2018

A meeting of the Town Board of the Town of Aurora took place on Monday, December 10, 2018 at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Present:	Jolene M. Jeffe	Councilwoman
	Susan A. Friess	Councilwoman
	Charles D. Snyder	Councilman
	James J. Bach	Supervisor
Absent/Excused:	Jeffrey T. Harris	Councilman
Others Present:	Ronald Bennett	Town Attorney
	William Kramer	Code Enforcement Officer
	William Wheeler	GHD/Engineer
	David Gunner	Highway Superintendent
	Tony Rosati	ZBA Member
	Shane Krieger	Chief of Police/VEA
	Paul Porter	Village of East Aurora Trustee

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

Councilwoman Jeffe moved to approve the minutes of the November 26, 2018 Town Board work session and meeting. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none	Motion carried.	Action #354 11/26/18 minutes aprvd
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AUDIENCE I: none

UNFINISHED BUSINESS:

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

**RESOLUTION  
APPROVING OPEN DEVELOPMENT AREA PLAN FOR  
779 & 781 QUAKER ROAD  
TOWN OF AURORA, NEW YORK**

WHEREAS, prior to 2017, Chapter 79 of the Codes of The Town of Aurora (current Chapter 99) established standards for landowners who wished to develop or subdivide land that lacked adequate public road frontage for standard lot development (known as “open development area”); and

WHEREAS, Steven and Sherri Tait (the Applicant), filed an application with the Town of Aurora Zoning Board of Appeals requesting a ten foot variance to allow an ingress/egress right-of-way forty feet in width for SBL 175.09-1-1.13 and SBL 175.09-1-1.14; and

WHEREAS, on July 17, 2014, the Zoning Board of Appeals granted a ten foot variance, with the stipulation that the Applicant file an easement allowing the use of the forty feet wide right-of-way to access the Open Development areas, including 777 Quaker Road (SBL 175.09-1-1.12); and

WHEREAS, the Applicant filed an Open Development Area application in 2015 under Chapter 79 of the Town Code for 779 and 781 Quaker Road; and

WHEREAS, the Town of Aurora Planning Board recommended that the Town Board approve the Open Development Area request for 779 and 781 Quaker Road contingent upon submittal of a fully detailed topographical map of the properties, a detailed drainage plan review by GHD (engineers for the Town), and widening of the entrance to the driveway on Quaker Road; and

WHEREAS, the Applicant satisfied recommendations of the Town Planning Board and the concerns and observations made by GHD regarding drainage plans for the properties; 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 submitted by the Applicant and recorded in the office of the Erie County Clerk (Liber 11328 Page 147); and

WHEREAS, the Applicant has made every reasonable attempt and all necessary effort to comply with specifications of Chapter 79 (current Chapter 99) of the Codes of the Town of Aurora; and

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

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

RESOLVED, that approval of the Open Development Area, with a ten feet width variance by the Town of Aurora Zoning Board of Appeals to the requirement a fifty foot ingress/egress, is expressly for 779 and 781 Quaker Road, and any future development, beyond that submitted for these two lots, 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

Action #355  
779 & 781  
Quaker Rd  
ODA aprvd

RESOLVED, that said Open Development Area Plan for 779 and 781 Quaker Road is approved.

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

NEW BUSINESS:

Councilwoman Friess moved to add the following items to tonight's agenda: 6H – bid results for pickup truck; 6I – Ecoverde exit plan; 6J – Aurora Mills Public Improvement Permit extension; and 6K – NYSEG confidentiality agreement for LED lights. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none

Action # 356  
Four items  
added to  
agenda

Motion carried.

Councilwoman Jeffe moved to authorize Stephenson Equipment, Inc., Syracuse, NY, to repair the 1992 Highway Basket Truck for \$3,681.61. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none

Action #357  
Hwy basket  
truck repair  
authorized

Motion carried.

Councilman Snyder moved to authorize the Supervisor to sign the Audit Engagement letter and Annual Financial Report Update document letter from Drescher & Malecki LLP, 3083 William Street, Buffalo, NY. The base fee for performing the audit of the 2018 financials is \$18,950. Additional fees will be charged to audit Town Clerk/Tax Receiver, Town Justices and the Recreation Department and to compile the CAFR and Annual Update Documents, for a total cost of \$28,975.00. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none

Action #358  
Drescher &  
Malecki LLP  
to perform  
audit of 2018  
financials

Motion carried.

Councilwoman Jeffe moved to approve the use of debt reserve funds for the \$12,925 Glead Avenue Renovation bond interest payment due to Depository Trust Company that is due 12/15/18. Councilman Snyder seconded motion. Upon a vote being taken: ayes – four noes – none

Action #359  
Debt reserve  
to be used to  
pay Glead  
renovation  
bond interest

Motion carried.

Councilwoman Friess moved to approve the following 2018 Recreation budget amendment to reflect additional revenue generated:

- Increase revenue line A2056 by \$3,109.00
- Increase appropriation line A7310.400.1 by \$3,109.00

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

Motion carried.

Action #360  
Rec 2018  
budget  
amendment  
aprvd

At some time during the 2018 summer months, the underground piping at Community Pool developed a leak resulting in over a million gallons of water passing through the water meter. After the pool closed for the season, Numarco, Inc. was hired by the Town to investigate where the leak was and to repair it. The leak was found and repaired.

Councilman Snyder moved to approve payment to Numarco, Inc., 1021 Maple Road, Elma, NY, in the amount of \$3,487.23, which includes finding the source of the leak, removing concrete and excavating for repair, removing and replacing a cracked (pipe) elbow and backfilling and patching the concrete. This cost will be disbursed from A7180.426 Pool maintenance and repair. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four      noes – none

Motion carried.

Action #361  
Payment of  
pool (leak)  
reprvd aprvd

Councilwoman Friess moved to authorize the Supervisor to sign the GASB 75 (Accounting and Financial Reporting for Post-employment Benefits Other than Pensions) Service Agreement with The Burke Group, 80 Linden Oaks Drive, Rochester, NY, whereby The Burke Group, an actuarial valuation consultant, will prepare the required reports for fiscal years ending 2018 and 2019. The \$6,000 fee (\$4,000 for 2018; \$2,000 for 2019) will be disbursed from A1320.404. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four      noes – none

Motion carried.

Action #362  
Supv auth to  
sign  
agreement  
with Burke  
Group for  
GASB 75  
work

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

RESOLUTION CALLING FOR PUBLIC HEARING REGARDING THE PROPOSED CONSOLIDATION OF WATER DISTRICTS NO. 1-NORTH, 1-SOUTH, 1-EXT. 1, 235, 6, 6-EXT.1, 6-EXT. 2, 7, 8, 9, 10, 10-EXT.1, 10-EXT. 2, 10-EXT. 4, 10-EXT. 5, 11, 12, 14, 16, 16-EXT. 1, 17 AND 18, WATER IMPROVEMENT AREAS 5 AND 7 OF THE TOWN OF AURORA INTO ONE CONSOLIDATED WATER DISTRICT TO BE DESIGNATED AS CONSOLIDATED WATER DISTRICT NO. 1 IN THE TOWN OF AURORA PURSUANT TO ARTICLE 17-A TITLE TWO OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK AND SECTION 198 OF THE TOWN LAW OF THE STATE OF NEW YORK

WHEREAS, there are presently fourteen (14) water districts, eight (8) extensions and two (2) water improvement areas of said water districts existing in the Town of Aurora, and

WHEREAS, all present indebtedness of said districts and extensions will be paid by an assessment upon the real property parcels located within the districts, extensions and water improvement areas, and

WHEREAS, a master water improvement area adopted by the Town of Aurora (“Town”) on September 12, 2016 and recorded in the Erie County Clerk’s Office in Liber 11301 of Resolutions at page 9492 to include all the improvements necessary to facilitate the transfer of water service to the Erie County Water Authority at a future date, and

WHEREAS, there is presently in effect a Lease Management Agreement between the Town of Aurora and the Erie County Water Authority whereby fifteen said districts, extensions and improvement areas are lease-managed by the Erie County Water Authority, and

WHEREAS, the Lease Management Agreement requires the Town to be responsible for the infrastructure of the water districts, extensions and water improvement areas, and

WHEREAS, the Town of Aurora and the Erie County Water Authority have entered into a Memorandum of Understanding whereby the Erie County Water Authority would provide direct service to all Town water districts, extensions and improvement areas, including the responsibility for all infrastructure, and

WHEREAS, in order to implement the Direct Service Agreement it is necessary to consolidate the water districts, extensions and water improvement areas within the Town of Aurora, and

WHEREAS, such consolidation with proposed dissolution would provide certain benefits by consolidation, namely:

- a. Bookkeeping and budgeting would be facilitated without the necessity of interdistrict transfers and adjustments.
- b. The costs of future repairs and maintenance of the infrastructure of the districts by a Direct Service Agreement will be borne by the Erie County Water Authority.
- c. The cost of future expansions of water service will be spread over the entire consolidated district and not just any specific area involved.
- d. All future expenses of maintenance, operation and improvements of the consolidated district would be the responsibility of the Erie County Water Authority in accordance with a Direct Service Agreement.

THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Aurora in regular session duly convened as follows:

- a. A public hearing be and the same hereby is called on January 14, 2019, at 7:00 p.m. at the Aurora Town Hall, located at 300 Gleed Avenue, East Aurora, New York to consider the proposed consolidation of Water Districts Nos. 1-South, 1-North, 1-Ext. 1, 235, 6, 6-Ext.1, 6-Ext. 2, 7, 8, 9, 10, 10-Ext.1, 10-Ext. 2, 10-Ext. 4, 10-Ext. 5, 11, 12, 14, 16, 16-Ext. 1, 17 and 18 and Water Improvement Areas 5 and 7 of the Town of Aurora pursuant to Article 17-a Title 3 of the General Municipal Law of the State of New York and Section 198 of the Town Law of the State of New York.
- b. It is hereby determined that all future costs of operation, maintenance and improvements of said consolidated district and all extensions hereafter established shall be a charge against the entire area of the consolidated district as extended.
- c. The future costs of said operation, maintenance and improvements of the consolidated district will be financed on an ad valorem basis.
- d. The Town of Aurora is the proposed local government entity for the operation, maintenance and improvements of the consolidated district.
- e. The cost of and savings which may be realized from the consolidation in the future dissolution of the consolidated district with the anticipated Direct Service Agreement with the Erie County Water Authority.
- f. The district assets, including but not limited to, real and personal property, upon dissolution would be transferred to the Erie County Water Authority.
- g. The liabilities and indebtedness of the districts, extensions and water improvement areas, if any, will be separately assessed and borne by the real property parcels located in each of the former districts, extensions and water improvement areas.
- h. The terms for the common administration and uniform enforcement of local laws, ordinances, resolutions, orders and the like, within the consolidated water district, will be consistent with section seven hundred sixty-nine of General Municipal Law Article 17-A, Title 2.
- i. The effective date of the proposed consolidation will be subsequent to the required Public Hearing, which hearing will take place on January 14, 2019 at 7:00 p.m. at the Aurora Town Hall, 300 Gleed Avenue, East Aurora, New York 14052 pursuant to Section 754 of General Municipal Law Article 17-A, Title 2.
- j. No later than five (5) days after commencement of consolidated proceedings pursuant to Section 752 of Article 17-A, Title 2, the Town Clerk shall cause a copy of the proposed Consolidation Agreement along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in public places within the Town of Aurora; cause the proposed Consolidation Agreement,

along with a descriptive summary ([Descriptive Summary of Consolidation Plan.pdf](#)) thereof and reference to the public place or places within the Town where a copy may be examined, to be displayed on the website maintained by the Town; and arrange to be published a descriptive summary of the proposed Consolidation Agreement within the Town of Aurora where a copy thereof may be examined, at least once each week for four successive weeks, in the East Aurora Advertiser.

Upon a roll call vote being taken:

Supervisor Bach	Voted Aye	Action #363
Councilman Snyder	Voted Aye	Water district
Councilwoman Jeffe	Voted Aye	consolidation
Councilwoman Friess	Voted Aye	resolution

Councilman Harris was absent/excused from the meeting. adopted

DULY ADOPTED, this 10<sup>th</sup> day of December, 2018.

\* \* \* \* \*

Councilwoman Friess moved to accept the high bid of \$8,800.00 for the Town's 2011 Ford F150 pickup truck bid through Auctions International. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #364  
\$8,800 bid for  
2011 Ford F150  
pickup truck  
accepted

Councilman Snyder moved to accept the exit plan presented by Ecoverde Organics, LLC, to leave their site at 1773 Blakeley Road no later than June 30, 2019. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #365  
Ecoverde exit  
plan to leave  
1773 Blakeley

Councilwoman Friess moved to extend the Public/Private Improvement Permit (PIP) for the Aurora Mills Cluster Subdivision to December 31, 2019 to allow the developer to complete the required infrastructure. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #366  
Aurora Mills  
PIP extended to  
12/31/19

The Town is looking at the possibility of having LED street lights in place of the current lights. In order to receive from or give information to NYSEG a confidentiality and assurance agreement is required.

Action #367  
Supv auth to  
sign confident –  
iality agreement  
with NYSEG

Councilwoman Friess moved to authorize the Supervisor to sign the Confidentiality and Assurance Agreement with New York State Electric and Gas Corporation (NYSEG). Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

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

- Senior Center – November 2018 report
- Town Clerk – November 2018 report
- Water Clerk – November 2018 report
- Work Requisitions – November 2018 report
- Building Department – November 2018 report
- VEA Police Budget report

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Councilwoman Friess reminded everyone that the next Town Board meeting is Thursday, December 20, 2018 at 11:00 a.m.

AUDIENCE II:

Tony Rosati, Oakwood Ave., suggested that the Town might reach out to neighbors near the current Ecoverde site and remind them that the farm can be used as a farm.

STAFF REPORTS:

Bill Kramer stated that the new building department software is up and running and that it is a learning curve.

ABSTRACT OF CLAIMS:

The Prepaid Abstract of Claims dated November 28, 2018, consisting of vouchers numbered 1808 to 1817, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 3,950.01
Special Districts	<u>61,412.79</u>
Grand Total Abstract	\$65,362.80

The Abstract of Claims dated December 10, 2018, consisting of vouchers numbered 1818 to 1888, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 28,982.48
Highway	5,002.33
Trust/Agency 2	463.63
Special Districts	<u>51,782.92</u>
Grand Total Abstract	\$ 83,231.36

Councilwoman Friess moved to approve the November 28, 2018 Prepaid and the December 10, 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 #368  
11/28/18 &  
12/10/18  
Abstracts  
aprvd

Councilwoman Jeffe moved to adjourn at 7:30 p.m.; seconded by Councilwoman Friess. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #369  
Meeting  
adjourned

Martha L. Librock  
Town Clerk