

February 25, 2019

A meeting of the Town Board of the Town of Aurora took place on Monday, February 25, 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: | William Kramer | Code Enforcement Officer |
| | William Wheeler | GHD/Engineer |
| | 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 is a PUBLIC HEARING on the proposed dissolution of Town of Aurora Consolidated Water District No. 1. The Notice was published in the East Aurora Advertiser and posted on the Town bulletin board as evidenced by the Affidavits of Publication and Posting.

Supervisor Bach opened the hearing at 7:03 p.m. and asked if anyone wished to comment. Hearing no one, the Supervisor Bach closed the hearing at 7:04 p.m.

* * * * *

Supervisor Bach read the following PROCLAMATION regarding St. Matthias Church:

WHEREAS, *St. Matthias Church was organized in 1869 and held its first parish meeting on February 24, which is Saint Matthias' Day;*

WHEREAS, *prior to this, a small group of Episcopalians in Aurora began meeting in the Universalist meeting house, before sending a letter to the Episcopal Diocese of Western New York seeking consent to organize their congregation as an official parish;*

WHEREAS, *the congregation members persevered through many struggles in the early years and constructed their first church building in the 1870s and a new church building at Main and Maple Streets in 1927-1928; and*

WHEREAS, *St. Matthias Church has been an important part of the Town of Aurora's spiritual community and for more than a century-and-a-half has contributed to the quality of life of the Town of Aurora and Village of East Aurora.*

NOW, THEREFORE, BE IT RESOLVED: *that the Aurora Town Board, on behalf of the residents of the Town of Aurora, sends highest congratulations to the congregation of St. Matthias Episcopal Church and offers best wishes for a bright and prosperous future.*

*Signed on this Fourteenth Day of February,
in the Year Two-Thousand Nineteen.*

*James J. Bach
Supervisor*

* * * * *

Councilwoman Friess moved to approve the minutes of the February 11, 2019 work session and Town Board meeting; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #65
2/11/19 wk
sess & mtg
min aprvd

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Harris moved to issue a negative declaration, for the purposes of SEQR, with regard to the unlisted action of the Dissolution of Town of Aurora Consolidated Water District 1 and transfer of assets to the Erie County Water Authority. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #66
Negative
declaration
issued for
CWD #1
dissolution.

Councilwoman Friess moved to adopt the following RESOLUTION; seconded by Councilman Harris:

Resolution and Order after Public Hearing
Authorizing the Dissolution of the Town of Aurora
Consolidated Water District No. 1.

In the Matter of the:

Proposed Dissolution of Town of Aurora Consolidated Water District No. 1 with the transfer of assets from the Consolidated Water District No. 1 to the Erie County Water Authority pursuant to a Direct Service Agreement requiring the Erie County Water Authority to have full management and responsibility.

WHEREAS, pursuant to the Order Calling Public Hearing adopted on February 11, 2019, a public hearing was duly called and held by the Aurora Town Board on February 25, 2019 at 7:00 p.m. at the Town Hall located at 300 Gleed Avenue in the Village of East Aurora, and considerable discussion on the matter having been had and all persons desiring to be heard have been heard, including those in favor of and those in opposition to said dissolution and transfer of assets to the Erie County Water Authority; and

WHEREAS, the Town Board, pursuant to the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law (SEQRA), has duly considered and reviewed all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with SEQRA, as related to the impact of the dissolution of the districts and extensions;

WHEREAS, the Direct Service Agreement between the Town of Aurora and the Erie County Water Authority requires the Erie County Water Authority to assume full management and operation of Town of Aurora Consolidated Water District No. 1 including the cost of the infrastructure;

WHEREAS, the Direct Service Agreement requires the transfer of the assets of the Consolidated Water District No. 1 by the Town of Aurora to the Erie county Water Authority with full responsibility to manage and operate the Consolidated Water District No. 1 including the Erie County Water Authority having full responsibility for all costs of the infrastructure as well as the management and operation;

WHEREAS, the proposed dissolution and transfer of assets requires the approval by a majority vote of the qualified electors of the Consolidated Water District No. 1 voting thereon;
NOW, THEREFORE, it is hereby

ORDERED, that upon approval by majority vote of the qualified electors of Town of Aurora Consolidated Water District No. 1 that the said district shall be dissolved pursuant to Article 17A Title 3 of the General Municipal Law and Article 12 of the Town Law of the State of New York subject to a mandatory referendum of electors; and it is further

ORDERED, that there shall be a Special Town Election to be held in said Town on the 30th day of April, 2019, and there will be submitted to the qualified electors of the Town at said election to consider the following proposition:

Shall the Town of Aurora Consolidated Water District No. 1 be dissolved with the transfer of the assets to the Erie County Water Authority under a Direct Service Agreement be approved?

ORDERED, that said election shall be held at the Aurora Town Hall auditorium located at 300 Glead Avenue in the Village of East Aurora, and that the polls of said election shall be opened at the hour of 12:00 p.m. o'clock (local time) and will close at the hour of 8:00 p.m. o'clock (local time) and that such vote upon the proposition shall be taken by ballot in the manner provided by law; and it is further

ORDERED, that the Town Clerk shall give notice of the Special Town Election in the East Aurora Advertiser within ten (10) days of the adoption of this resolution and shall post copies of such notice in public places specifying the time when and place where such election shall be held, the hours during which the polls will remain open for the purpose of voting and shall set forth in full the proposition to be voted upon. No person is entitled to vote in said election unless he or she is an elector within Town of Aurora Consolidated Water District No. 1.

Action #67
CWD #1
dissolution
approved &
referendum set

DATED: February 25, 2019

Upon a roll call vote being taken:

Councilman Harris – Aye; Councilwoman Jeffe – Aye; Councilwoman Friess – Aye; Councilman – Snyder – Aye; Supervisor Bach - Aye
Ayes – Five Noes – None Absent – None

ORDERED AND ADOPTED BY THE TOWN BOARD OF THE
TOWN OF AURORA

* * * * *

Councilwoman Jeffe moved to approve the request from David DePaolo, Executive Vice President of Marrano/Mark Equity, to apply for and obtain building permits to begin house construction on additional lots in the Aurora Mills Subdivision prior to the infrastructure being completed throughout the entire project, with the following restrictions/contingencies in addition to those restrictions/contingencies set by the Town Board on January 14, 2019:

- Limited to lots 33 through 57, 72 and 73.
- The following areas will be staked for each lot on Creekstone Drive prior to any foundation work being done:
 - Exact location of curb line
 - Exact location of setbacks
 - Exact location of lot corners
 - Exact location of proposed house
- A stamped foundation location survey will be prepared and submitted to the Town Building Department after each foundation is put in.

Action #68
Construction
on additional
Aurora Mills
lots aprvd with
restrictions.

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

At the February 11, 2019 meeting, the Supervisor was authorized to sign and submit JP Morgan Chase US Treasury enrollment documents. In addition to the prior authorization, the Board is required to adopt a resolution detailing who is authorized to perform transactions and what transactions they are authorized to perform.

Councilwoman Friess moved to adopt the following Trading Authority RESOLUTION;
seconded by Councilman Harris:

RESOLVED, that the Town of Aurora (the “PE”) is hereby authorized and directed to establish and maintain one or more accounts, including margin accounts (if the PE is authorized to open a margin account, the PE has checked the box at the end of the certificate), (each, an “Account”), and to engage in any of the transactions hereinafter described, in each case, with or through J.P. Morgan Securities LLC, J.P. Morgan Securities plc and/or any of their now or hereafter existing affiliated entities (collectively, “JP Morgan”) through an Account or otherwise, with JP Morgan acting as principal or agent in such transactions;

RESOLVED, that the PE is hereby authorized and empowered to purchase (including on a forward or when-issued basis or on margin) hold, finance, pledge, exercise, convert, tender, redeem , exchange, transfer, assign, sell (including on a short, when-issued or forward basis), enter into, issue, terminate, amend and otherwise deal and trade, singly or in combination , in the following: any and all forms of transactions and investments, including, bills, notes, treasuries, bonds or debentures of any coupon, (including “zero coupon” or maturity; certificates of deposit, bank notes or deposit notes; money market instruments; (each of the foregoing, an “Activity”);

RESOLVED, that each of the directors, officers, employees and agents of the PE listed below (“each, an Authorized Person”) is hereby individually authorized for and on behalf of the PE by oral, written, electronic or other means to: (1) give to and receive from JP Morgan oral, written or electronic instructions, confirmations, notices or demand with respect to any Account, Activity or transaction; (2) bind the PE to enter into and perform any transaction or agreement, amendment or modification thereof, relating to any Account, Activity or transaction involving the PE; (3) lend or borrow money or securities and secure the repayment thereof with the property of the PE; (4) pay in cash or by check or by credit or debit card or draft drawn upon the funds of the PE any sums required to be paid in connection with any Account, Activity or transaction; (5) order the transfer of record of any securities, funds or other property to any name and to accept delivery of any securities, funds or other property; (6) direct the sale or exercise of any rights with respect to any securities or other property; (7) agree to any terms or conditions or execute or otherwise assent to any document or agreement affecting any Account, Activity or transaction; (8) endorse any securities or other property in order to pass title thereto (or any interest therein); (9) direct JP Morgan to surrender any securities or other property for the purpose of effecting any exchange or conversion thereof; (10) appoint any other person or persons to do any and all things which such director, officer, employee or agent of the PE is hereby empowered to do; and (11) generally, take all such action as such director, officer, employee or agent of the PE may deem necessary or desirable to implement or facilitate in trading activities described herein;

Authorized Person(s):

| | |
|-----------------|-----------------------------|
| James J. Bach | Supervisor |
| Kathleen Moffat | Assistant to the Supervisor |

RESOLVED, that each of the Authorized Persons listed above is hereby individually authorized, for and on behalf of the PE, to execute or otherwise assent to or enter into on behalf of the PE all agreements, confirmations, releases, assignments, powers of attorney or other documents in connection with any Account, Activity or transaction, including without limitation, to execute and deliver instructions to JP Morgan to receive or deliver funds or securities, whether free or versus payment, or trade or non-trade related (including and Authorized Persons) (unless representation provides to the contrary);

RESOLVED, that notwithstanding the foregoing resolutions, any person with actual or apparent authority is authorized and empowered by the PE to undertake any Activity;

RESOLVED, that all actions previously taken by any director, officer, employee, Authorized Person or agent of the PE in connection with or related to the matters set for in or reasonably contemplated or implied by the foregoing resolutions be, and each of them hereby is, adopted, ratified, confirmed and approved in all respects as the acts and deeds of the PE;

RESOLVED, that JP Morgan may rely on the certifications, representations, warranties, and agreements contained in this Certificate until the close of business on the second business day after JP Morgan receives written notice of the modification or revocation thereof at its offices at Client Services NY1-C086, Four MetroTech Center, Brooklyn, New York 12245-0001 marked to the attention of: (i) Global Clearing Services-New Accounts if the PE’s account is maintained by the Global Clearing Services Department and the Corporation engages in equities/prime brokerage), (ii) Fixed Income Clearing Services Managing Director (if the PE’s account is maintained by the Global Clearing Services Department and the PE engages in fixed income trading) and (iii) Documentation Department (if the PE’s

account is maintained by the Private Client Services Department or any other JP Morgan department) or any other address that has been provided by JP Morgan specifically for such purpose and in each case with a copy to the Corporation's account executive or relationship manager(s) at JP Morgan, provided, that JP Morgan may rely on such certifications, representations, warranties, covenants and agreements with respect to any transaction entered into prior to the effectiveness of such modification or revocation;

RESOLVED, that, JP Morgan, their successors and assigns and their respective affiliates, directors, officers, agents and employees (the "Released Parties") are hereby released and forever discharged from, and against, any and all liabilities, responsibilities, obligations, claims, costs, damages, expenses (including attorney's fees and expenses), penalties judgements or awards incurred or suffered by the Released Parties in connection with their reliance on this Certificate; the PE acknowledges that the release and discharge set forth herein are in addition to, and in no way limit or restrict, any rights which any of the Released Parties may have under any other agreement(s) between the PE and any of the Released Parties or under any federal or state statutes, laws, rules or regulations; and agree that this release and discharge shall survive the revocation of this Certificate with respect to transactions entered into prior to the effectiveness of such revocation;

- (c) represent and warrant that the PE has more than one officer, director or employee
- (d) represent and warrant that the Resolutions Do not authorize the PE to engage in margin transactions credited or debited to an account at JP Morgan; and
- (e) represent and warrant that the Resolutions Do not authorize each Authorized Person to order the trade and non-trade related free delivery of funds and securities to themselves and third parties.

Action #69
Authorizing
resolution for
JP Morgan/US
Treasuries
aprvd

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

* * * * *

NEW BUSINESS:

Councilman Snyder moved to accept the following donation for the Aurora Senior Center:

- \$300 from Southtown Needlenuts

The funds will be deposited to TA1000.0090 to be used to purchase new tables for the Center. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #70
\$300 donation
for Senior
Center
accepted

Councilwoman Jeffe moved to accept the following donation for the Aurora Senior Center:

- \$200 from Buffalo Area Day Lily Society

The funds will be deposited to TA1000.0090 to be used to purchase new tables for the Center. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #71
\$200 donation
for Senior
Center
accepted

Councilman Snyder moved to approve the following 2018 budget transfer to cover a shortage in the General Fund:

From: A1420.417 Law Codification \$1,243.00
To: A1420.416 Law Special Counsel \$1,243.00

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

Action #72
2018 General
Fund budget
transfer aprvd

Councilwoman Friess moved to approve the Civil Service title change for Jan Kaufmann from Laborer PT to Laborer RPT to allow Ms. Kaufmann to work more flexible hours as a cleaner at the Senior Center. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #73
J. Kaufmann
civil service
title change
aprvd

Councilwoman Jeffe moved to redesignate Don Owens for appointment to the Erie County Environmental Management Council for a two-year term to expire on May 31, 2021. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #74
D. Owens re-
appointed to
ECEM
Council

Councilwoman Jeffe moved to authorize the Dog Control officer to conduct a house-to-house dog census in the Town of Aurora (outside the Village of East Aurora) starting March 11, 2019. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #75
Town dog
census
authorized

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

WHEREAS, the Town of Aurora purchased a former Village of East Aurora owned building that currently houses the Town of Aurora Senior Center at 101 King Street (aka: 587 Oakwood Avenue), East Aurora, NY; and

WHEREAS, the Town intends to renovate and remodel the exterior of the building to correct issues with failing concrete blocks and joints and to improve the overall look of the building; and

WHEREAS, the proposed renovation will include repairing cracks and replacing deteriorated concrete blocks on the exterior of the structure; and

WHEREAS, the proposed renovation will also include siding the building with appropriate materials to further maintain the exterior of the building; and

WHEREAS, the Town of Aurora received a grant from New York State in the amount of \$100,000 toward the exterior renovations; and

WHEREAS, it is the project clerk's estimation that the Aurora Senior Center exterior renovation project will cost approximately \$183,060.00, which is more than the amount of the grant; and

WHEREAS, the Town is committed to providing the balance of the funds needed to complete the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Aurora Town Board agrees to commit the balance of \$83,060.00 for exterior renovations to the Aurora Senior Center at 101 King Street (aka: 587 Oakwood Avenue), East Aurora, New York.

Action #76
SrCtr DASNY
grant funding
resolution
adopted

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

* * * * *

Councilwoman Friess moved to approve the following 2018 budget transfer to cover a shortage in the Water Improvement Area 7 fund:

| | |
|--------------------------|------------|
| From: WM8340.102 Payroll | \$1,456.00 |
| To: WM8340.401 Repairs | \$1,456.00 |

Action #77
WIA7 2018
budget transfer
aprvd

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

Councilman Snyder moved that the \$11,848.14 bill from NYSEG for the unexpired life of the existing NYSEG owned non-LED street light fixtures that are being replaced with LED fixtures, per the agreement between the Town and NYSEG approved on 1/28/19, be paid from A5182.411 street lighting. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #78
NYSEG bill
for LED
project to be
paid from
A5182.411

Councilwoman Jeffe moved to approve a new Recreation Department program titled Cartooning! to be taught by Eric Guy, NYS Certified Teacher. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #79
New rec
program aprvd

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

- Recreation Director – January 2019 report
- EAPD – January 2019 report

BUSINESS FROM BOARD MEMBERS AND LIAISONS: none

AUDIENCE II: none

STAFF REPORTS:

Bill Kramer, CEO, stated that he is starting proceedings to demolish 2250 Blakeley Road.

Shane Krieger reported that East Aurora fared pretty well during the recent windstorm.

Chris Musshafen stated the recreation department is planning for summer programs.

Tony Rosati asked as to what was the reasoning behind the 1200sf requirement for a residence. There is an application before the ZBA for a variance to have a 600sf dwelling. The Board stated that anything smaller than 1200sf may not be a good fit in the Town and that it may affect the value of homes around them. A tiny home does not have the value. Councilwoman Friess stated that it is correct for the ZBA to review the variance request to see if it is a good fit for the neighborhood it is proposed for.

ABSTRACT OF CLAIMS:

The 2018 Encumbered Abstract of Claims dated February 25, 2019, consisting of vouchers numbered 2062 to 2064 was presented to the Board for audit and authorization of payment from the following funds:

| | |
|----------------------|------------|
| General | \$6,053.95 |
| Grand Total Abstract | \$6,053.95 |

The 2019 Abstract of Claims dated February 25, 2019, consisting of vouchers numbered 180 to 236, was presented to the Board for audit and authorization of payment from the following funds:

| | |
|----------------------|-------------------|
| General | \$ 32,619.11 |
| Part Town | 3,517.71 |
| Highway | 45,194.68 |
| Trust/Agency | 515,643.83 |
| Special Districts | <u>855,872.14</u> |
| Grand Total Abstract | \$1,452,847.47 |

Councilwoman Friess moved to approve the 2/25/19 - 2018 Encumbered and 2/25/19 Abstracts of Claims, and authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #80
2/25/19
Abstracts of
Claims aprvd

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

Action #81
Meeting
adjourned

Martha L. Librock
Town Clerk