

December 23, 2019

A meeting of the Town Board of the Town of Aurora took place on Monday, December 23, 2019 at 11:00 a.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris Susan A. Friess Charles D. Snyder James J. Bach	Councilman Councilwoman Councilman Supervisor
Absent/Excused:	Jolene M. Jeffe	Councilwoman
Others Present:	Ronald Bennett William Kramer David Gunner Justin Smith Michael Evens Donna Bodekor William Wheeler Shane Krieger Tony Rosati	Town Attorney Code Enforcement Officer Highway Superintendent Highway Employee Highway Employee Senior Center Director GHD/Engineer Chief of Police ZBA member

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

Supervisor Bach read the following proclamation for Councilman Jeff Harris' twenty years of service as Town Councilman:

WHEREAS, Jeffrey T. Harris joined the Aurora Town Board in January 2000; and

WHEREAS, Councilman Harris has brought a unique perspective to his position on the Town Board and has worked hard to represent all of the residents and taxpayers of the town and village; and

WHEREAS, during his two decades of service on the board, Councilman Harris has strived to provide important services to town and village residents while keeping spending under control.

NOW, THEREFORE, BE IT RESOLVED: that the Aurora Town Board, on behalf of the residents of the Town of Aurora, commends Councilman Jeffrey T. Harris for his many years of service to the community.

James J. Bach

Supervisor

Signed on this Twenty-Third Day of December, in the Year Two-Thousand Nineteen.

* * * * *

Councilwoman Friess moved to approve the minutes of the December 9, 2019 Town Board work session and meeting; seconded by Councilman Snyder. Upon a vote being taken: ayes – four	noes – none	Action #436 12/9/19 wk sess & mtg min aprvd
Motion carried.		

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Snyder moved to approve Change Order No. 10 from Telco Construction, Inc. for removal and replacement of a section of the

concrete floor in the 587 Oakwood section of the Aurora Municipal Center project at 575-587 Oakwood Ave., and to authorize the Supervisor to sign the change order:

- Original Contract \$3,677,000.00
- Net change by previous change order(s) 240,829.00
- Amount of this Change Order (No. 10) 17,966.00
- New contract sum including this change order \$3,935,795.00

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

Councilman Snyder moved to approve payment no. 4 to Greater Niagara Mechanical, Inc., 7311 Ward Road, N. Tonawanda, NY, in the amount of \$59,375.00 for work performed at the Aurora Municipal Center through November 31, 2019. Councilman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Councilman Snyder moved to approve payment no. 5 to Mollenberg-Betz, Inc., 300 Scott Street, Buffalo, in the amount of \$119,675.25 for work performed at the Aurora Municipal Center through November 31, 2019. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Councilman Snyder moved to approve payment no. 7 to Industrial Power & Lighting, 60 Depot Street, Buffalo, in the amount of \$44,645.22 for work performed at the Aurora Municipal Center through November 31, 2019. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Councilman Snyder moved to approve payment no. 7 to Telco Construction, Inc., 500 Buffalo Road, E. Aurora, in the amount of \$273,716.69 for work performed at the Aurora Municipal Center through November 31, 2019. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

NEW BUSINESS:

Councilwoman Friess moved to extend all current Town appointments to the January 13, 2020 Organizational meeting. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes - none Motion carried.

Councilman Snyder moved to accept the resignation of James Whitcomb from the Zoning Board of Appeals effective 12/31/2019. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Councilwoman Friess moved to appoint Paul Ernst, Cook Road, East Aurora, to fill the unexpired term of James Whitcomb on the Zoning Board of Appeals. Mr. Ernst's term will be January 1, 2020 through December 31, 2023. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #437
Change Order
#10 to Telco
re: concrete
floor
replacement
AMC project

Action #438
Pymt 4 to Gr.
Niagara
Mech for
AMC project
aprvd

Action #439
Pymt 5 to
Mollenberg-
Betz for
AMC project
aprvd

Action #440
Pymt 7 to
Industrial
Power/Light
for AMC
project aprvd

Action #441
Pymt 7 to
Telco for
AMC project
aprvd

Action #442
Town appts
extended to
1/13/2020 re-
org mtg

Action #443
J. Whitcomb
resignation
from ZBA
accepted.

Action #444
P. Ernst appt
to fill ZBA
vacancy

Councilman Snyder moved to authorize the Supervisor to sign the 2020 Engineering Services agreement with GHD Consulting Services, Inc., 285 Delaware Ave., Suite 500, Buffalo, NY 14202. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #445
Supv auth to sign GHD engineering 2020 agrmt

Councilwoman Friess moved to approve the following 2019 budget amendment to reflect additional recreation program revenue:

- Increase revenue line A2056 by \$1,170.
- Increase appropriation line A7310.400 by \$1,170.

Action #446
Recreation 2019 budget amendment aprvd

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

Action #447
D. Rignel PT lifeguard rate increase aprvd

Councilwoman Friess moved to approve a rate increase for Dean Rignel, Lifeguard Part time, from \$11.40 to \$12.10 per hour based on the 2020 Recreation Rate Chart. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Councilman Harris moved to approve the promotion of Highway employee Justin Smith from Truck Driver to Motor Equipment Operator effective January 1, 2020, at a rate of \$28.89 per hour. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #448
J. Smith promotion to highway MEO aprvd

Councilman Harris moved to approve the promotion of Highway Employee Michael Evens from Truck Driver to Motor Equipment Operator effective March 7, 2020, at a rate of \$28.89 per hour. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #449
M. Evens promotion to highway MEO aprvd

Councilwoman Friess moved to authorize the Supervisor to sign Agreements with Drescher & Malecki, LLP, 3083 William Street, Ste. 5, Buffalo, NY 14227, whereby Drescher and Malecki will audit the Town's governmental activities and financial statements for the Fiscal Year 2019 and prepare the Annual Financial Report Update Document for the Town for a total cost of \$29,700. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #450
Supv auth to sign audit and financial statement agrmts with Drescher Malecki

Councilwoman Friess moved to authorize the Supervisor to sign the 2020/2021 New York State Municipal Workers' Compensation Alliance Member Participation Agreement. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #451
Supv auth to sign 2020/2021 Workers Comp Alliance agrmt

Councilwoman Friess moved to accept a \$1,000 donation from Lillian Morgan to be used toward the purchase of new computers for the Senior Center computer lab. The funds will be deposited to TA1000.0090. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #452
Donation to SrCtr aprvd

RESOLUTION

The following resolution was moved by Councilman Snyder and seconded by Councilman Harris:

WHEREAS, protecting the people from harm by enforcing the rule of law is the foundational role of government, and

WHEREAS, County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly, and children; and

WHEREAS, no group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect; and,

WHEREAS, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and

WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and

WHEREAS, under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families; and

WHEREAS, these crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

WHEREAS, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community; and

WHEREAS, these crimes include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

WHEREAS, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals; and

WHEREAS, these crimes include Aggravated Cruelty to Animals; Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and

WHEREAS, these crimes include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting; and

WHEREAS, these crimes include Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

WHEREAS, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

WHEREAS, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and

WHEREAS, the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and

WHEREAS, the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and

WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and

WHEREAS, the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020,

BE IT RESOLVED, that the Town of Aurora Town Board hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019; and

BE IT FURTHER RESOLVED, that the Town of Aurora asks all municipalities in New York State to urge their state representatives to take immediate action on the foregoing issues, and

BE IT FURTHER RESOLVED, that copies of this resolution be provided to Attorney General Letitia James, Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Senator Patrick Gallivan, Senator Charles Schumer, Senator Kirsten Gillibrand, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Minority Leader John Flanagan, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly Brian Kolb, the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature. The New York State Association of Counties, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Defenders Association, the New York State Probation Officers Association, the New York Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and the County Attorneys' Association of the State of New York, The Association of Towns and NYCOM.

Action #453
Criminal
Justice
reform
resolution
adopted

Upon a vote being taken: ayes – four noes – none Motion carried.
Duly adopted this 23rd day of December, 2019.

* * * * *

Councilman Snyder moved to approve the following 2019 Budget amendments to reflect the receipt of AIM funding:

- Add revenue line A2750 AIM Related Payments
- Increase revenue line A2750 by \$58,698
- Decrease revenue line A3001 State Aid-AIM funding by \$58,698
- Add revenue line B2750 AIM Related Payments
- Increase revenue line A2750 by \$20,000
- Decrease revenue line B3001 State Aid-AIM funding by \$20,000

Action #454
2019 Budget
amendment
for AIM
funding
aprvd

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

Councilman Snyder moved to approve the following 2020 Budget amendments to reflect the receipt of AIM funding:

- Add revenue line A2750 AIM Related Payments
- Increase revenue line A2750 by \$68,698
- Decrease revenue line A3001 State Aid-AIM funding by \$68,698
- Add revenue line B2750 AIM Related Payments
- Increase revenue line A2750 by \$10,000
- Decrease revenue line B3001 State Aid-AIM funding by \$10,000

Action #455
2020 Budget
amendment
for AIM
funding
aprvd

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

Councilwoman Friess moved to approve the following budget transfer to correct a budget deficit:

From: A9061.800 Hospital/Medical Insurance Retiree \$4,000
To: A5182.411 Street Lighting/Contractual \$4,000

Action #456
Budget
transfer for
Street light
A fund
aprvd

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

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

- Building Department – November 2019 report
- EAPD – November 2019 report
- Recreation – November 2019 report
- Senior Center – November 2019 report
- Work Requisitions – November 2019 report

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Councilman Harris stated that for the past twenty years he has enjoyed working with the Town Board and Town employees. He noted that he will enjoy his retirement and hopes that politics will be left out when future Boards are running the Town.

Councilwoman Friess, Councilman Snyder and Supervisor Bach congratulated and thanked Councilman Harris on his many years of service to the Town and wished him the best in the future.

Supervisor Bach stated that the Highway Department was nominated by Foit Albert Associates to receive an award of merit from the American Public Works Association for the North Grove Street Culvert Replacement project.

AUDIENCE II: none

STAFF REPORTS:

Police Chief Krieger stated that they have selected a full-time dispatcher candidate.

William Wheeler thanked the Board for the reappointment of GHD for general engineering and Planning Board services.

Donna Bodekor noted that despite the construction, seniors still showed up at the Senior Center to participate in activities.

ABSTRACT OF CLAIMS:

The Abstract of Claims dated December 23, 2019, consisting of vouchers numbered 1683 to 1744 and P-Card voucher 1745, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 19,847.40
Highway DB	6,990.46
Capital/SrCtr	1,490.00
Capital/AMC	522,251.74
Capital/VEA Bridges	20,605.92
Trust/Agency	450.04
Special Districts	<u>108,220.81</u>
Grand Total Abstract	\$ 679,856.37

Councilman Harris moved to approve the 12/23/19 Abstract of Claims, and authorize payment of same. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none
Motion carried.

Action #457
12/23/19
Abstract of
Claims aprvd

Councilman Harris moved to adjourn at 11:25 a.m.; seconded by Supervisor Bach. Upon a vote being taken: ayes – four noes – none
Motion carried.

Action #458
Meeting
adjourned

Martha L. Librock
Town Clerk