

WS-2 5B-1

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
Southside Municipal Center
300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com

To: Aurora Town Board

From: Martha Librock, Town Clerk

Date: August 6, 2020

RE: Special Use Permit 1897 Davis Road – SEQR

The Town's Planning Board consultant, Greg Keyser, has determined that the action being proposed for 1897 Davis Road does not meet the definition of a Type 1 or Type 2 action under SEQR. Therefore, he recommends that the project be classified as an Unlisted Action.

Part 2 of the SEQR form needs to be reviewed and completed by the Town Board prior to taking any action on the Special Use Permit request.

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project: _____

Date: _____

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

 Name of Lead Agency

 Date

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (if different from Responsible Officer)

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>To acquire a beer & wine license</i>			
Project Location (describe, and attach a location map): <i>1897 Davis Rd. West Falls, NY 14170</i>			
Brief Description of Proposed Action: <i>As an existing established u-pick blueberry farm we would like to acquire a beer + wine license so that we can offer beverages during our picking season. As well as after hour picking on Thursday which helps to get the berries off the bushes for the health of our field. One way to get people there was to offer live music, drinks and food truck while picking blueberries on Thursday evenings.</i>			
Name of Applicant or Sponsor: <i>Jyl Rivera</i>		Telephone: <i>716-560-0874</i>	
		E-Mail: <i>Jyl@buffalotreehouse.com</i>	
Address: <i>1897 Davis Rd.</i>			
City/PO: <i>West Falls, NY 14170</i>		State: <i>NY</i>	Zip Code: <i>14170</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
<i>SLA-Beer & wine license, Special Use Permit</i>			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u><i>5.4</i></u> acres	
b. Total acreage to be physically disturbed?		<u><i>0</i></u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u><i>6.7</i></u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>Bottled Water</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>Porta Potties</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Jyl Rivera Date: 7/7/2020
 Signature: Jyl Rivera

SPECIAL USE PERMIT

Pursuant to Chapter 116 Article III of the Zoning Code of the Town of Aurora, a Special Use Permit is hereby granted by the Town Board of the Town of Aurora in accordance with the following:

APPLICANT: Ricardo and Jyl Rivera

The Blueberry Treehouse Farm

PROPERTY ADDRESS: 1897 Davis Road, PO West Falls

PROPERTY OWNER: Ricardo and Jyl Rivera

CODE: Chapter 116 – Zoning §116-8.7

B2 Business; Paragraph B

USE: Principal Use: U-Pick Blueberry Farm
and treehouse design/construction business
Auxiliary Use: Outdoor Event Center

The Town of Aurora received an application for a Special Use Permit from Applicants on June 2, 2020. The Town Board referred the Special Use Permit Application to the Planning and Conservation Board on June 8, 2020. On July 1, 2020, the Planning and Conservation Board recommended amendments to the Application after which it recommended to the Town Board to approve the application. On July 27, 2020, the Town Board conducted a public hearing on the Application.

Background. Applicants operate a u-pick blueberry farm and tree house construction business on the Property, which is Zoned Business 2. The Property is also adjacent to the Applicants' primary residence. The Applicants applied for and received a Temporary Retail Permit to sell alcohol at 1897 Davis Road from the New York State Liquor Authority (Permit No. 576543) on July 27, 2020. The temporary permit expires October 24, 2020. In order to increase business, the Applicants wish to hold out-door concerts on Thursdays to attract more berry pickers. In addition, the Applicants wish to sell alcohol to patrons during the months of June-August during blueberry picking season. The Applicants also intend to use the Property as a venue for small weddings and private parties and to provide alcohol for these functions.

Additional conditions and safeguards are deemed necessary by the Town Board to implement the purpose and intent of the Special Use Permit. This permit is contingent and subject to the following:

1. CODE REQUIREMENTS: Full compliance with all sections of the Aurora Code as presently codified or as may be amended from time to time.
2. APPLICATION AND PLANNING BOARD: Subject to all plans and specifications submitted with the application, recommendations of the Planning Board and additional conditions and terms as adopted by the Town Board.
3. VIOLATION: Any violation of the provisions of the Permit or any other applicable law, code, rule or regulation of any government or department shall subject this Permit to suspension or revocation in the discretion of the Town Board.
4. AMENDMENT: This Special Use Permit is subject to amendment or modification by the Town Board at any time in its sole discretion.
5. ATTACHMENT: This permit is subject to any and all special conditions attached hereto.

ACKNOWLEDGEMENT: The undersigned as applicant for this Special Use Permit for an outdoor event center at 1897 Davis Road, PO West Falls, Town of Aurora, NY, does hereby acknowledge receipt of a copy of this Permit and agrees and accepts the provisions herein. The applicant further acknowledges that a violation or breach of any covenants, provisions or conditions of this Special Use Permit will result in suspension or revocation of this Special Use Permit. The undersigned agrees to all terms and provisions of this Special Use Permit as herein stated or as hereafter may be amended.

DATED: _____

By: _____
Ricardo Rivera

DATED: _____

By: _____
Jyl Rivera

ACKNOWLEDGED AND APPROVED AS TO FORM AND SUBSTANCE

DATES: _____

JAMES J. BACH, Supervisor
Town of Aurora

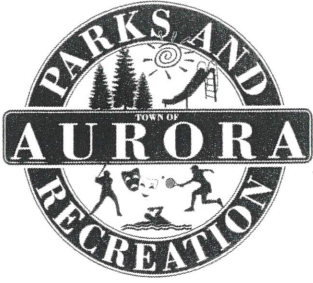
SPECIAL CONDITIONS FOR
SPECIAL USE PERMIT GRANTED TO
RICARDO AND JYL RIVERA
FOR
1897 DAVIS ROAD
PO WEST FALLS, TOWN OF AURORA

1. USE: In addition to a treehouse design and construction business and a U-pick blueberry farm, the current uses on the property, the site will be used for an Outdoor Event Center.
2. SIGN(S): Shall be in accordance with Section 116.34 of the Town Code of the Town of Aurora.
3. PARKING: On-site parking is limited to a total of 53 vehicles on the 1987 Davis Road parcel and the adjacent parcel at 1895 Davis Road, also owned by the applicant, as shown on the attached drawing. If off-site parking is necessary, Applicant shall provide transportation to and from off-site parking. Parking is not permitted on Davis. Rd.
4. ATTENDEES: *The maximum number of attendees at any one event is ???.*
5. EVENTS – Applicant shall not hold more than three events per week. Applicant shall not hold events Mon.-Wed. and shall limit the hours of events to:
 - Thurs.: 5:00pm – 9:00pm
 - Fri.: 10:00am – 10:00pm
 - Sat.: 10:00am – 10:00pm
 - Sun.: 12:00pm – 7:00pmEvents include, but are not limited to, concerts, weddings, receptions, and private parties.
6. OTHER CONDITIONS:
 - Applicant shall not permit more than two food trucks per event.
 - Sound application systems are not permitted after 9:00pm.
 - There shall be a minimum of two portable toilets. Events with [x] guests or more shall have three portable toilets. There shall be a minimum of two (2) hand washing/sanitizing stations for events with up to [x] guests and a minimum of three hand washing/sanitizing stations for events with up to [x] guests.
 - There shall be a minimum of [x] garbage and recycling receptacles.
 - Alcoholic beverages are permitted subject to a license from the New York State Liquor Authority. Alcoholic beverages may only be served within the location marked on the attached drawing.
 - Alcoholic beverages are permitted only within the area marked on the attached drawing.
 - Applicant will ensure adequate lighting for security, safety, and traffic circulation.
 - Applicant shall receive approval of traffic circulation, signage, and safety plan from Police Chief [and Fire Chief].

- This permit shall be reviewed annually during the month of May each year beginning in 2021. Town of Aurora may terminate the Special Use Permit at any time.
- Applicants must be the venue operator and the Property must remain under the Applicants' ownership.
- Applicant shall at all times comply with applicable regulations, including liquor authority requirements, health department codes, and Town of Aurora Codes.
- Overnight accommodations of guests are prohibited.







**Town of Aurora
Department of Parks & Recreation**

300 Glead Avenue
East Aurora, New York 14052

recreation@townofaurora.com
www.aurorarec.com

WS-3 6A
-8866
-5646

To: Town Board
From: Chris Musshafen
Date: 8/5/2020
Re: Community Pool 2 Week Season Extension

Approval is requested to extend the Aurora Community Pool season until 9/4/2020. Below are some key points to keeping us open longer and the results of a survey sent out to the town members.

- We would reduce open pool hours from 12:00pm-7:30pm to 12:00pm-3:30pm
- We would rental hours for swim teams starting at 4:00pm on weekdays
 - We already have interest from 2 swim clubs and will pursue more
- The East Aurora Swim Team Booster Club would be willing to pay for chemicals

Survey Results

- Are you interested in keeping the community pool open until 9/4/2020 with open time slots at 12:00pm to 1:30pm and 2:00pm to 3:30pm
 - 93% of people would like to see it open for another 2 weeks
- If you were to purchase a 2 week membership, which once would you choose? Non-Residents please add \$5.00 to the price.
 - Single: 10%
 - 2 in Family: 15%
 - 3 in Family: 22%
 - 4 in Family: 23%
 - 5 in Family: 17%
 - Senior or senior couple (at no charge): 4%
 - I would not purchase a membership, but would pay per diem: 7%
 - I would not purchase a membership and would not go: 2%

Community Pool 2 Week Extension Analysis

Shift	# of Staff	Hours	Rate	Cost/Day	Total Days	2 Week Cost	Total Shift Cost for Season
9:30-11:30							
HG	1	2.5	\$ 14.25	\$ 35.63	8	\$ 285.00	\$ 1,325.00
LG	2	2	\$ 12.85	\$ 51.40	8	\$ 411.20	
Instructor	3	2	\$ 13.10	\$ 78.60	8	\$ 628.80	
11:30-3:45							
HG	1	4.25	\$ 14.25	\$ 60.56	14	\$ 847.88	\$ 4,670.75
LG	5	4.25	\$ 12.85	\$ 273.06	14	\$ 3,822.88	
Total=							\$ 5,995.75

Revenue	Cost	Patrons	Total
Lessons	\$ 40.00	36	\$ 1,440.00
Memberships			
1	\$ 10.00	29	\$ 290.00
2	\$ 9.00	34	\$ 612.00
3	\$ 8.00	44	\$ 1,056.00
4	\$ 7.00	44	\$ 1,232.00
5	\$ 6.00	30	\$ 900.00
Total Memberships			\$ 4,090.00

Total Revenue \$ 5,530.00
Cost to Town \$ (465.75)

Memberships Prices	
Single	\$ 10.00
2 in Fam	\$ 18.00
3 in Fam	\$ 24.00
4 in Fam	\$ 28.00
5 in Fam	\$ 30.00

Application
Permit
Security Deposit
Per Day Event Fee

WS-4

GB

Application # _____

Application For Temporary Use Permit

Community Pool Rental

Submit applications to:
Town of Aurora Parks and Recreation
300 Gleed Ave
East Aurora, NY 14052
Telephone (716) 652-8866 Fax: (716) 652-5646

ALL REQUESTS MUST BE MADE NO LESS THAN 30 DAYS IN ADVANCE OF EVENT/USE.

1. Name of Organization: Hamburg Swim Club
2. Individual Responsible for this request: Liane Kirzberger
3. Address: 5888 Shamrock Ct
Hamburg NY 14075
4. Telephone number: 716-796-4755
5. Fax: —
6. Email Address: Kirch217@aol.com
7. Date(s) of event August 8+9, 15+16 2020
8. Hours of use: Start 8:00 am/pm End 11:00 am/pm
9. Description of the event or use:
Swim Team practice - swimming laps.

10. Specific area(s) requested
 - a. Community Pool X
 - b. Pavilion —

11. Specific equipment to be brought in to park (porta johns, tents, etc.) _____

12. Estimated attendance: 27

13. Will food or drinks be served outside of the pool area? No If yes, describe: _____

14. Will there be sound amplification or music? NO If yes, describe:

I make this application and agree to abide by the **Guidelines for use of Community Pool Park.**



Signature of Applicant

8/4/2020
Date

Official Use Only Below this Line-----

Event: _____

Attachments submitted:

_____ Indemnification Agreement

_____ Certificate of Insurance

_____ Copy of application for sign permit, if applicable. (Upon application approval, copy of approved sign permit must be filed with the Town Clerk NO LATER THAN 5 days prior to scheduled event.)

Application **Recommended** or **Not recommended**
by Department of Parks and Recreation

Action by Town Board:

The Town Board, upon review of the application request # _____ submitted by _____ (organization or individual) took the following action, with or without conditions (as applicable) and noted below:

Approved: _____ Date: _____
Supervisor Signature

Denied: _____ Date: _____
Supervisor Signature

Conditions:

_____ Requesting organization shall attach a completed **Certificate of Insurance** with Minimum Limits to include public liability coverage with limits of \$1,000,000 each occurrence; property damage insurance with limits of \$1,000,000 each occurrence. Policy shall be endorsed to include the Town of Aurora as an additional named insured.

_____ Requesting organization shall submit an **Indemnification Agreement** signed by authorized applicant or officer of company and duly notarized.

_____ Other

WS-5

6C

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
Southside Municipal Center
300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com

To: Aurora Town Board

From: Martha Librock, Town Clerk

Date: August 6, 2020

RE: AMC – Architect Payments

Attached are three invoices from Fontanese Folds Aubrecht Ernst Architects, P.C. The invoices reflect additional services rendered at the Aurora Municipal Center (AMC) project with regard to the additional parking lot and landscaping and adjusted Architectural Services rendered based on project costs.

Please consider approval of payment for these invoices.

FONTANESE FOLTS AUBRECHT
ERNST ARCHITECTS, P.C.

6395 W. QUAKER STREET
ORCHARD PARK, NY 14127

Invoice

DATE	INVOICE #
7/24/2020	35- #17.18

BILL TO
Town of Aurora 300 Glead Avenue East Aurora, NY 14052 Attn: Mr. James J. Bach

PROJECT NAME

Fire Hall to Town Office Facility #17.18

TERMS	DUE DATE
Net 30 Days	8/23/2020

DESCRIPTION	Est Amt	Prior Amt	Prior %	Curr %	Total %	AMOUNT
For Architectural Services Rendered per Section 11.5 of AIA Contract Adjusted Fee Based on 8% of \$5,733,655.95 Assumed Project Cost						
Schematic Design Phase - 10% of total contracted fee	45,869.25	43,998.80	95.92%	4.08%	100.00%	1,870.45
Design Development Phase - 15% of total contracted fee	68,803.87	65,998.20	95.92%	4.08%	100.00%	2,805.67
Construction Document Phase - 45% of total contracted fee	206,411.62	197,991.00	95.92%	4.08%	100.00%	8,420.62
Bidding/Negotiation Phase - 5% of total contracted fee	22,934.62	22,000.00	95.93%	4.08%	100.00%	934.62
Construction Phase - 25% of total fee	114,673.12	77,000.00	67.15%	17.85%	85.00%	20,472.15
<p>Please note: The previous billing fee was based on 8% of \$5,500,000 assumed project cost totaling \$440,000.00. Of the \$440,000, FFAE has previously billed and have been paid the \$406,998.00 leaving open \$33,012.00 to bill.</p> <p>As the assumed project cost has increase to \$5,733,655.95, the FFAE 8% fee has increased to \$458,692.48. This is an increase of \$18,692.48 making the remaining portion to bill \$57,704.48.</p> <p>This invoice represents the adjustment of each portion of the project phases based on the new project cost as well as an additional 15% completion in the construction phase. This will leave 15% of the construction or \$17,200.97 remaining to be billed.</p>						
Total						\$34,503.51



FONTANESE FOLTS AUBRECHT
ERNST ARCHITECTS, P.C.

6395 W. QUAKER STREET
ORCHARD PARK, NY 14127

Invoice

DATE	INVOICE #
7/24/2020	36 #17.18

BILL TO
Town of Aurora 300 Gleed Avenue East Aurora, NY 14052 Attn: Mr. James J. Bach

PROJECT NAME

Fire Hall to Town Office Facility #17.18

TERMS	DUE DATE
Net 30 Days	8/23/2020

DESCRIPTION	Est Amt	Prior Amt	Prior %	Curr %	Total %	AMOUNT
For Architectural Services Rendered per Section 11.5 of AIA Contract						
ADDITIONAL SERVICES: Additional Services: Parking Lot & Landscaping Plan Paul Ernst (2 hours @ \$165) = \$330.00 William Heidt (5.5 hours @ \$95) = \$522.5 Patrick Stewart (8 hours @ \$70) = \$560.00						1,412.50
Additional Services: Data Cabling and Security Vendors Bid William Heidt (37.5 hours @\$95)= \$3,562.5						3,562.50
Additional Services: Painting Steel Research & Recommendation for the Senior Center Roof Entryway William Heidt (3 hours @\$95)= \$285						285.00
Total						\$5,260.00

FONTANESE FOLTS AUBRECHT
ERNST ARCHITECTS, P.C.

6395 W. QUAKER STREET
ORCHARD PARK, NY 14127

Invoice

DATE	INVOICE #
7/24/2020	37 #17.18

BILL TO
Town of Aurora 300 Glead Avenue East Aurora, NY 14052 Attn: Mr. James J. Bach

PROJECT NAME

Fire Hall to Town Office Facility #17.18

TERMS	DUE DATE
Net 30 Days	8/23/2020

DESCRIPTION	Est Amt	Prior Amt	Prior %	Curr %	Total %	AMOUNT
For Architectural Services Rendered per Section 11.5 of AIA Contract						
CONSULTING SERVICES:						
Nussbaumer & Clarke, Inc. Please refer to their Additional services Parking Lot & Landscape Plan invoice # 98491						4,134.25
Nussbaumer & Clarke, Inc. Please refer to their Additional services Site/ Civil Design: Paving , Grading &ESC Plan invoice # 98887						3,835.25
Nussbaumer & Clarke, Inc. Please refer to their Additional services Site/ Civil Design: Paving , Grading &ESC Plan invoice # 99312						3.75
Nussbaumer & Clarke, Inc. Please refer to their Additional services Site/ Civil Design: Paving , Grading &ESC Plan invoice # 99313						3,690.75
Nussbaumer & Clarke, Inc. Please refer to their Additional services Topographic & Utility Survey invoice # 98886						650.00
Total						\$12,314.00



Drescher & Malecki LLP
3083 William Street, Suite 5
Buffalo, New York 14227
Telephone: 716.565.2299
Fax: 716.565.2201

WS-7

COE

Certified Public Accountants

July 23, 2020

Hon. James Bach, Town Supervisor
Town of Aurora
300 Gleed Avenue
East Aurora, New York 14052

Dear Supervisor Bach:

It continues to be a pleasure to serve as independent auditors for the Town of Aurora. We value our relationship with the Town and propose to extend our audit contract to provide similar services for each of the four subsequent years, with an option for the Town to extend for an additional two years. The recently completed 2019 audit services were outlined in a separate engagement letter to the Town. Current pricing was allocated as follows:

Year Ended December 31, 2019:	
Audit of Financial Statements	\$ 19,475
Departmental Audits (5)	6,750
CAFR Compilation	2,150
AUD Compilation	<u>1,325</u>
Total	<u>\$ 29,700</u>

We take great pride in serving the Town and are formally requesting the Town extend our audit engagement through the fiscal years ending December 31:

2020	\$ 29,700	2023	\$ 31,500
2021	30,290	2024 (option)	32,130
2022	30,895	2025 (option)	32,770

We are cognizant of the impact of the current COVID-19 pandemic, and recognize the budgetary pressures and difficulty in finding new revenues that the Town faces. As a result, we have offered a zero increase for the fiscal year ending December 31, 2020. Further our proposed fees for each of the subsequent five years include increases of less than 2.0% per year.

If the terms within this letter are acceptable to the Town, please sign this extension letter in the space provided and return to us, and keep a copy for your records. We are enthusiastic to continue our strong partnership with the Town and remain committed to providing you with a quality, independent external audit at a fair price.

Respectfully,

Drescher & Malecki LLP

Accepted and agreed to by the Town of Aurora, New York

By: _____
Title: Supervisor

Date: _____

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



WS-8 6F

TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
Southside Municipal Center
300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com

To: Aurora Town Board

From: Martha Librock, Town Clerk

Date: August 7, 2020

RE: Special Use Permit – Referral to Planning Board

Please refer the attached application for a Special Use Permit for 583 Olean Road to the Planning Board for review and recommendation(s).



Town of Aurora Town Board
300 Glead Avenue, East Aurora, New York 14052

Special Use Permit Application Form

I. PROJECT INFORMATION (Applicant/Petitioner):

Business/Project Name: STORAGE BLDG.
Business/Project Address: 583 GLEAN Rd E. AURORA 14052
Applicant Name: NICHOLAS DIPIETRO
Mailing Address: 1380 UNDERHILL RD
City EAST AURORA State NY ZIP 14052
Phone 655-4998 Fax _____ Email _____
Interest in the property (ex: owner/purchaser/developer) OWNER

II. PROPERTY OWNER INFORMATION (If different than Applicant AND the Owner does not sign below, please submit and original, notarized "Owner Authorization" form - attached):

Property Owner(s) Name(s) NICHOLAS DIPIETRO/DPS Z LLC
If a corporate, please name a responsible party/designated officer: _____
Address 1380 UNDERHILL Rd.
City EAST AURORA State N.Y ZIP 14052
Phone 655-4998 Fax _____ Email _____

III. SPECIAL USE AND PROPERTY INFORMATION:

Property Address 583 GLEAN Rd EAST AURORA
SBL# _____
Describe Special Use requested (use additional pages if needed): ERECT 2400 SQ. FT STORAGE BUILDING. WILL BE EXACT REPLICIA OF EXISTING NAPA BUILDING BUT 1/2 THE SIZE
Property size in acres _____ Property Frontage in feet 200
Zoning District B-2 Surrounding Zoning B2
Current Use of Property NAPA AUTO PARTS STORE
Size of existing building(s): 6000 sf Size of proposed building(s) 2400 sf
Present/Prior tenant/use: STORAGE (NEW) retail (EXISTING)
Parking spaces: Existing: 12 Proposed additional spaces: 12 Total #: 24

Proposed water service: public _____ private (well) _____ n/a Is this existing Y/N
 Proposed sanitary sewer: _____ public _____ private (septic) n/a Is this existing Y/N

Hours of operation (if applicable):

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	By Appt.
Hours								

Peak hours: NO FOST TRAFFIC

Number of employees (if applicable): Full-time _____ Part-time _____ Seasonal _____

Upon approval of this application, the applicant intends to apply for: (Check all that apply)

- a. Building Permit
- b. Sign Permit _____

IV. SIGNATURE (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 4)

Nicholas D. Piero
 Signature of Applicant/Petitioner

Nicholas D. Piero
 Print name of Applicant/Petitioner

State of New York; County of Erie

On the 6 day of Aug in the year 2020 before me, the above individual appeared, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.

[Signature]
 Notary Public

(Notary stamp)

Office Use Only: Date received: Aug 6, 2020 Receipt #: 364419

Application reviewed by: [Signature]

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <p style="text-align: center; margin: 0;">ERECT 2400 SQ. FT. STORAGE bldg.</p>			
Project Location (describe, and attach a location map): <p style="text-align: center; margin: 0;">583 CLEAV RD EAST AURORA, N.Y. 14052</p>			
Brief Description of Proposed Action: <p style="text-align: center; margin: 0;">REPLICA OF EXISTING NAPA BUILDING BUT 1/3 OF THE SIZE</p>			
Name of Applicant or Sponsor: <p style="text-align: center; margin: 0;">NICHOLAS DIPIETRO</p>		Telephone: 655-4298	
		E-Mail:	
Address: <p style="text-align: center; margin: 0;">1380 UNDERHILL Rd.</p>			
City/PO: <p style="text-align: center; margin: 0;">E. AURORA</p>		State: <p style="text-align: center; margin: 0;">NY</p>	Zip Code: <p style="text-align: center; margin: 0;">14052</p>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.189 acres	
b. Total acreage to be physically disturbed?		3,000 ^{sq} acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.189 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Nicholas DiPietro</u>	Date: <u>8-6-20</u>	
Signature: <u><i>Nicholas DiPietro</i></u>		

BUILDING DEPARTMENT
Town of Aurora/Village of East Aurora
300 Glead Avenue, East Aurora, NY
Phone (716) 652-7591

Permit # _____
 Reissued _____
 Date _____

APPLICATION FOR BUILDING PERMIT

Please check one: New Building Addition Alteration/Renovation Fence
 Accessory Building Accessory Structure Generator Other _____

Property Owner Name Nicholas DiPietro Phone # 655-4998
 Property Address 583 SLEMAN RD EAST AURORA NY 14652
 SBL # _____ Zoning District B-2
 Applicant (if not Owner) _____ Phone # 655-4998

- Brief description of request/intention for building permit: TO ERRECT 2400 sq ft storage bldg.
- Use: Residential Commercial Occupancy/Occupancy Load: STORAGE
- Construction Type: I II III IV V
- Size of completed construction 60...ft wide 40...ft long 16...ft high Total sq ft.....2400
- Construction Cost \$90,000
- Name of Architect CHARLES VERA III
 Address of Architect P.O. Box 1020 ORCHARD PARK NY 14127 Phone # 440 7740
- Name of Contractor HOUSE OF STEEL
 Address of Contractor SPRINGVILLE NY Phone # 716 592 5613
- Contractors GL/WC/Disability Insurance Certificates with Town & Village as Certificate holder Yes/No
- Electrical work done, to be inspected by, and a Certificate of Approval obtained from an inspection agency approved by the Town of Aurora. Yes NA
- DPW Action Required WATER TAP SEWER TAP _____ BACKFLOW PREVENTER _____ GREASE TRAP _____

IMPORTANT

- The work covered by this application may not be commenced before the issuance of Building Permit.
- No building shall be occupied or used in whole or in part for any purpose whatsoever until a Certificate of Occupancy shall have been granted by the Building Department.

APPLICATION IS HEREBY MADE to the Code Enforcement Officer for the issuance of a Building Permit pursuant to the NEW YORK UNIFORM FIRE PREVENTION AND BUILDING CODE for the construction of buildings, additions and alterations, as herein described. The applicant agrees to comply with all applicable codes, laws, and regulations. The undersigned hereby certifies that all of the information contained in this application is correct and true.

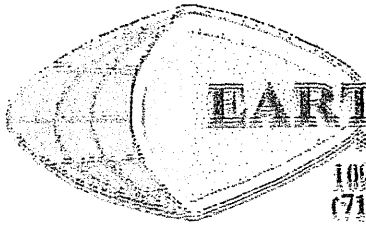
Owner Name Nicholas DiPietro
 (Contractor and Corp/LLC must complete affidavit on back to sign as owner's agent)

Telephone 716-655-4998 E-mail _____

SIGNATURE OF OWNER _____ DATE _____

Town or Village	Bldg Dept	ZBA
App Fee \$ _____	Reviewed by _____	Reason _____
Permit Fee \$ _____	Appr on _____	Approved/Denied on _____
Park/Rec Fee \$ _____		Case # _____
..... Signature of Code Enforcement Officer		
Receipt is hereby acknowledged of the sum of \$..... equal to the fees schedule established by the Town Board of the Town of Aurora NY..... TC/ DTC Date: _____ Receipt _____		

1. I would like to build a 40x60 pole building at 583 Olean rd.
2. The facade would be a duplicate of existing NAPA bldg.
3. Building would be used for storage of landscape equipment.
4. Site was inspected by Earth Dimensions.
5. Inspection concluded no wetland impact(report inclosed)
6. There will be 25 ft. Fire separation between buildings.
7. Parking will be increased in front to property boundaries .
8. Parking will also be available behind new building.



EARTH DIMENSIONS, INC.

Soil & Hydrogeologic Investigations • Wetland Delineations
1091 Jamison Road, Elma NY 14059
(716) 655-1717 • Fax (716) 655-2915 www.earthdimensions.com

March 6, 2020

W12J00b

Carl DiPietro
1380 Underhill Road
East Aurora, New York 14052

Re: Preliminary Wetland Investigation = 1± acre
583 Olean Road
Town of Aurora, Erie County, New York

Dear Mr. DiPietro:

Earth Dimensions, Inc. (EDI) has completed a wetland walkover at the above referenced site for the purpose of determining the extent of regulated wetland and waterways within the proposed project site. The site investigation was conducted on March 6, 2020. EDI identified approximately 0.29± acre of wetland as defined by the U.S. Army Corps of Engineers (USACE) wetland delineation manuals within the investigation area. This wetland would be regulated by USACE under Section 404 of the Clean Water Act based on the currently applicable "Rapanos" guidance.

The New York State Department of Environmental Conservation (NYSDEC) On-line Resource Mapper does not depict any state regulated wetlands within or adjacent to the site. NYSDEC, thus, has no jurisdiction over any wetlands within the project site.

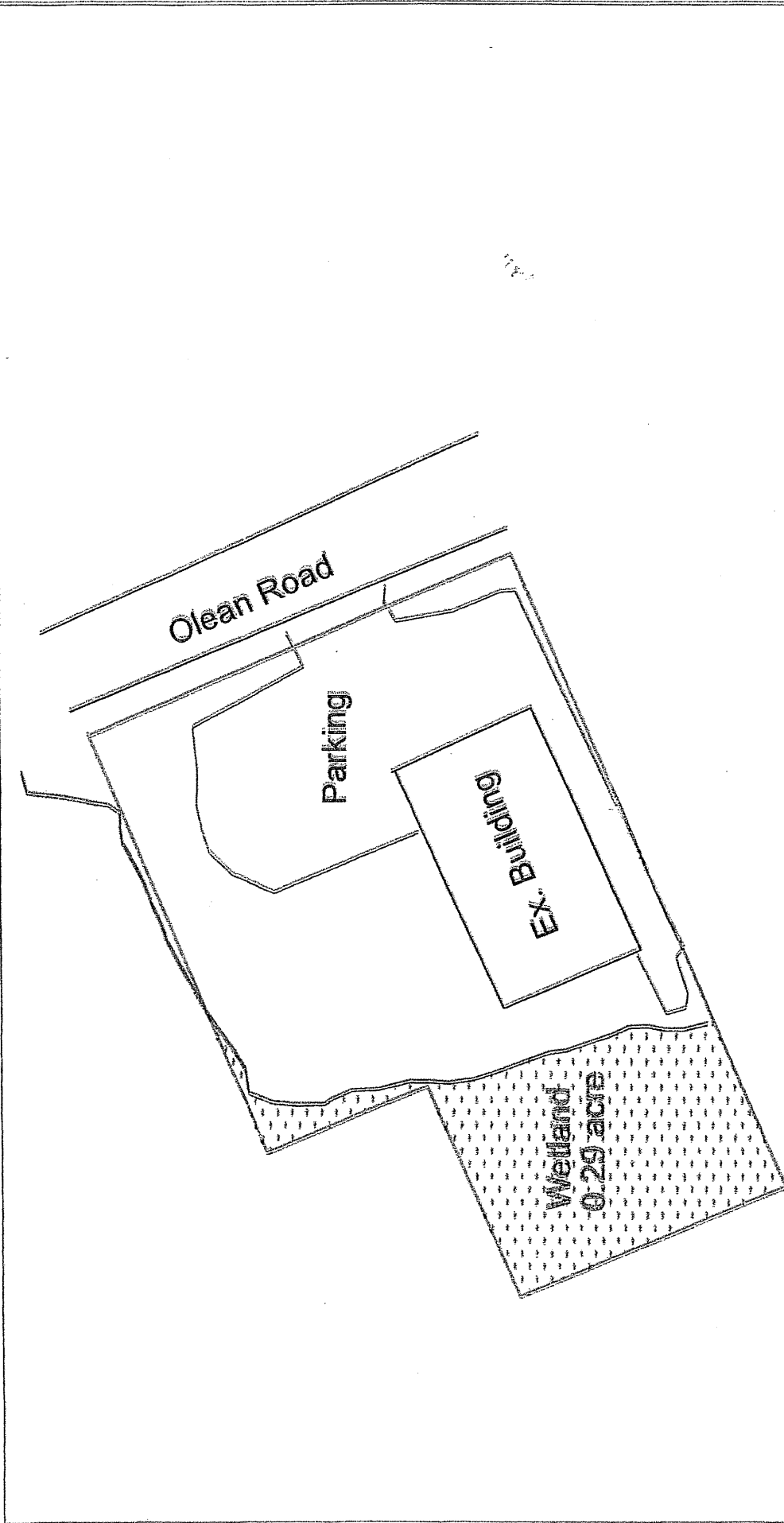
Based on this investigation, it is our professional opinion that as long as the proposed project will not impact any wetland as depicted on the attached map, no further studies or agency coordination relative to regulated wetlands is required in order to move forward with the proposed project. Should plans change whereas wetland impacts are proposed, a detailed wetland delineation would need to be completed and submitted to USACE along with a request for a Section 404 Permit.



If you have any questions, please contact our office at (716) 655-1717 or email slivingstone@earthdimensions.com.

Very truly yours,
Earth Dimensions, Inc.


Scott J. Livingstone
Wetlands Operations Manager

Encl.



<p>Preliminary Wetlands Map 583 Olean Road</p> <p>ERIE COUNTY, NEW YORK</p>	<p>EDIPROJECT CODE: W12J006</p> <p>Map Date: 03/06/20 SULL</p> <p>Revised:</p> <p>Baseline Map Provided by: OnX Hunt</p> <p>Scale: 0' 25' 50' 75'</p> <p>File Name:</p>	<p>APPROXIMATE WETLAND ACREAGE 0.29 acre</p> <p>*Please note, upon completion of a detailed wetland delineation, the amount and/or size of the wetlands may vary. A preliminary wetland investigation only provides the approximate size and location of federally jurisdictional wetlands.</p>
<p>TOWN OF CLARENCE</p>  <p>10791 Jefferson Road • Elma, NY 14059 (716) 655-1717 • Fax (716) 655-5615</p>	<p>LEGEND:</p>  <p>WETLAND AREA</p>	

WS-9

6L

RESOLUTION TO ADOPT CYBER SECURITY

CITIZEN NOTIFICATION POLICY

WHEREAS, Section 208 of the State Technology Law requires all Towns to adopt a Cyber Security Citizen Notification Policy, and

WHEREAS, the Town has under consideration the adoption of the proposed Cyber Security Citizen Notification Policy, a copy of which is annexed hereto, and

WHEREAS, the terms and provisions of the proposed Cyber Security Citizen Notification Policy have been carefully reviewed by the Town and have been found to comply with the terms and requirements for such adoption.

NOW, THEREFORE, be it

RESOLVED, the Town does hereby adopt the Cyber Security Citizen Notification Policy, and be it further

RESOLVED, that the Town Clerk is directed to permanently file the Resolution and the Policy as adopted.

Duly adopted this _____ day of _____, 2020.

CYBER SECURITY CITIZEN NOTIFICATION POLICY

1. Compliance with state law.

This policy is consistent with the State Technology Law, § 208. Section 208 requires all local governmental entities to notify an individual when there has been, or is reasonably believed to have been, a compromise of the individual's private information, in compliance with the Information Security Breach and Notification Act and this policy.

2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMPROMISE OF PRIVATE INFORMATION. The unauthorized acquisition of unencrypted computerized data with private information.

PRIVATE INFORMATION.

A. Personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

- (1) Social Security Number;
- (2) Driver's license number or non-driver identification card number; or
- (3) Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

BREACH OF THE SECURITY OF THE SYSTEM shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the Town of Aurora. Good faith acquisition of personal information by an employee or agent of the Town for the purposes of the Town is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the Town may consider the following factors, among others:

- (1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- (2) indications that the information has been downloaded or copied; or
- (3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

TOWN, shall mean the Town of Aurora.

CONSUMER REPORTING AGENCY shall mean any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies has been compiled by the State Attorney General and is available upon request to Towns required to make a notification under subdivision two of this section.

3. Unencrypted data.

If encrypted data is compromised along with the corresponding encryption key, the data shall be considered unencrypted and thus fall under the notification requirements.

4. Notification of compromise of private information.

If the Town owns or licenses computerized data that includes private information it shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the system to any resident of the State of New York whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, section 5 herein, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

If the Town maintains computerized data that includes private information which it does not own shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The Town, after consulting with the state Office of Cyber Security and Critical Infrastructure Coordination to determine the scope of the breach and restoration measures, shall notify an individual when it has been determined that there has been, or is reasonably believed to have been, a compromise of private information through unauthorized disclosure.

5. Delay of notification possible in criminal investigations.

Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.

6. Methods for notification.

The Town will notify the affected individual. Such notice shall be directly provided to the affected persons by one of the following methods:

A. Written notice;

B. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the Town who notifies affected persons in such form; but that in no case shall any person or business require a person to consent to accepting said notice in said form as a condition of establishing any business relationship or engaging in any transaction;

C. Telephone notification, provided that a log of each such notification is kept by the Town which notifies affected persons; or

D. Substitute notice, if the Town demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 5,000, or the Town does not have sufficient contact information, substitute notice shall consist of all of the following:

- (1) E-mail notice when the Town has an e-mail address for the subject persons;
- (2) Conspicuous posting of the notice on the Town's web site page, if the Town maintains one; and
- (3) Notification to major state-wide media.

7. Contents of notice.

Regardless of the method by which notice is provided, such notice shall include contact information for the Town making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are, reasonably believed to have been so acquired.

8. Notification to State and consumer reporting agencies.

In the event that any New York residents are to be notified, the Town shall notify the State Attorney General, the Consumer Protection Board and the State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.

9. Notification of more than 5,000 residents.

When more than 5,000 New York residents are to be notified at one time, then the Town shall notify the consumer reporting agencies, as that term is defined in the State Technologies Law § 208, as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals.

66

RESOLUTION REGARDING LEGAL RETAINER AGREEMENT

WHEREAS, the Town has been sued in the assessment matter of Keller v. Town of Aurora, now pending for three years, and

WHEREAS, the Town previously retained Leonard Berkowitz, Esq. as counsel to defend the Town of Aurora in the above-referenced lawsuit but Mr. Berkowitz is no longer practicing law, and

WHEREAS, the law firm of Attea & Attea, P.C., 11 Main Street, Hamburg, NY, 14075, has agreed to defend the Town of Aurora with submission of a Retainer Agreement, a copy of which is annexed hereto, and

WHEREAS, the Town Attorney has approved and recommended the retention of the law firm of Attea & Attea, P.C.

NOW, THEREFORE, be it

RESOLVED, that the Town of Aurora does hereby agree to retain the law firm of Attea & Attea, P.C. in the defense of the action of Keller v. Town of Aurora, and be it further

RESOLVED, that the Supervisor is authorized to sign the Retainer Agreement, and be it further

RESOLVED, that the Town Clerk is directed to provide a copy of this Resolution to Attea & Attea, P.C. together with the signed Retainer Agreement.

Duly adopted this _____ day of _____, 2020.

RETAINER AGREEMENT

1. This Agreement is entered into by and between the Town of Aurora (hereinafter referred to as "Client") and Attea & Attea, P.C. (hereinafter referred to as "Law Firm").

2. The Client retains the Law Firm to render services in connection with a matter currently pending in Erie County Supreme Court, Keller v. Town of Aurora; Index Nos. 809491/2017, 811353/2018, and 808882/2019.

3. The Client agrees to pay One Hundred Seventy-Five (\$175.00) Dollars per hour in attorney's fees for all time spent out of Court and Two Hundred (\$200.00) Dollars per hour in attorney's fees for all time spent in Court for the legal representation provided to the Client by the Law Firm.

The Client further understands that the hourly rates apply to all time expended relative to the Client's matter including but not limited to, office meetings and conferences, e-mails, text messages, telephone calls and conferences, either placed by or placed to the Client, or otherwise made or had on the Client's behalf or related to the Client's matter, preparation, review and revision of correspondence, pleadings, motions, disclosure demands and responses, affidavits and affirmations or any other documents, memoranda, or papers relative to the Client's matter, legal research, court appearances, conferences, file review, preparation time, travel time, and any other time expended on behalf of or in connection with the Client's matter.

A minimum of 1/10 of an hour is applied to all e-mail, text message, and telephone call time charges and all such time charges will be rounded off to the nearest 1/10 of an hour.

In the event that it is determined that outside counsel should be engaged to handle any aspect of the legal representation of the Client, such counsel shall be paid by the Client at such rate as may be negotiated by the Client or by the Law Firm on behalf of the Client. Absent an emergency situation, such outside counsel will not be engaged without the prior consent of the Client.

4. The Client understands and agrees that the Client shall be solely responsible for the timely payment of any and all bills rendered by the Law Firm, whether with respect to time and services, disbursements, or any other costs and expenses incurred. Such disbursements are often substantial and may include, but are not limited to, investigative services, service of process, carrier service, certified or express mail, federal express, fax, photocopy charges, travel and mileage, long distance phone charges, court costs, stenographic services, filing fees, subpoena

fees, retention of expert witnesses, appraisal reports, valuation reports, and such other expenses as may be required to effectively handle the Client's matter.

5. The Client has the right to cancel this Agreement and discharge the Law Firm at any time. If the Client chooses to discharge the Law Firm during the course of the representation, the legal fees will be determined in accordance with paragraph 3.

6. The Client understands and agrees that the Client has the right to be provided with copies of correspondence and legal documents relating to the case and also, has the right to be kept apprised of the status of the case. The Law Firm agrees to keep the Client apprised of all substantive matters relating to the disposition thereof, including but not limited to, any and all court dates, with regards to this matter.

7. The Client understands that the Client controls any ultimate decision with respect to whether or not to accept or reject any particular settlement proposal. The Client also understands that the Law Firm controls any decision which relates to ethical, strategic or tactical considerations, and the client agrees to abide by the advice and decisions of the Law Firm with respect to such issues.

The Client agrees to fully cooperate with the Law Firm, and agrees to follow all instructions and advice which bear upon ethical, strategic or tactical considerations or matters, as the same are determined solely within the discretion of the Law Firm. In the event that the Client fails or refuses to follow such advice or instructions of the Law Firm in any respect, the Client agrees that such failure or refusal shall be good cause for the Law Firm to withdraw its representation and the Client hereby consents that the Law Firm may so withdraw under such circumstances.

8. Should a dispute arise concerning the attorney's fee, the Client understands that the Client may seek arbitration, which is binding upon both the Law Firm and the Client. The Law Firm shall provide information concerning fee arbitration in the event of such dispute or upon the Client's request.

9. The Client fully understands and acknowledges that there are no additional or different terms or agreements other than those expressly set forth in this written Agreement.

10. The terms and provisions of this Agreement shall be construed and governed in accordance with the laws of the State of New York.

6H



BUDGET TRANSFER REQUEST FORM

Please note the following guidelines:

- A shortage of **less than \$750 per line** can be satisfied with this form requesting a budget transfer(s) between lines that are **within the responsibility of a single Department Head**. These will require the **approval of the Supervisor**.
- A shortage of **\$750 or more per line** can be satisfied with this form requesting a budget transfer(s) between lines that are **within the responsibility of a single Department Head**. These will require the approval of the Town Board.
- A shortage of **any amount** can be satisfied with this form requesting a budget transfer(s) between lines which fall under **the responsibility of different Department Heads**. These will require the approval of the Town Board.
- Budget transfers must be made **PRIOR** to the expenditure.
- **All budget transfers must be submitted to the Supervisor's Office using this form.**

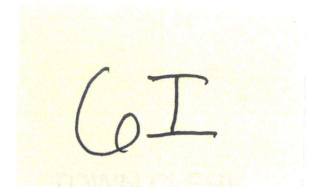
~~DEPARTMENT HEAD~~ NAME (printed): KATHLEEN MOFFAT
 SIGNATURE: Kathleen Moffat DATE: 8/4/20

1. \$ <u>3,000.00</u>	FROM: <u>A 1910</u> <small>ACCT NO.</small>	<u>UNALLOCATED INSURANCE</u> <small>ACCT TITLE</small>	<u>\$19,343.43</u> <small>CURRENT BALANCE</small>
	TO: <u>A 1320.404</u> <small>ACCT NO.</small>	<u>FINANCIAL SVC. LOANS/BONDS</u> <small>ACCT TITLE</small>	<u>\$280.53</u> <small>CURRENT BALANCE</small>
	REASON: <u>TO PREVENT OVERDRAWN APPROPRIATION ACCT.</u>		
2. \$ _____	FROM: _____ <small>ACCT NO.</small>	_____ <small>ACCT TITLE</small>	_____ <small>CURRENT BALANCE</small>
	TO: _____ <small>ACCT NO.</small>	_____ <small>ACCT TITLE</small>	_____ <small>CURRENT BALANCE</small>
	REASON: _____		
3. \$ _____	FROM: _____ <small>ACCT NO.</small>	_____ <small>ACCT TITLE</small>	_____ <small>CURRENT BALANCE</small>
	TO: _____ <small>ACCT NO.</small>	_____ <small>ACCT TITLE</small>	_____ <small>CURRENT BALANCE</small>
	REASON: _____		
4. \$ _____	FROM: _____ <small>ACCT NO.</small>	_____ <small>ACCT TITLE</small>	_____ <small>CURRENT BALANCE</small>
	TO: _____ <small>ACCT NO.</small>	_____ <small>ACCT TITLE</small>	_____ <small>CURRENT BALANCE</small>
	REASON: _____		
5. \$ _____	FROM: _____ <small>ACCT NO.</small>	_____ <small>ACCT TITLE</small>	_____ <small>CURRENT BALANCE</small>
	TO: _____ <small>ACCT NO.</small>	_____ <small>ACCT TITLE</small>	_____ <small>CURRENT BALANCE</small>
	REASON: _____		

APPROVALS:
 SUPERVISOR SIGNATURE : _____
 TOWN BOARD MEETING APPROVAL DATE: _____

Date: _____
 Action #: _____

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
Southside Municipal Center
300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com

To: Aurora Town Board
From: Martha Librock, Town Clerk
Date: August 10, 2020
Re: Justice Court Audit Resolution

Please consider adopting the following resolution to comply with the Uniform Justice Court Act:

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires every justice of a village or town to submit his records and docket to the auditing board of said village or town; and

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Justice Court records shall be examined and audited by said auditing board or a certified public accountant.

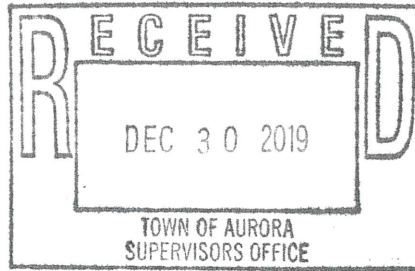
NOW, THEREFORE BE IT RESOLVED that the audit and examination of the records of the Aurora Town Justices for the year ended December 31, 2019 was performed by the auditing firm of Drescher & Malecki LLP; and

BE IT FURTHER RESOLVED that the findings of said audit and examination were presented to the Town Board of the Town of Aurora.

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge



25 Beaver Street
New York, N.Y. 10004
(212) 428-2100

December 27, 2019

Supervisor James Bach
Town of Aurora
300 Glead Avenue
East Aurora, NY 14052

Dear Supervisor Bach:

Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective town and village auditing boards, and that such records then be examined, and that fact be entered into the minutes of the board's proceedings.

The Unified Court System's Internal Audit office is responsible for monitoring town and village board compliance with Section 2019-a. Accordingly, **I am requesting that you provide a copy of the audit of your local court's records for fiscal year ending in 2019 and a copy of your board resolution acknowledging that the required examination was conducted.** Please email the report and the resolution to jcasazza@nycourts.gov or mail to George Danyluk, Chief Internal Auditor, NYS Unified Court System, 2500 Pond View, Suite LL01, Castleton-on-Hudson, NY 12033. Please respond by March 1, 2020.

If you have any questions, please contact Joan Casazza at (518) 238-4303 or at the email listed above. Thank you for your cooperation.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Joan H. Casazza'.

/smw

c: George Danyluk, CIA
Joan Casazza, CIA

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



GJ

townclerk@townofaurora.com

TOWN OF AURORA
Southside Municipal Center
300 Gleed Avenue, East Aurora, NY 14052
www.townofaurora.com
August 5, 2020

TOWN COUNCIL MEMBERS

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historian@townofaurora.com

FAX: (716) 652-3507
NYS Relay Number:
1(800) 662-1220

*This institution is an equal
opportunity provider and employer.*

To: The Town Board
Re: Request to Purchase Bridge Railing for Whaley Bridge

Please approve purchasing railing from Pavilion Drainage Supply Co.,
Inc for the Whaley Bridge project. The total cost will be \$9,112.50 .

Thank You,

A handwritten signature in black ink, appearing to read "David Gunner".

David Gunner
Highway Superintendent

PAVILION DRAINAGE SUPPLY CO., INC.
PO BOX 219 * PAVILION, NY 14525 * Phone: (585) 584-3261
A Native American Business - M.B.E., D.B.E. Certified by NYSDOT
Whaley Culvert - 4 Rail Pedestrian Railing - Town of Aurora
ERIE COUNTY
BID DATE: 11/14/2019

GENERAL CONDITIONS:

The prices herein exclude the cost of:

1. A payment and/or performance bond and/or OCP insurance.
2. Sales and/or use taxes, permits & licenses.
3. Testing and/or inspection of subcontractor's work or products.
4. Auxiliary lighting if necessary.
5. Furnishing any additional insurance required for work on or adjacent to a railroad right-of-way.

The General Contractor will:

1. Be responsible for the maintenance & protection of both vehicular & pedestrian traffic and the protection of underground utilities and locate and mark any utilities new to the contract not covered by DigSafe.
2. Perform all excavation, backfill, and provide grade stakes (or survey points) offset within two feet of the work areas and at intervals of no more than 50' before the installation work is scheduled to start.
3. Be responsible for any and all damage to subcontractor's finished work.
4. Pay all costs resulting from performing work under this contract during cold weather conditions including, but not limited to, labor cost of crew waiting for proper temperatures, the cost of heating concrete, the cost of protecting the subgrade and the work from the cold and the removal of ice & snow.
5. Notify subcontractor's on-site supervisor or their home office of any work the contractor plans on doing for which they intend to backcharge subcontractor. The contractor shall then give subcontractor the opportunity and a reasonable length of time to perform such work. Backcharges will not be accepted without daily records of all charges signed by subcontractor's on-site supervisor.
6. All work can be completed prior to 11/30/2020 with the understanding that any work remaining to be completed after that date will be done at unit prices 10% higher.
7. Subcontractor be given 3 wks notice to commence work and all of their work is prepared at such commencement date

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees.

THE TERMS & CONDITIONS OF THIS PROPOSAL WILL BE INCORPORATED INTO AGREEMENT BETWEEN CONTRACTOR AND SUBCONTRACTOR.

Payment shall be made to subcontractor within ten days of the contractor's receipt of payment from owner with no more than 5% retainage held at any time. It is further agreed that final quantities shall be agreed upon between the Owner, General Contractor and Subcontractor prior to Contractor signing off on final estimate.

If the contractor is successful bidder on this project and wishes to award the work described herein to subcontractor, they may use this quotation as a letter of intent until formal agreements can be executed by signing where indicated below, returning this copy to subcontractor, and retaining a photocopy for their files. This letter of intent is contingent upon award to the contractor by the owner.

EXPIRATION DATE OF THIS PROPOSAL IS: 11/29/2019

ACCEPTED BY CONTRACTOR:

BY: _____

TITLE: _____

DATE: _____

DATE: 11/14/2019
jlp

PAVILION DRAINAGE SUPPLY CO., INC.

BY: John L. Plossl

TITLE: JOHN L. PLOSSL

DATE: 08/05/2020

James Bach

GK

From: David Gunner
Sent: Tuesday, July 28, 2020 9:35 AM
To: James Bach; Jolene Jeffe; 'CouncilmanSnyder@roadrunner.com'; 'Sue Friess Internet E-mail (suefriess@roadrunner.com)'; Luke Wochensky
Subject: FW: scrap fence

Good morning,

I sent a picture of the old fencing at the senior center to our representative from Capital Fence. There is no salvage or scrap value to the fence in fact it will cost us to dispose of it properly. So with that said I will stack it at the back of the property and if the neighbor wants to take it he can and if he doesn't take it I will have Geiter Done contracting take it away with the rest of the demolished house.

If you want to declare it surplus and disposed as scrap at the next board meeting with the attached email from an independent source I believe we should be all set.

Let me know if you would like it handled differently.

Thanks Dave

From: Al Osborn [<mailto:al.osborn@yahoo.com>]
Sent: Tuesday, July 28, 2020 9:24 AM
To: David Gunner
Subject: scrap fence

David,

Regarding the value of old wooden fence.

We charge a customer to remove old fencing and once we transport it back to our shop we have to pay to have it hauled away. So there is no salvage or scrap value to an old wooden fence.

I hope this answers your questions.

Al Osborn
Capital Fence
(716) 867-2948 Cell
(716) 691-7438 Office
al.osborn@yahoo.com