

September 28, 2020

A meeting of the Town Board of the Town of Aurora took place on Monday, September 28, 2020 at 6:45 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Present:	Jolene M. Jeffe	Councilwoman
	Susan A. Friess	Councilwoman
	Charles D. Snyder	Councilman
	Luke Wochensky	Councilman (arrived after meeting start)
	James J. Bach	Supervisor
Others Present:	William Kramer	Code Enforcement Officer
	William Wheeler	Engineer/GHD
	Kathleen Moffat	Asst. to Supervisor/Bookkeeper
	David Gunner	Highway Superintendent
	Tony Rosati	Zoning Board Member
	Shane Krieger	Chief of Police

Supervisor Bach opened the meeting at 6:45 p.m.

Councilwoman Jeffe moved to approve the minutes of the September 14, 2020 Town Board worksession and meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – four noes – none Motion carried. Action #303 9/14/2020 minutes aprvd

AUDIENCE I: None

UNFINISHED BUSINESS:

Councilman Snyder moved to approve payment no. 12 to Greater Niagara Mechanical, 7311 Ward Road, N. Tonawanda, NY 14120, in the amount of \$8,464.50 for work performed at the Aurora Municipal Center through September 22, 2020. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #304 Pymt 12 to GNM for work at AMC aprvd

Councilman Snyder moved to approve payment no. 16 to Industrial Power & Lighting, 60 Depot Street, Buffalo, in the amount of \$17,926.27 for work performed at the Aurora Municipal Center through August 31, 2020. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #305 Pymt 16 to IPL for work at AMC aprvd

Councilman Snyder moved to approve payment no.16 to Telco Construction, Inc., 500 Buffalo Road, E. Aurora, in the amount of \$198,973.06 for work performed at the Aurora Municipal Center through August 31, 2020. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #306 Pymt 16 to Telco for work at AMC aprvd

Councilwoman Jeffe moved to enter into an agreement with EBC Inc., 301 Ohio Street, Buffalo, NY, for HR consulting services at a cost of \$550 per month beginning October 1, 2020 and to authorize the Supervisor to sign the agreement. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #307 Agreement with EBC for HR svcs aprvd

Councilwoman Friess moved to approve the following budget amendment:

- Add A1220.402 HR Contractual
- Increase A1220.402 by \$1,650
- Decrease A1220.103 Supervisor Secretary by \$1,650

Action #308
Budget trans
for HR svcs
aprvd

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

NEW BUSINESS:

Councilman Snyder moved to add item 6I – auction results to tonight’s agenda. Councilwoman Jeffe seconded the motion. Upon a vote being taken:
ayes – four noes – none Motion carried. Action #309
1 item added to agenda

Councilwoman Friess moved to receive the 2021 Tentative Budget from the Town Clerk. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #310
2021
Tentative
Budget
received

Supervisor Bach noted that this was a challenging budget with revenues down. The Board used fund balance prudently. A summary of the 2021 Budget is A fund increasing 15.7¢ per \$1,000 A.V.; B fund decreasing 1¢ per \$1,000 A.V.; DB fund increasing 2.9¢ per \$1,000 A.V.

Councilwoman Friess stated she is proud of this Board and commented on the Highway austerity budget for 2021.

PUBLIC HEARING

At their September 14, 2020 meeting, the Board scheduled a Public Hearing on a Local Law allowing the Town to exceed the tax cap. Supervisor Bach opened the hearing at 7:01 p.m. and asked if anyone wished to comment. Hearing no one, the Supervisor closed the hearing at 7:02 p.m.

* * * * *

Councilwoman Friess moved to adopt the following resolution; seconded by Councilwoman Jeffe:

WHEREAS, Local Law Intro. No. 1-2020 has been submitted pursuant to Subdivision 5 of the General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a Local Law approved by a vote of sixty percent (60%) of said governing body.

WHEREAS, a Public Hearing was held on September 28, 2020, permitting public comments in regard to the proposed local law.

NOW, THEREFORE, be it

RESOLVED, Local Law No. 1-2020 is hereby adopted and shall become effective upon filing of the Local Law with the New York Secretary of State, and be it further

Action #311
Local Law 1-
2020 re: tax
cap override
adopted

RESOLVED, the Town Clerk is directed to file a copy of the Local Law with the New York State Department of State and forward a copy to General Code Publishers for the purpose of amending the Code Book of the Town of Aurora.

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

Duly adopted this 28th day of September, 2020.

The adopted Local Law 1-2020 follows:

TOWN OF AURORA
LOCAL LAW 1-2020

A LOCAL LAW, TO AMEND LOCAL LAW 1-1990 KNOWN AS “THE CODES OF THE TOWN OF AURORA”, ADOPTED BY THE TOWN BOARD OF THE TOWN OF AURORA ON JANUARY 22, 1990, TO PROVIDE THE TOWN BOARD WITH THE AUTHORITY TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AURORA AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

It is the intent of this Local Law to allow the Town of Aurora to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of “the tax levy limit” as defined by General Municipal Law Section 3-c.

SECTION 2. AUTHORITY

This Local Law is adopted pursuant to Subdivision 5 of the General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a Local Law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Aurora, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2021 that requires a property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

SECTION 4. SEVERABILITY

If a Court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the Court’s order or judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

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Councilman Snyder moved to approve, and authorize the Supervisor to sign, Change Order No. 2 from Greater Niagara Mechanical to provide a mini split cooling system for the IT room at the Aurora Municipal Center. Material and labor: \$11,480.00

Action #312
GNM CO#2
IT a/c system
aprvd

- Original Contract \$547,600.00
- Net change by previous change order(s) 1,157.00
- Contract sum prior to this change order 548,757.00
- Amount of this change order (No. 2) 11,480.00
- New contract sum including this change order \$560,237.00

Councilwoman Friess seconded the motion. Upon a vote being taken:

ayes – four noes – none Motion carried.

Councilman Snyder moved to approve, and authorize the Supervisor to sign, Change Order No. 15 from Industrial Power and Lighting to provide additional receptacles and additional secondary power circuits in the IT room for additional equipment and powering the mini split cooling system at the Aurora Municipal Center. Material and labor: \$8,024.14

Action #313
IPL CO#15
power to IT
a/c aprvd

- Original Contract \$687,500.00
- Net change by previous change order(s) 39,478.56
- Contract sum prior to this change order 726,978.56
- Amount of this change order (No. 15) 8,024.14
- New contract sum including this change order \$735,002.70

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

Councilman Snyder moved to approve, and authorize the Supervisor to sign, Change Order No. 29 from Telco Construction to provide a concrete pad for the condenser for the IT room mini split cooling system at the Aurora Municipal Center. Material and labor: \$609.00

Action #314
Telco CO#29
concrete pad
aprvd

- Original Contract \$3,677,000.00
- Net change by previous change order(s) 510,463.00
- Contract sum prior to this change order 4,187,463.00
- Amount of this change order (No. 29) 609.00
- New contract sum including this change order \$4,188,072.00

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

Councilman Snyder moved to approve, and authorize the Supervisor to sign, Change Order No. 30 from Telco Construction to install an owner provided bronze corner stone at the Aurora Municipal Center. Labor: \$609.00

Action #315
Telco CO#30
Install corner
stone aprvd

- Original Contract \$3,677,000.00
- Net change by previous change order(s) 511,072.00
- Contract sum prior to this change order 4,188,072.00
- Amount of this change order (No. 30) 538.00
- New contract sum including this change order \$4,188,610.00

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

Councilman Snyder moved to approve, and authorize the Supervisor to sign, Change Order No. 31 from Telco Construction for modifications or additions to landscaping along the Oakwood and King Street façades, additional trees along south property line and SW corner of Senior Center. Material and labor: \$10,972.00

Action #316
Telco CO#31
Landscaping
modifications
aprvd

- Original Contract \$3,677,000.00
- Net change by previous change order(s) 516,610.00
- Contract sum prior to this change order 4,188,610.00
- Amount of this change order (No. 31) 10,972.00
- New contract sum including this change order \$4,199,582.00

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

Councilman Snyder moved to approve, and authorize the Supervisor to sign, Change Order No. 32 from Telco Construction to modify the concrete approach to the Senior Center at the main entrance. Material and labor: \$6,602.00.

- Original Contract \$3,677,000.00
- Net change by previous change order(s) 522,582.00
- Contract sum prior to this change order 4,199,582.00
- Amount of this change order (No. 32) 6,602.00
- New contract sum including this change order \$4,206,184.00

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

Action #317
Telco CO#32
SrCtr entry
sidewalk
aprvd

Councilwoman Friess moved to accept the quote from Clean Sweep Janitorial Service, Inc., 2985 Seneca Street, West Seneca, NY 14224, in the amount of \$1,399.32 per month (\$16,791.84 annually) with an estimated 4.1% increase each year based on NYS prevailing wage rates; and authorize the Supervisor to sign an agreement with Clean Sweep for cleaning services at the Aurora Municipal Center. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #318
Clean Sweep
aprvd for
AMC
cleaning

Councilman Snyder moved to approve the purchase of 50 feet of brown powder coated pedestrian bridge railing from Pavilion Drainage Company for the Whaley Avenue Bridge project at a cost of \$9112.50. This is a NYSDOT and Erie County bid list item. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #319
Railing for
Whaley
bridge aprvd

Councilwoman Friess moved to approve having volunteers from Just Serve, a missionary group of the Church of Jesus Christ of Latter-day Saints, paint the buildings at Community Pool, contingent upon receipt of proof of insurance. The Town will provide painting supplies that will be paid from A7180.426 pool maintenance. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #320
LDS
volunteers to
paint pool
buildings

Councilwoman Jeffe moved to declare a 2000 Atlas Copco Diesel Generator, Town inventory no. 1225, as surplus inventory to be auctioned. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #321
Atlas
generator
declared
surplus

Councilwoman Friess moved to approve the use of Debt Reserve funds to make the \$3,503.75 interest payment to Greene County Bank for the Glead Avenue parking lot and HVAC bond. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #322
Debt reserve
aprvd for
Glead bond
interest

Councilman Snyder moved to add the following Erie County Water Authority delinquent water bills for Town of Aurora customers to the 2021 Erie County Tax rolls, in accordance with Town Law Article 12 Section 198, for non-payment; seconded by Councilwoman Jeffe:

<u>Property Owner</u>	<u>Billing Customer</u>	<u>Service Address</u>	<u>Billing Source and Amount</u>
Talia Bailey Mary Molinaro	Angeline Monte	491 Grover Road SBL#174.00-2-20.11	ECWA \$114.42
Art Farm EA, LLC	Melissa Dispenza	431 Quaker Road SBL#175.06-3-2	ECWA \$52.36
Benedict Holdings Inc.	Aurora Mobile Home Park	1021 Olean Road SBL#188.01-1-16	ECWA \$964.71

Action #323
 Delinquent
 ECWA water
 bills – 2021
 tax rolls
 aprvd

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

Councilwoman Jeffe moved to approve the following bids for surplus inventory auctioned through Auctions International:

- Atlas Generator \$15,100.00
- 5 display cases 50.00 (\$10 per case)

Action #324
 Bids for
 generator and
 display cases
 aprvd

Councilwoman Friess seconded the motion. Upon a vote being taken:

ayes – four noes – none Motion carried.

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

- EAPD – July & August 2020 reports

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

The Board members thanked Kathleen Moffat and the department heads for their efforts toward the 2021 Budget.

AUDIENCE II:

Tony Rosati, Oakwood Avenue, commented on interest expressed by some with regard to the sale of Christ the King Seminary.

STAFF REPORTS:

Bill Wheeler stated that he is leaving GHD and moving on to the ECWA. He introduced Joe Wetzel who will be taking over for him. The Board thanked Bill for his service to the Town.

Police Chief Krieger stated that his department is in need of crossing guards as two guards have retired.

ABSTRACT OF CLAIMS:

The September 28, 2020 Abstract of Claims, consisting of vouchers numbered 1085 to 1119 and P-Card voucher 1120, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 32,025.20
Highway (DB)	50,053.07
Capital/H5	243,036.18
Capital/H7	1,326.03
Special Districts	<u>56,505.30</u>
Grand Total Abstract	\$ 382,945.78

Councilwoman Friess moved to approve the September 28, 2020 Abstract of Claims and authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #325
9/28/2020
abstract aprvd

Councilwoman Jeffe moved to adjourn at 7:25 p.m.; seconded by Councilman Wochensky. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #326
Meeting
adjourned

Martha L. Librock
Town Clerk