

September 12, 2016

A meeting of the Town Board of the Town of Aurora took place on Monday, September 12, 2016, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris	Councilman
	Susan A. Friess	Councilwoman
	Charles D. Snyder	Councilman
	Jolene M. Jeffe	Councilwoman
	James J. Bach	Supervisor

Others Present:	Ronald Bennett	Town Attorney
	David Gunner	Highway Superintendent
	William Kramer	Code Enforcement Officer
	William Wheeler	GHD/Engineer
	Shane Krieger	Chief of Police
	James Kittner	Parks Employee

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

Councilman Snyder moved to approve the minutes of the August 22, 2016 Town Board work session and meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried.	Action #256 8/22/16 wk sess & mtg min approved
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AUDIENCE I: none

UNFINISHED BUSINESS:

The following resolution was offered by Councilwoman Friess and seconded by Councilwoman Jeffe, to wit;

A meeting of the Town Board of the Town of Aurora, in the County of Erie, New York, was held at the Town Hall, in said Town, on September 12, 2016.

PRESENT:

Hon. James J. Bach, Town Supervisor
Hon. Jeffrey T. Harris, Councilperson
Hon. Jolene M. Jeffe, Councilperson
Hon. Susan A. Friess, Councilperson
Hon. Charles D. Snyder, Councilperson

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In the Matter

of the

Establishment of the Master Water Improvement Area, in the Town of Aurora, County of Erie, New York, pursuant to Article 12-C of the Town Law.

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**FINAL ORDER ESTABLISHING MASTER WATER IMPROVEMENT AREA
(SEPTEMBER 12, 2016)**

WHEREAS, the Town Board of the Town of Aurora (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law Article 12-C, caused GHD (the “Engineer”), competent engineers duly licensed by the State of New York to prepare a preliminary map, plan and report for the establishment of the Master Water Improvement Area (the “Master Water Improvement Area”) and the construction of water improvements therein; and

WHEREAS, such map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, it is the intention of the Town Board that the proposed establishment of the Master Water Improvement Area will include all the improvements necessary to facilitate the transfer of water service to the Erie County Water Authority at a future date; and

WHEREAS, such water system improvements project will generally consist of the installation of approximately 8,500 lineal feet of 8-inch waterline, hydro-pneumatic pump station improvements, water storage tank improvements, installation of a new master meter, and installation of approximately 215 radio read meters to replace non-radio meters, as well as other such improvements as more fully identified in such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Improvement"); and

WHEREAS, the proposed Improvement will benefit the entire proposed Master Water Improvement Area, which area is outside of any incorporated villages; and

WHEREAS, the Engineer has estimated the total cost of the Improvement to be in an estimated maximum amount of \$2,750,000; and

WHEREAS, pursuant to the Order duly adopted on February 8, 2016, the Town Board determined to proceed with the proposed establishment of the Master Water Improvement Area and adopted an Order reciting the improvements proposed, the maximum amount proposed to be expended for the construction of water improvements in connection with the establishment of the Master Water Improvement Area, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying February 22, 2016, at 7:00 o'clock p.m. (Prevailing Time) as the time when, and the Aurora Town Hall, located at 300 Gleed Avenue, East Aurora, New York, as the place where, the Town Board would meet to consider the proposed establishment of the Master Water Improvement Area and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by law; and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12-C of the Town Law and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by resolution duly adopted March 14, 2016, determined that the notice of public hearing was published and posted as required by law and was otherwise sufficient, that it was in the public interest to establish the Master Water Improvement Area and approved the establishment of the Master Water Improvement Area and the construction of water improvements in connection with the Master Water Improvement Area as hereinabove described at an estimated maximum cost of \$2,750,000; and that the cost of the Improvement is to be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$2,750,000, said amount to be offset by any federal, state, county and/or local funds, and unless paid from other sources or charges, the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Master Water Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same shall become due and payable, except as provided by law; and

WHEREAS, permission of the State Comptroller was required with respect to the establishment of the Master Improvement Area and the Town submitted an application to the Office of the State Comptroller, Department of Audit and Control, as required by Town Law, seeking permission of such Office for the approval of the establishment of the Master Water Improvement Area; and

WHEREAS, the Office of the State Comptroller, Department of Audit and Control reviewed said application and on August 22, 2016, the State Comptroller issued an order that such application of the Town Board of the Town for permission to establish the Master Water Improvement Area was approved and permitted the establishment of the Master Water Improvement Area in accordance with the description referred to in a resolution of March 14, 2016, at an estimated maximum cost of \$2,750,000, including any applicable aid;

NOW, THEREFORE, BE IT

ORDERED, that the establishment of the Master Water Improvement Area is hereby approved, in the Town of Aurora, which area is outside of any incorporated villages and is described as follows:

The Proposed Master Water Improvement Area will encompass all areas of the Town (outside of the Village of East Aurora) that currently receive public water supply. The proposed improvements will benefit all customers in the following water districts and improvement areas, including out-of-district customers to those districts and improvement areas:

Water District No. 1 – North
Water District No. 1 – South
Water District No. 1 – Extension 1
Water District No. 2-3-5
Water District No. 6
Water District No. 6 – Extension 1
Water District No. 6 – Extension 2
Water District No. 7
Water District No. 8
Water District No. 9
Water District No. 10
Water District No. 10 – Extension 1
Water District No. 10 – Extension 2
Water District No. 10 – Extension 4
Water District No. 10 – Extension 5
Water District No. 11
Water District No. 12
Water District No. 14
Water District No. 16
Water District No. 16 – Extension 1
Water District No. 17
Water District No. 18
Water Improvement Area No. 5
Water Improvement Area 7

ORDERED, that Master Water Improvement Area in the Town of Aurora hereinabove referred to shall be constructed as set forth in the said Order Calling the Public Hearing (dated February 8, 2016) and the resolution (adopted on March 14, 2016), at an estimated maximum cost of \$2,750,000; and that the plan of financing is the issuance of serial bonds of the Town in an aggregate amount not to exceed \$2,750,000, said amount to be offset by any federal, state, county and/or local funds, and unless paid from other sources or charges, the costs of said establishment will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Master Water Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same shall become due and payable, except as provided by law; and be it further

ORDERED, that within ten days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Erie and file with the Department of Audit and Control in Albany, New York copies of this Order, certified by the Town Clerk.

Dated: September 12, 2016

TOWN BOARD OF THE
TOWN OF AURORA

The question of the adoption of the foregoing Order was duly put to vote on a roll call, which resulted as follows:

AYES:	Councilman Harris	Aye	Action #257 MWIA final order adopted
	Councilwoman Jeffe	Aye	
	Councilwoman Friess	Aye	
	Councilman Snyder	Aye	
	Supervisor Bach	Aye	
NOES:	None		
ABSENT:	None		

The foregoing Order was thereupon declared duly adopted.

* * *

The following resolution was offered by Councilman Snyder and seconded by Councilwoman Jeffe, to wit;

A BOND RESOLUTION, DATED SEPTEMBER 12, 2016, OF THE TOWN BOARD OF THE TOWN OF AURORA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE MASTER WATER IMPROVEMENT AREA IN THE TOWN AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$2,750,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,750,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Aurora, Erie County, New York (the "Town"), has determined to proceed with a certain capital improvements project within Master Water Improvement Area in the Town (the "Master Water Improvement Area"); and

WHEREAS, GHD (the "Engineer"), competent engineers licensed in New York, has, pursuant to Article 12-C of the Town Law, prepared a preliminary map, plan and report for the construction of a water improvements project which will be constructed and known as the Master Water Improvement Area and which will benefit the Town; and

WHEREAS, by resolutions the Town Board took the following actions with respect to such project: (a) received a preliminary map, plan and report for such project, (b) held a public hearing with respect to such project, (c) determined that such project would not have a significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, (d) determined that the requirements of Article 12-C of the Town Law had been satisfied with respect to such project and further determined to undertake such project, and (e) received

permission to establish the Master Water Improvement Area from the New York State Comptroller; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance a portion of the costs of such project; and

NOW THEREFORE, be it

RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a certain capital improvements project within the Master Water Improvement Area generally consisting of the installation of approximately 8,500 lineal feet of 8-inch waterline, hydro-pneumatic pump station improvements, water storage tank improvements, installation of a new master meter, and installation of approximately 215 radio read meters to replace non-radio meters, as well as other such improvements as more fully identified in such map, plan and report prepared in connection with the project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of said purpose is \$2,750,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$2,750,000, said amount to be offset by any federal, state, county and/or local funds, and unless paid from other sources or charges, the costs of said establishment of the Master Water Improvement Area will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Master Water Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the costs of the establishment of the Master Water Improvement Area will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Master Water Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same shall become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

2. such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 15. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:	Councilman Harris	Aye	
	Councilwoman Jeffe	Aye	Action #258
	Councilwoman Friess	Aye	MWIA bond
	Councilman Snyder	Aye	resolution
	Supervisor Bach	Aye	adopted

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

* * *

NEW BUSINESS:

Supervisor Bach received a Professional Engineering Services proposal from GHD Consulting Services, Inc., for the Town of Aurora Water System Consolidation and Transfer to ECWA Direct Service, including work to be done under the Master Water Improvement Area.

Councilwoman Friess moved to authorize the Supervisor to sign the Professional Engineering Services proposal from GHD Consulting Services, Inc., 285 Delaware Avenue, Suite 500, Buffalo, NY, whereby GHD will provide planning, design, and construction services for the Master Water Improvement Area and will provide documentation that will assist in the transfer of the Town's water system to the Erie County Water Authority. The fee schedule is as follows:

Action # 259
MWIA – GHD
engineering svcs
approved

Design	\$198,000 lump sum
Construction Admin.	63,000 lump sum
Resident Inspection/Records	72,000 (not to exceed)
Engineering Support	90,000 (not to exceed)

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

Action #260
M. Evens to
attend pesticide
workshop

Councilwoman Friess moved to approve the request from Highway Superintendent Gunner for Michael Evens to attend the Cornell Right-of-Way Pesticide Application Workshop on October 13-14, 2016 at the Holiday Inn-Liverpool, Liverpool NY. The registration fee (\$65) and the hotel fee (\$100) will be disbursed from A7110.434. Councilman Harris seconded the motion. Upon a vote being taken:
ayes – five noes - none Motion carried.

Councilman Harris moved to approve the Civil Service Title Change for Tyler Norcia from Laborer Part Time Seasonal to Laborer Regular Part Time (RPT) effective September 24, 2016. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #261
T. Norcia civil
svc title changed
to laborer RPT

Councilman Snyder moved to approve the Civil Service Title Change for James Kittner from Laborer Part Time to Laborer Regular Part Time (RPT) effective September 13, 2016. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #262
J. Kittner civil
svc title changed
to laborer RPT

Councilwoman Jeffe moved to approve the request from Assessor Richard Dean for Roger Pigeon to attend the NYS Assessors' Association educational conference on September 18-21, 2016 at the Fort William Hotel & Conference Center, Lake George, NY. The only charge to the Town will be for payroll hours. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #263
R. Pigeon to
attend NYSAA
conference

Councilwoman Jeffe moved to approve the Civil Service Title Change for Elizabeth Cassidy from Clerk Part Time Seasonal to Clerk Part Time effective September 12, 2016. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #264
E. Cassidy civ.
svc title changed
to clerk PT

Councilman Snyder moved to approve the Civil Service Title Changes for Aubrey McLaughlin and Leah Leuthauser from Lifeguard Part Time Seasonal to Lifeguard Regular Part Time (RPT). Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #265
A. McLaughlin
L. Leuthauser
civ svc title
lifeguard RPT

Councilman Harris moved to adopt the following resolution;
seconded by Councilman Snyder:

Action #266
2015 Justice
Court Audit
resolution
adopted

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, 2015 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. Upon a vote being taken: ayes – five noes – none Motion carried.

Councilwoman Friess moved to add the following Delinquent Out-of-District Water Customer of Orchard Park Water District #15 to the 2017 Erie County Tax Roll for non-payment of water bills:

Sharon Adimey	1319 Jewett Holmwood Road	\$85.95
	PO Orchard Park, Town of Aurora	

Action #267
Delinquent
water bill added
to 2017 county
tax roll

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Councilman Snyder asked that everyone remember not only those who died on 9/11, but to remember the survivors as well.

Councilwoman Friess noted that she attended today's Open House at the Senior Center.

Councilwoman Jeffe stated she has been in touch with Nancy Smith regarding the Jackson Falls property purchase and the Town's involvement.

Supervisor Bach stated he also attended the Senior Center Open House and that the sale of 300 Glead and purchase of the Senior Center/Fire Hall are moving along.

AUDIENCE II: none

STAFF REPORTS:

Bill Wheeler stated that the report on the soil and air sampling test results from the Senior Center and old Fire Hall will be ready for the Town Board in about two weeks.

ABSTRACT OF CLAIMS

The August 29, 2016 Prepaid Abstract of Claims, consisting of vouchers numbered 1419 to 1434, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 5,652.50
Special Districts	<u>22,078.29</u>
Grand Total Abstract	\$27,730.79

The September 12, 2016 Abstract of Claims, consisting of vouchers numbered 1435 to 1538, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 45,294.01
Highway	45,211.54
Enterprise/Glead	13,713.17
Capital	5,983.22
Trust/Agency	3,217.30
Special Districts	<u>47,659.76</u>
Grand Total Abstract	\$161,079.00

Councilwoman Jeffe moved to approve the August 29, 2016 Prepaid Abstract of Claims and September 12, 2016 Abstract of Claims and to authorize payment of same. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #271
8/2910 &
9/12/16
Abstracts of
Claims aprvd

Councilman Snyder moved to enter into executive session to discuss a legal matter with the Town Attorney. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #272
Board enters
Exec Sess

Councilman Snyder moved to come out of executive session and adjourn at 8:20 p.m.; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #273
Board out of
Exec Sess
and adjourns

Martha L. Librock
Town Clerk