

February 8, 2016

A meeting of the Town Board of the Town of Aurora took place on Monday, February 8, 2016, at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris	Councilman
	Jolene M. Jeffe	Councilwoman
	Charles D. Snyder	Councilman
	James J. Bach	Supervisor
Absent/Excused:	Susan A. Friess	Councilwoman
Others Present:	Edward Snyder	Deputy Town Attorney
	David Gunner	Highway Superintendent
	William Wheeler	Engineer/GHD Consulting
	Shane Krieger	Chief of Police
	William Kramer	Code Enforcement Officer

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

Supervisor Bach read the following PROCLAMATION:

**HONORING DOUGLAS W. MARKY  
FOR OUTSTANDING SERVICE TO THE COMMUNITY  
AS AURORA TOWN JUSTICE**

**WHEREAS**, Douglas W. Marky served as Aurora Town Justice for 21 years, presiding over some of the most challenging cases to come before the bench.

**WHEREAS**, he has been a leader in the legal and judicial communities. In addition to his service as Aurora Town Justice, he successfully operated a law firm; and he served as town prosecutor, court attorney-referee for the Eighth Judicial District, and as a leader in a variety of professional groups, including the Erie County Magistrates Association and the Bar Association of Erie County.

**WHEREAS**, as a teacher, he has shared his vast knowledge with the future generations of attorneys and judges.

**WHEREAS**, he has been a leader in our community, volunteering with numerous local civic organizations, including the East Aurora Boys and Girls Club, the Kiwanis Club and as a coach for youth athletic teams; and,

**WHEREAS**, his dedication to the community has been honored by his peers, including recognition as East Aurora Kiwanian of the Year and Erie County Magistrate of the Year.

**NOW, THEREFORE, BE IT RESOLVED:** that the Aurora Town Board, on behalf of the citizens of the Town of Aurora, thanks Douglas W. Marky for his many years of service to the Town of Aurora and wishes him the best in retirement.

\* \* \*

Councilman Harris moved to approve the minutes of the 1/19/16 work session; seconded by Councilman Snyder. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #33  
1/19/16 work session minutes approved

Councilwoman Jeffe moved to approve the minutes of the 1/25/16 Town Board meeting; seconded by Councilman Snyder. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #34  
1/25/16 TB min approved

AUDIENCE I: none

UNFINISHED BUSINESS:

After reviewing Part 2 of the SEQRA Full Environmental Assessment form for the Open Development Area plan for SBL#164.00-2-6.2 Knox Road, Councilman Snyder moved to issue a negative declaration for the project. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #35  
Neg Dec issued  
for Knox Road  
ODA

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

**RESOLUTION  
APPROVING OPEN DEVELOPMENT AREA PLAN  
TO SPLIT SBL# 164.00-2-6.2 KNOX ROAD  
TOWN OF AURORA, NEW YORK**

**WHEREAS**, Chapter 79 of the Code of The Town of Aurora establishes standards for landowners who wish to develop or subdivide land that lacks required public road frontage for standard lot development (known as “open development area”); and

**WHEREAS**, Jode Edmunds (“the Applicant”) has filed an Open Development Area application to subdivide SBL# 164.00-2-6.2, consisting of 41 acres ±, located on the west side of Knox Road, into three parcels, the lot sizes measuring 10 acres ±; 13 acres ±; and 17 acres ±, all of which are lacking required public road frontage; and

**WHEREAS**, the three (3) lots will be accessed by a private driveway within a 1,125 feet long by 50 feet wide right-of-way extending from Knox Road, and

**WHEREAS**, the private driveway will consist of a hard surface of twenty feet in width along its entire length, and

**WHEREAS**, the Applicant proposes to sell the three (3) parcels fronting on the private drive, and

**WHEREAS**, the Town of Aurora Planning Board has reviewed the proposed Open Development Area plan and has filed a recommendation of support of the application for a narrower ingress/egress width, and

**WHEREAS**, the Town of Aurora Zoning Board of Appeals has granted a seventeen feet variance to allow the width of the ingress/egress at the right-of-way of Knox Road to be thirty-three feet instead of the fifty feet required for an Open Development Area, and

**WHEREAS**, the Town Board has reviewed the SEQRA Full Environmental Assessment Form, submitted as part of the application, determining that the proposed use will not have a significant impact on the environment, and

**WHEREAS**, the Applicant has made every reasonable attempt and all necessary effort to comply with specifications of Chapter 79 of the Code of the Town of Aurora; and

**NOW THEREFORE BE IT**

**RESOLVED**, that the Town Board of the Town of Aurora approves the Open Area Development application submitted by Jode Edmunds to split SBL# 164.00-2-6.2, located at on the west side of Knox Road, into three parcels, all of which are lacking required public road frontage; and **BE IT FURTHER**

**RESOLVED**, that the private driveway shall be subject to a Maintenance Agreement approved by all property owners using the private drive and that said maintenance agreement shall be

filed with the Erie County Clerk and a copy given to the Aurora Town Clerk, prior to construction on any of the parcels created under this Open Development Area; and BE IT FURTHER

**RESOLVED**, that the existing driveway that begins on Knox Road and connects with another driveway located on property situated to the north of the proposed development be terminated and completely removed to prevent drive through traffic from adjoining property; and BE IT FURTHER

**RESOLVED**, that approval by the Town Board of the Town of Aurora is expressly for SBL#164.00-2-6.2 and any future development on the parcels will be subject to the standards and requirements of Chapter 79 of the Code of the Town of Aurora without modification, variance or waiver; and BE IT FURTHER

Action #36  
ODA for Knox  
Road approved

**RESOLVED**, that said Open Development Area Plan for the split of SBL# 164.00-2-6.2 Knox Road into three (3) parcels, measuring 10 acres ±; 13 acres ±; and 17 acres ±, is approved.

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

\* \* \*

After reviewing Part 2 of the SEQRA Full Environmental Assessment form for the proposed Town of Aurora Master Water Improvement Area (MWIA), Councilman Snyder moved to issue a negative declaration for the project. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four      noes – none      Motion carried.

Action #37  
Neg Dec issued  
for MWIA  
project

Councilwoman Jeffe moved to approve and adopt the Map Plan and Report for the proposed water system improvements for the Town of Aurora Master Water Improvement Area. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four      noes – none      Motion carried.

Action #38  
Map Plan  
Report for  
MWIA  
approved

The following resolution was offered by Councilman Harris, seconded by Councilman Snyder, to wit:

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.

-----X

**ORDER CALLING PUBLIC  
HEARING TO BE HELD ON  
FEBRUARY 22, 2016  
REGARDING THE PROPOSED  
ESTABLISHMENT OF THE MASTER  
WATER IMPROVEMENT AREA**

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 “Water Improvement Area”) and the construction of water improvements therein; and

WHEREAS, the Engineer has completed and filed with the Town Board such preliminary map, plan and report and such preliminary map, plan and report is available for public inspection in the Office of the Town Clerk; and

WHEREAS, it is the intention of the Town Board that the proposed establishment of the 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 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

(For convenience, information related to the properties involved with the Master Water Improvement Area will be made available on the Town's website and in the Town Clerk's office at 300 Gleed Avenue, East Aurora, NY.)

WHEREAS, the Engineer has estimated the total cost of the Improvement to be \$2,750,000; said cost to be financed by the issuance of serial bonds of the Town in the aggregate amount of \$2,750,000, offset by any federal, state, county and/or local funds received; and

WHEREAS, 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; and

NOW, THEREFORE, BE IT ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 300 Gleed Avenue, East Aurora, New York, on February 22, 2016, at 7:00 o'clock P.M. (Prevailing Time) to consider the establishment of the proposed Master Water Improvement Area and the construction of the improvement therein, 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 with relation thereto as may be required by law; and be it

FURTHER ORDERED, the estimated maximum amount proposed to be expended for the construction of the Master Water Improvement Area shall 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 be it

FURTHER ORDERED, that the Town Clerk publish at least once in the newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing.

DATED: February 8, 2016

TOWN BOARD OF THE  
TOWN OF AURORA

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

AYES: four (Councilman Harris – AYE; Councilwoman Jeffe – AYE; Councilman Snyder – AYE; Supervisor Bach – AYE)

NOES: none

ABSENT: one (Councilwoman Friess)

Action #39  
Order calling  
public hearing  
for MWIA  
adopted.

\* \* \*

Quotes to sandblast and paint three snowplow truck dump bodies were received from:

Hillcrest Coatings	\$3,000 per unit (\$9,000 total)
Colden Enterprises	\$5883.50 per unit (\$17,650.50 total)

Councilman Snyder moved to approve the quote from Hillcrest Coatings, 40 Favor Street, Attica, NY, to sandblast, prime and paint three truck dump bodies at a cost of \$3,000 per unit (\$9,000 total). Funds will be disbursed from DB 5142.433. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #40  
Hillcrest  
Coatings to  
paint hwy truck  
dump bodies

Councilman Snyder moved to authorize the Supervisor to sign a one-year lease agreement with SMR Cares, Inc. dba Home Helpers & Direct Link, 67 Delevan Ave., Delevan, NY, whereby SMR will lease office space at the Southside Municipal Center for a monthly rate of \$400 effective 2/15/16. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #41  
 Supv auth to sign lease with SMR Cares for office space at SSMC

Councilman Snyder moved to approve and authorize the following 2015 Budget amendment in order to close out the Luther Road Culvert capital project:

Increase DB 9901.900 Interfund Transfers \$34,699.66

The source of funding is DB 917 Unassigned Fund Balance.

(Note: in 2012 and 2013, BAN principal was charged to the Capital project fund (IA) instead of the Highway fund (DB). In 2013, BAN interest was charged to the Capital project fund (IA) instead of the Highway fund (DB).

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

Action #42  
 2015 Budget amendment re: Luther Rd capital fund approved

Several persons who were appointed at the 2016 Organizational Meeting to various Town boards and/or committees did not file their oath cards by the January 30, 2016 deadline, therefore the positions are considered vacant.

Councilman Snyder moved to approve the following appointments:

<u>Name</u>	<u>Board/Committee</u>	<u>Term</u>
Norm Merriman	Conservation Board	2/1/16 - 12/31/16
Timothy Bailey	Conservation Board	2/1/16 – 12/31/16
Timothy Bailey	Planning Board	2/1/16 - 12/31/22
James Whitcomb	Zoning Board Chairman	2/1/16 – 12/31/16
Scott Wohlheuter	Disaster Advisory Board	2/1/16 – 12/31/16

Action #43  
 Board/committee appointments for 2016

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

Action #44  
 Solicitation of quotes for repair of cement block area of hwy bldg authorized

Councilwoman Jeffe moved to authorize the solicitation of quotes for the repair of the cement block portion of the highway garage building. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

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

- Historian – 2015 Annual report
- Town Clerk/Tax – 2015 Annual report
- Building Department – 2015 Annual report
- Town Clerk – January 2016 report
- Town Clerk/Tax – January 2016 report
- Water Clerk – January 2016 report
- Dog Control – January 2016 report
- Work requisitions – January 2016 report
- Recreation Director – January 2016 report
- EAPD – January 2016 report

**BUSINESS FROM BOARD MEMBERS AND LIAISONS:**

Councilwomen Jeffe and Friess met with the Highway Superintendent regarding a brine plant. Councilwoman Jeffe met with the Town Clerk to work on updating town codes.

AUDIENCE II: none

**STAFF REPORTS:**

Police Chief Krieger mentioned that there is a Federal indictment against one of the persons charged with robbing Larwood Pharmacy in 2015.

Highway Superintendent Gunner spoke about the CHIPS funding for 2016. Mr. Gunner stated that the Town will now be plowing Davis Road between Jewett Holmwood and Route 20A.

**ABSTRACT OF CLAIMS:**

The 2015 Encumbered Prepaid Abstract of Claims dated January 28, 2016, consisting of vouchers numbered 2115 to 2117, was presented to the Board for audit and authorization of payment from the following funds:

General	\$4,575.49
Enterprise/Gleed	3,800.96
Special Districts	<u>1,443.83</u>
Grand Total Abstract	\$9,820.28

The 2016 Prepaid Abstract of Claims dated January 28, 2016, consisting of vouchers numbered 100 to 108, was presented to the Board for audit and authorization of payment from the following funds:

General	\$1,853.76
Special Districts	<u>2,980.12</u>
Grand Total Abstract	\$4,833.88

The 2015 Encumbered Abstract of Claims dated February 8, 2016, consisting of vouchers numbered 2118 to 2134, was presented to the Board for audit and authorization of payment from the following funds:

General	\$10,122.76
Part Town	1,135.23
Highway	267.89
Enterprise/Gleed	211.32
Special Districts	<u>918.68</u>
Grand Total Abstract	\$12,655.88

The 2016 Abstract of Claims dated February 8, 2016, consisting of vouchers numbered 109 to 188, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 14,966.03
Part Town	782.50
Highway	31,342.92
Cemetery	144.99
Enterprise/Gleed	5,019.10
Special Districts	<u>255,142.52</u>
Grand Total Abstract	\$ 307,398.06

Councilman Snyder moved to approve the 2015 Encumbered and 2016 Prepaid Abstracts of Claims, both dated 1/28/2016; to approve the 2015 and 2016 Abstracts of Claims, both dated 2/8/16; and to authorize payment of same. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four        noes – none        Motion carried.

Action #45  
1/28/2016 &  
2/8/16  
Abstracts of  
Claims  
approved.

Councilman Jeffe moved to adjourn at 7:35 p.m.; seconded by Councilman Snyder. Upon a vote being taken: ayes – four        noes – none        Motion carried.

Action #46  
Meeting  
adjourned.

Martha L. Librock  
Town Clerk