

May 8, 2017

A regular meeting of the Town Board of the Town of Aurora took place on Monday, May 8, 2017, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris	Councilman
	Jolene M. Jeffe	Councilwoman
	Charles D. Snyder	Councilman
	Susan A. Friess	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
	Donna Bodekor	Senior Center Director
	Richard Glover	Planning Board alternate member
	Jerrold Thompson	Planning Board alternate member
	Karl Simmeth	Assemblyman DiPietro Cmty. Liaison

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

The first item on the agenda was a Public Hearing on the Aurora Mills Cluster Subdivision Final Plat. The notice was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board as evidenced by the Affidavits of Publication and Posting. Supervisor Bach opened the hearing at 7:02 p.m. and asked if anyone in the audience wished to comment.

A resident of Elmwood Ave. asked the Board to rethink the size of the project.

Valerie Davis, Mill Road, asked the Board to deny the developer's request for pavement that does not meet the Town specifications.

Mark Warnke, Grover Road, supports the project.

Anita Conron, Elmwood Ave., believes the traffic created by the project will cause a dangerous situation on Mill Road

Hearing no further comments, Supervisor Bach closed the hearing at 7:08 p.m.

Councilwoman Friess moved to approve the minutes of the 4/18/17 Town Board work session; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #148 4/18/17 TB wk sess min aprvd
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Councilman Snyder moved to approve the minutes of the 4/24/17 Town Board meeting; seconded by Councilwoman Jeffe. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #149 4/24/17 TB mtg min aprvd
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AUDIENCE I: none

UNFINISHED BUSINESS:

Councilwoman Jeffe moved to add item 5C – 2016 Stormwater Annual Report to the agenda; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #150 2016 Storm- water report added to agenda
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Councilman Snyder moved to set Wednesday, June 7, 2017 at 10:00 a.m. at the Town Clerk's office, 300 Gleed Avenue, East Aurora, NY, as the date, time and place for a bid opening for the Ellis Drive Pump Station Improvements as part of the Master Water Improvement Area project. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #151 MWIA pump sta. bid opening set.
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Councilman Harris moved to table the Baseball Concession agreement for lack of proof of insurance; seconded by Councilwoman Jeffe. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #152 Baseball concession agrmt tabled
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The Board received the 2016 Annual Stormwater report. A public notice was published in the East Aurora Advertiser on April 27, 2017 stating that the report would be available at the Town Clerk's office from May 1-8, 2017 for public review. Bill Kramer stated the report includes records of compliance with six minimum control measures used by the NYSDEC to monitor the Town of Aurora's compliance with State and Federal Stormwater regulations.

NEW BUSINESS:

Councilwoman Jeffe moved to authorize and approve the following budget amendment to record the insurance money received for the repair of the Highway Building (251B) damaged by the 3/8/17 wind storm: Action #153
Budget amendment for insurance money aprvd

- Increase revenue line A2680 Insurance recoveries \$6,505.73
- Increase appropriation line A1620.422 Op Bldg –
Repair and Maintenance \$6,505.73

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

Councilwoman Friess moved to authorize and approve the following budget amendment to record money received from the JCAP grant: Action #154
Budget amendment for JCAP grant aprvd

- Increase revenue line A3389 Justice Court Assistance \$5,808.00
- Increase appropriation line A1110.401 Municipal Court -
Office Expense \$5,808.00

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

Councilwoman Jeffe moved to authorize and approve the following budget amendment to record money received from Erie County for the Senior Center: Action #155
Budget amendment for EC funds for SrCtr aprvd

- Add revenue line A2351.1 Programs for Aging – other governments
- Increase revenue line A2351.1 \$2,000.00
- Increase appropriation line A6772.401 Prog. for Aging-
Supplies \$2,000.00

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

Councilwoman Friess moved to approve the hiring of Jennifer George, 425 Main Street, #3, East Aurora, NY, as a part time laborer (19 ½ hours per week) at \$12.00 per hour for the janitorial position at the Aurora Senior Center with an effective date of May 9, 2017. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #156
J. George hired PT laborer at SrCtr

Supervisor Bach read a Proclamation recognizing Municipal Clerk's Week, May 7 – 13, 2017 and extending appreciation to Aurora Town Clerk Martha Librock. Municipal Clerk's week recognized

Councilwoman Friess moved to authorize the Supervisor to sign the NYSDEC License to Enter Property for Giant Hogweed Control, which gives the NYSDEC right of access to control Giant Hogweed at 441 Olean Road (Majors Park). Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #157
Supv auth to sign NYSDEC giant hogweed control license

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

**THE TOWN OF AURORA ESTABLISHING ENERGY BENCHMARKING
REQUIRMENTS FOR CERTAIN MUNICIPAL BUILDINGS**

WHEREAS, buildings are the single largest user of energy in the State of New York; the poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Aurora is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Aurora Town Board desires to use Building Energy Benchmarking, a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings, to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Aurora; and

WHEREAS, as such the Aurora Town Board desires to establish procedure or guideline for Town of Aurora staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted and imposed as active and affirmative financial internal control procedures of the Town of Aurora;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(1) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(2) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(3) "Commissioner" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Town of Aurora that is 1,000 square feet or larger in size.

(5) "Department" shall mean the Town of Aurora Clerk's Office.

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) "Energy Use Intensity (EUI)" shall mean the kBtus (1,000 British Thermal Units) used per square foot of gross floor area.

(9) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1 every year, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1 each year for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town of Aurora including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

FURTHER RESOLVED, the Aurora Town Board, in regular session duly convened, does hereby authorize and direct the Town Supervisor to execute such other and additional documents as may be required for to perfect the resolutions herein.

Action #158
Energy
benchmark-
ing
resolution
adopted

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

Councilman Snyder moved to authorize the Supervisor to sign an Owners Representative and Project Coordinator (Clerk of the Works) Agreement with Bryan Smith to oversee the improvements and renovations to 575 Oakwood Avenue, which is being renovated for use as a new Town Hall. Mr. Smith will be paid \$2500 a month for a maximum of twenty (20) months. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #159
Supv auth to
sign clrk of
wrks agrmt
for town hall
renovation
project

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

- Water Clerk – April 2017 report
- Town Clerk/Tax – April 2017 report
- Town Clerk – April 2017 report
- Building Department – April 2017 report
- Senior Center – April 2017 report
- Aquatics/Recreation Director – April 2017 report
- Supervisor – March 2017 report

BUSINESS FROM BOARD MEMBERS:

Supervisor Bach attended a Shared Services Seminar earlier today and noted that supervisors and mayors are the voting delegates, and municipalities have an opt-out clause for any shared service proposals that do not benefit or work for them.

Supervisor Bach announced that on April 28, 2017 the NYS Appellate Division, Fourth Department decided, in a unanimous decision, in favor of the Town of Aurora in the matter of the Brooklea Bridge and other bridges in the Village of East Aurora.

AUDIENCE II:

Jerrold Thompson, Pine Street, asked why the developer did not make a presentation as part of the public hearing held tonight for the Aurora Mills Cluster Subdivision Final Plat. Mr. Thompson also asked what the Town's cost was for litigation for the Brooklea Bridge matter. Town Attorney Bennett responded, approximately \$15,000.

STAFF REPORTS:

Highway Superintendent Gunner spoke about the recent “almost” washout of a culvert on Cook Road and that it was caught in time to prevent major damage to the culvert and Cook Road.

William Wheeler stated that the contractor for the MWIA waterline replacement will begin mobilizing and construction should begin on May 15, 2017.

Donna Bodekor stated that, as always, they are very busy at the Senior Center.

ABSTRACT OF CLAIMS

The May 8, 2017 Abstract of Claims, consisting of vouchers numbered 554 to 617, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 100,495.51
Part Town	115.61
Highway	23,130.97
Trust/Agency	3,000.00
Special Districts	<u>59,960.43</u>
Grand Total Abstract	\$ 186,702.52

Councilwoman Friess moved to approve the May 8, 2017 Abstract of Claims and to authorize payment of same. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #160
5/8/17
Abstract of
Claims aprvd

Councilwoman Jeffe moved to adjourn at 7:32 p.m. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #161
Meeting
adjourned.

Martha L. Librock
Town Clerk