A meeting of the Town Board of the Town of Aurora took place on Monday, August 26, 2019 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 Jolene M. Jeffe Councilwoman Charles D. Snyder Councilman James J. Bach Supervisor

Others Present: Ronald Bennett Town Attorney

> William Kramer Code Enforcement Officer

William Wheeler Engineer/GHD Shane Krieger Chief of Police

Tony Rosati Zoning Board member Paul Porter East Aurora Village Trustee

Supervisor Bach opened the meeting at 7:03 p.m. with the Pledge of Allegiance to the Flag.

The first item on the agenda was a PUBLIC HEARING on a Local Law to amend the zoning map by rezoning a vacant lot on Olean Road (SBL#188.01-1-13.3) from A and RR to B2 to allow a jewelry making business to occupy the property. The notice of public hearing was published in the East Aurora Advertiser and posted on the Clerk's bulletin board as evidenced by the Affidavits of Publication and Posting. Supervisor Bach opened the hearing at 7:05 p.m. and asked if anyone wished to comment on this proposed local law. Hearing no one, the Supervisor closed the hearing at 7:06 p.m.

Supervisor Bach stated that the Board would vote on this at the next Town Board meeting.

Councilwoman Friess moved to approve the minutes of the August 5, Action #294 8/5 spec mtg 2019 Special Meeting and the August 12, 2019 Town Board work session and & 8/12/19 wk meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none

sess & mtg min aprvd

Motion carried.

AUDIENCE I:

Paul Porter asked what B2 zoning is in the Town and where the property proposed to be rezoned is located. Supervisor Bach stated B2 is business 2 zoning and the property is located on Olean Road just south of the Route 400 bridge and exit ramp on the west side of Olean. The owner is proposing to move his jewelry business from 455 Olean to this new location.

## **UNFINISHED BUSINESS:**

Councilwoman Friess moved to table the amended Highway 284 DA Fund Agreement until the Board determines where the funds will come from. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #295 Amended 284 DA fund agreement tabled

Councilman Snyder moved to approve payment no. 1 to Mollenberg-Betz, Inc., 300 Scott Street, Buffalo, in the amount of \$101,274.75 for work performed at the Aurora Municipal Center through July 31, 2019. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes - fivenoes – none Motion carried. Action #296 Pymt #1 to Mollenberg-Betz for AMC aprvd

Councilman Snyder moved to approve payment no. 3 to Telco Construction, Inc., 500 Buffalo Road, E. Aurora, in the amount of \$250,474.93 for work performed at the Aurora Municipal Center through July 31, 2019. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #297 Pymt #3 to Telco for AMC aprvd

8/26/2019 Town Board Meeting Page 2

Councilman Snyder moved to approve payment no. 3 to Industrial Power & Lighting, 60 Depot Street, Buffalo, in the amount of \$10,640.00 for work performed at the Aurora Municipal Center through July 31, 2019. Councilwoman Jeffe seconded the motion. Upon a vote being taken:

ayes – five noes – none Motion carried.

Action #298 Pymt #3 to IPL for AMC aprvd

### **NEW BUSINESS:**

Councilwoman Jeffe moved to add the following items to tonight's agenda:

• 6J – Encorus proposal for AMC fuel tank

• 6K – Telco change order for AMC fuel tank

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

Action #299 Items 6J & 6K added to agenda

Councilman Harris moved to amend the building permit fee schedule to include a 3-month renewal permit that would be available after the expiration of the original one-year building permit, with the fee set at ¼ of the original permit fee plus a \$25 application fee. This would be in addition to the current one-year renewal at ½ the cost of the original permit. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #300 Building permit fee schedule amended

Councilman Snyder moved to authorize the Supervisor to sign a one-year lease extension with Southside Commerce Center, LLC for Town office and warehouse space at 300 Gleed Avenue, at the rate of \$6.00 per square foot for base rent with the common area and utility charges remaining the same at \$2.25 and \$1.59 per square foot respectively. The term of the extension is November 1, 2019 to October 31, 2020. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #301 Town extends lease at 300 Gleed for one year

Councilman Snyder moved to adopt the Agreement for Services document to be used for persons engaged by the Town as independent contractors. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #302 Agreement for services document adopted

Councilwoman Friess moved to table the agreement with Buffalo Polo Club for further amendments to the agreement. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #303 Bflo Polo Club agreement tabled

Councilwoman Friess moved to approve the purchase of a Konica Minolta BizHub 287 copier for the Assessor's office from Lineage, 385 N. French Rd., Amherst, NY 14228, for \$3004.76. This is thru NYS Contract PM68149. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #304 KM bizhub copier aprvd for assessor office

Councilman Harris moved to approve the following budget transfer for the purchase of a copier for the Assessor's office:

From: A1355.413 Assessor - appraisals
To: A1680.401 CDP – office expense
Councilman Snyder seconded the motion. Upon a vote being taken:
ayes – five
noes – none
Motion carried.

Action #305 Budget transfer for Assessor copier aprvd 8/26/2019 Town Board Meeting Page 3

Councilwoman Friess moved to approve a Temporary Use Permit for (Erie 1 BOCES) Section VI to hold the Cross Country Championships at Knox Farm State Park (Town managed area) on November 7 (set-up) and November 8, 2019 (event). This approval is contingent upon receipt of proof of insurance from Section VI. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #306 Temp Use Permit for Sect 6 cross country event aprvd

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Supervisor Bach read the following public notice:

## 30- DAY PERIOD FOR INCLUSION OF PREDOMINANTLY VIABLE AGRICULTURAL LANDS INTO EXISTING AGRICULTURAL DISTRICT

Per new York State Agriculture and markets Law Section 303-b, the Erie County legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerks, Assessors, and chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at <a href="https://www.erie.gov/environment">www.erie.gov/environment</a>.

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

Contact: Elias Reden, Planner (716) 858-1911 (716) 858-7248 fax email: agriculture@erie.gov

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Councilman Harris moved to authorize the Supervisor to sign a 5-year lease agreement, effective 10/30/2019, with Pitney Bowes for a SendPro series postage machine with meter and weighing platform. The quarterly fee will be \$831.90. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

During renovation at the Aurora Municipal Center project, an underground storage tank that was full of heating oil was uncovered. The tank needed to be emptied and removed.

Councilwoman Friess moved to approve the proposal/quote for services from Encorus Group, 23 Mechanic Street, Springville, NY, in the amount of \$10,820.60 for underground storage tank closure at the Aurora Municipal Center project at 575-587 Oakwood Ave., and to authorize the Supervisor to sign the proposal/quote. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none

Motion carried.

Councilman Snyder moved to approve Change Order No. 2 from Telco Construction, Inc. for work involved in removing the underground storage tank at the Aurora Municipal Center project at 575-587 Oakwood Ave., and to authorize the Supervisor to sign the change order:

• Original Contract \$3,677,000.00

• Net change by previous change order(s) 129,700.00

Action #307 Supv auth to sign 5-yr lease agrmt for postage machine

Action #308

Proposal for

underground

tank closure

at AMC

aprvd

Amount of this Change Order (No. 2) 3,666.00 Action #309
 New contract sum including this change order \$3,810,366.00 Telco change order #2
 Councilwoman Friess seconded the motion. Upon a vote being taken:

ayes – five noes – none Motion carried.

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

- Recreation July 2019 report
- Dog Control July 2019 report
- Work Requisitions July 2019 report
- EAPD July 2019 report

### BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Councilman Harris stated he attended a recent fund raising event at Lothlorien.

Councilwoman Jeffe mentioned the great article about Aktion Club in a recent edition of the Buffalo News

Supervisor Bach stated that the Erie County Snow Plow contract has been ratified with 3.5% increases in the first two years and a 3% increase in the third year.

#### **AUDIENCE II:**

Tony Rosati, Oakwood Ave., stated that the Town should consider tasking the Planning Board with developing guidelines/rules for composting for the zoning code.

# STAFF REPORTS:

Bill Wheeler reported that there is a short punch list of items that need to be completed for the Aurora Mills PIP.

Bill Kramer stated there have been 22 building permits issued for Aurora Mills to date.

### ABSTRACT OF CLAIMS:

The Abstract of Claims dated August 26, 2019, consisting of vouchers numbered 1094 to 1170, was presented to the Board for audit and authorization of payment from the following

unds:	General	\$ 58,654.28
	Highway DA	515.29
	Highway DB	25,763.96
	Capital/AMC	363,828.98
	Capital/SrCtr	1,149.50
	Capital/MWIA	8,987.00
	Special Districts	177,252.34
	Grand Total Abstract	\$636,151.35

Councilwoman Friess moved to approve the 8/26/19 Abstract of
Claims, and authorize payment of same. Councilman Harris seconded the
motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #310
8/26/19
Abstract of
Claims aprvd

Councilwoman Jeffe moved to adjourn at 7:40 p.m.; seconded by
Councilman Harris. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action # 311
Meeting adjourned

Martha L. Librock Town Clerk