

December 14, 2020

A meeting of the Town Board of the Town of Aurora took place on Monday, December 14, 2020 at 7:00 p.m. Due to the coronavirus/Covid19 pandemic, tonight's meeting was live-streamed via Zoom and YouTube in accordance with NYS Executive Order 202.1 – *Suspension of law allowing the attendance of meetings telephonically or similar service: Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such action authorized by the law without permitting public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.*

Members in attendance: (via Zoom)	Jolene M. Jeffe Susan A. Friess Luke Wochensky James J. Bach	Councilwoman Councilwoman Councilman Supervisor
Absent/Excused:	Charles D. Snyder	Councilman
Others in attendance: (via Zoom or phone)	Ronald Bennett Martha Libroch David Gunner Elizabeth Cassidy Donna Bodekor Tony Rosati Joseph Wetzell Shane Krieger	Town Attorney Town Clerk Highway Superintendent Asst. Code Enforcement Officer Senior Center Director Zoning Board member GHD/Engineer Chief of Police

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

Councilwoman Jeffe moved to approve the minutes of the November 23, 2020 Town Board meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – four	noes – none	Motion carried.	Action #384 11/23/20 mtg min aprvd
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AUDIENCE I: none

UNFINISHED BUSINESS:

Councilwoman Friess moved to change the December 28, 2020 Town Board meeting time from 11:00 a.m. to 7:00 p.m. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four	noes – none	Motion carried.	Action #385 12/28/2020 TB mtg time changed to 7:00pm
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Supervisor Bach stated the next item on the agenda is the site plan review for 1276 Mill Road. Sammie Trent is proposing to relocate her Sprouting Minds Montessori School from its present location on Main Street in East Aurora to this Mill Road location. The property is zoned R1 (Residential 1) and public or private schools accredited by the NYS Education Department are a permitted use, but are subject to site plan review regulations of Chapter 95 of the Town Code.

The Supervisor expressed concerns about the letter presented to neighbors stating twenty students and the letter to the Town Board stating up to forty-nine students.

Councilwoman Jeffe stated accredited schools are permitted in an R1 zone and the number of students needs to be clarified.

Sammie Trent responded it is an approved school. Ms. Trent stated the letter to the neighbors states how many students she currently has, but she would like to have up to forty-nine at some point. In order to operate the school at this location she needs to have an E occupancy rather than R and can only obtain that if the site plan is approved. Liz Cassidy stated that E occupancy is defined in the NYS Building and Fire Code.

Councilwoman Jeffe asked is there would be situations where parents would stay on site for any reason. Ms. Trent responded, not this year, but maybe sometimes and they would use a shuttle bus. She is planning to expand the width of the driveway from one lane to two and wants to do the driveway this week.

Supervisor Bach stated under the circumstances the Town Board probably does not need to have a public hearing on the site plan, but we need to listen to everybody and do what is good for the neighborhood. Mr. Bach asked if she planned on expansion. Ms. Trent responded that over forty-nine students triggers a lot of codes they would need to abide by.

Councilmembers Friess, Jeffe and Wochensky stated that a public hearing is not needed. This is a permitted use.

The Town Board reviewed Part 2 of the Short Environmental Assessment Form (SEQR form) for Sprouting Minds Montessori School at 1276 Mill Road and answered “No, or small impact may occur” to all eleven questions.

Councilwoman Friess moved that the proposed action, relocation of Sprouting Minds Montessori School to 1276 Mill Road, East Aurora, NY, and the site plan presented would not result in any significant adverse environmental impacts. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #386
Neg
declaration
given for 1276
Mill – school
site plan

Councilman Wochensky moved to approve the site plan for Sprouting Minds Montessori School, 1276 Mill Road, East Aurora, NY and adopt the following resolution; seconded by Councilwoman Jeffe:

SITE PLAN APPROVAL

WHEREAS, Sammie Trent (“applicant”) on November 18, 2020 filed an application for a site plan review for the purpose of establishing a private school, Sprouting Minds Montessori School, at 1276 Mill Road (SBL#187.00-2-18) in the Town of Aurora, New York, and

WHEREAS, Section 116-8.1 (A)(b) of the Town Zoning Code permits the use of property as a private school conditioned upon the accreditation by the New York State Education Department and subject to Site Plan review regulations under Chapter 95 of the Codes of the Town of Aurora, and

WHEREAS, the applicant submitted a Short Environmental Assessment Form (SEAF) to identify the assessment impact on the proposed use, and

WHEREAS, at a meeting of the Town Board on December 14, 2020, Part 2 of the SEAF was reviewed, concluding by motion of the Town Board that the proposed Site Plan will have a negative impact on the environment, whereby a Negative Declaration was issued, and

WHEREAS, on December 2, 2020 the Town submitted notice of the proposed Site Plan and use to the Erie County Department of Environment and Planning in compliance with General Municipal Law §239-m with a response that the County has determined it is a local matter, and

WHEREAS, upon review of the Site Plan for Sprouting Minds Montessori School to be located at 1276 Mill Road, the Town Planning Board on December 2, 2020 adopted a recommendation of approval which was submitted in writing to the Town Board.

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Aurora does hereby approve the Site Plan (attached as Addendum 1) in accordance with the regulations of Chapter 95 of the Codes of the Town of Aurora subject and conditioned upon the following:

1. Accreditation: The proposed use must be accredited as a private school by the New York State Education Department which accreditation must remain in full force and effect as a condition of the subject property as a private school.
2. Site Plan: The Site Plan submitted identifies the use of the property including access by a gravel driveway with two designated parking spots and the building to be used for the private school. The gravel driveway shall be widened to provide separate ingress and egress for motor vehicles.
3. Fire Inspection: The fire inspection of the property for its proposed use requires approval of New York State Education Department and the Town of Aurora Building Department. The property shall be in compliance with the New York Fire and Building Codes.
4. Summer Camp: The use of the premises as a summer day camp is a part of the annual school curriculum for the year commencing on July 1st and terminating on June 30th. The use of the property shall be attentive to any nearby residential properties.
5. Certificate of Occupancy: The Town of Aurora Building Department will issue a Certificate of Occupancy upon compliance to the approved Site Plan, and be it further

RESOLVED, that this Resolution shall become effective upon the written acknowledgment of receipt of the Resolution approving the Site Plan for 1276 Mill Road.

Action#387
Site plan for
1276 Mill
aprvd

Duly adopted this 14th day of December 2020.

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

Councilwoman Friess moved to set Monday, January 11, 2021 at 7:00 p.m. for a Public Hearing on a proposed Local Law to rezone 730 Olean Road, East Aurora, NY from Rural Residential and Agriculture to Business 2 to accommodate the Rural Outreach Center. Due to Covid-19 restrictions, the public hearing will be broadcast via Zoom and YouTube. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #388
Public Hearing
set for LL to
rezone 730
Olean (ROC)

Councilman Wochensky moved to approve the CSEA collective negotiations tentative contract agreement and authorize the Supervisor to sign the January 1, 2020 through December 31, 2023 CSEA agreement. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #389
Supv auth to
sign CSEA
agreement
(2000-2023)

NEW BUSINESS:

Supervisor Bach stated that the East Aurora Driving Society, Inc. is proposing to fund and build a 20' by 40' pavilion/shelter at the Chur Equestrian Center at Knox Farm State Park. Mr. Bach noted that in addition to Town approval, NYS Parks and Knox Farm State Park

personnel need to approve the project.

Councilwoman Jeffe asked where the shelter is proposed to be located. Highway Superintendent Gunner stated between the two paddocks, about 400 feet back from Knox Road.

Councilman Wochensky moved to approve the proposal from the East Aurora Driving Society, Inc. to fund and build a 20' by 40' pavilion/shelter at the Chur Equestrian Center at Knox Farm State Park and to forward the proposal to the NYS Parks Department and Knox Farm State Park. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #390
Pavilion/shelter
proposal for
KFSP aprvd;
forward to
NYS & KFSP

Highway Superintendent Gunner received quotes to install a sidewalk at the Whaley Avenue Bridge project from:

- Engasser Construction Corp. \$4,000
- Creative Concrete \$5,600

Action #391
Sidewalk
install at
Whaley Bridge
aprvd.

Councilman Wochensky moved to 1) approve the hiring of Engasser Construction Corporation, 691 Olean Road, East Aurora, to install a sidewalk at the Whaley Avenue Bridge at a cost of \$4,000; 2) approve a \$500 change order to add a section of concrete; and 3) approve payment to Engasser Construction Corporation in the amount of \$4,500.

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

Councilwoman Friess moved to accept the following donations for the Aurora Senior Center to be used toward members participating in the frozen meal program:

- \$200 from Dr. & Mrs. Janofsky
- \$30 from Amy Aubrecht

and to authorize the following budget amendment to record the donations:

Increase revenue line A2705 by \$230

Increase appropriation line A6772.401 by \$230

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

ayes – four noes – none Motion carried.

Action #392
Donations for
SrCtr frozen
meal program
accepted

Councilwoman Friess moved to accept a \$300 donation from the Southtown Needlenuts to be deposited to TA1000.0090 Senior Center donations. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes - four noes – none Motion carried.

Action #393
Donation to
SrCtr accepted

Councilwoman Friess moved to approve the following budget transfers to correct and/or prevent overdrawn budget lines:

From: DB5130.420 Hwy radio svc contract	\$982.62
DB5130.100 Hwy shop wager	\$2,100.00
To: DB5130.432 Hwy materials/supplies	\$3,082.62

From: A3510.101 DCO PT payroll	\$1,751.88
To: A5310.140 DCO Overtime payroll	\$1,751.88

From: DB5110.100 Hwy labor payroll	\$3,928.72
To: DB5110.104 Hwy labor OT payroll	\$3,928.72

From: DB5110.413 Hwy repairs/rental	\$1,200.00	Action #394 Budget trans for Hwy & DCO aprvd
DB5110.410 Hwy fuel	\$ 281.23	
To: DB5110.433 Hwy repairs/materials	\$1,481.23	

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

Councilwoman Jeffe moved to authorize the Supervisor to sign the letters of engagement with Drescher & Malecki LLP, 3083 William Street, Buffalo, NY, for 1) audit services for the year ending December 31, 2020 at a fee not to exceed \$19,475; and 2) preparation of the Annual Financial Report Update Document for the year ending December 31, 2020. Councilwoman Friess seconded the motion. Upon a vote being taken:
ayes – four noes – none Motion carried.

Acton #395
Supv auth to
sign Drescher
Malecki ltrs of
engagement for
YE 2020 audit

Councilwoman Friess moved to approve the use of Debt Reserve funds to make the \$7,975.00 interest payment due December 15, 2020 to Depository Trust Company for the Gleed Avenue renovation bond. Councilwoman Jeffe seconded the motion. Upon a vote being taken:
ayes – four noes – none Motion carried.

Action #396
Use of debt
reserve for
Gleed reno
bond interest
pymt aprvd

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

- Senior Center – November 2020 report
- Town Clerk – November 2020 report
- Dog Control – November 2020 report
- Work Requisitions – November 2020 report
- Building Department – November 2020 report
- Town Clerk/Tax – November 2020 report
- Water Clerk – November 2020 report
- Supervisor – November 2020 report
- Comp Alliance – Safe Workplace award

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Councilman Wochensky stated that the East Aurora Library is needs Plexiglas and asked if the Town could pay for some of it. Councilwoman Jeffe noted that the County should be providing that since the library is a County function. Mrs. Jeffe suggested getting additional information.

Councilwoman Jeffe and Councilman Wochensky attended the meeting of West Falls residents and business owners and listened to their concerns regarding sidewalks, speed limits, signage, and their ideas to promote the West Falls community. Mrs. Jeffe stated they will schedule one more meeting and after that, she and Councilman Wochensky would be Town liaisons to the group.

Supervisor Bach wished everyone a Merry Christmas and Happy Holidays and suggested checking out the “shop local” video he and Mayor Mercurio made for the East Aurora Chamber of Commerce Facebook page.

AUDIENCE II:

Tony Rosati, Oakwood Ave., stated that the Town Zoning Board of Appeals meetings this Thursday.

STAFF REPORTS:

Donna Bodekor stated that the number of people being served by the frozen meal program that is being conducted in place of the in-person lunch program is growing. Ms. Bodekor also thanked the Board for accepting the donations for the Senior Center.

ABSTRACT OF CLAIMS:

The Pre-paid Abstract of Claims dated December 3, 2020, consisting of vouchers numbered 1386 to 1391, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 991.82
Special Districts	<u>380.66</u>
Grand Total Abstract	\$1,372.48

The Abstract of Claims dated December 14, 2020 consisting of vouchers numbered 1392 to 1459, and Pre-paid vouchers 1460 to 1463, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 22,567.58
Part Town	1,838.50
Highway (DB)	17,057.85
Capital/H7	623.13
Special Districts	<u>53,531.63</u>
Grand Total Abstract	\$ 95,618.69

Councilwoman Friess moved to approve the December 3, 2020 Pre-paid and December 14, 2020 Abstracts of Claims and authorize payment of same. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #397
12/3/20 &
12/14/20
Abstracts of
Claims aprvd

Councilwoman Jeffe moved to adjourn at 8:35 p.m.; seconded by Councilman Wochensky. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #398
Meeting
adjourned

Martha L. Librock
Town Clerk