

November 28, 2022

A meeting of the Town Board of the Town of Aurora took place on Monday, November 28, 2022, beginning at 7:59 p.m. immediately after the work session. The Board met in-person at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, New York. The meeting was streamed via Zoom and YouTube.

Present:	Charles D. Snyder	Councilman
	Luke Wochensky	Councilman
	Joseph McCann	Councilman
	James F. Granville	Councilman
	James J. Bach	Supervisor
Others Present:	Brigid Maloney	Town Attorney
	Elizabeth Cassidy	Code Enforcement Officer
	David Gunner	Highway Superintendent
	Shane Krieger	Chief of Police
	Timothy Stroth	Planning Board Member
	Rod Simeone	Zoning Board Member
	Elizabeth Wilber	Live Stream Coordinator

Supervisor Bach opened the meeting at 7:59 p.m., immediately after the work session.

At 8:00 p.m., Supervisor Bach opened the Public Hearing on the site plan for a Bed & Breakfast/short-term rental at 1757 Emery Road, East Aurora, NY. The notice of public hearing was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board. The notice was mailed to abutting property owners. The Supervisor asked if anyone wished to comment.

The property owners, Craig and Cristina Polston, stated they are looking to use the 600sf studio apartment above their garage for short-term rental. They stated there is ample parking.

Hearing no further comments, Supervisor Bach closed the hearing at 8:03 p.m.

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Councilman McCann moved to approve the minutes of the November 14, 2022 work session and meeting; seconded by Councilman Granville. Upon a vote being taken: ayes – five	noes – none	Motion carried.	Action #431 11/14/2022 min aprvd
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#### AUDIENCE I:

Matthew Sotland, 1145 Mill Road, spoke to the Board about the lack of signage at the Mill Road Overlook to spell out the rules for use, noting that without written rules, the police cannot enforce anything. Mr. Sotland stated that there have been instances of pot smoking, loud music and vehicles driving on the Overlook beyond the parking lot. Mr. Sotland said he was not sure if trails through the Overlook would be a good idea. Highway Superintendent Gunner stated that signs with rules will be installed soon.

#### UNFINISHED BUSINESS:

Councilman Snyder moved to approve the site plan for a Bed & Breakfast/short-term rental at 1757 Emery Road, East Aurora, with the stipulations that there be ample parking and the property must remain owner occupied. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five	noes – none	Motion carried.	Action #432 1757 Emery site plan re: B&B aprvd
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Supervisor Bach moved to approve a Special Event Permit for Michael and Ashley Bojanowski for a holiday light display with music at their residence at 1840 Boies Road with the following stipulations:

- Music will be limited to 5-7 songs per loop.
- The event will only take place Thursday through Sunday from 5:00 p.m. to 9:00 p.m.

- Complaints to the Police Department or Town will be addressed and may result in shutting down the event.
- Weather conditions should be considered when deciding whether or not to conduct the event during times/days permitted.

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

Action #433  
Special Event  
Permit aprvd  
for 1840  
Boies light  
show  
w/stipulations

#### NEW BUSINESS:

Councilman Snyder moved to authorize the Supervisor to sign a two-year agreement (1/1/2023 – 12/31/2024) with Comp Alliance for workers compensation coverage. Councilman Granville seconded the motion. Upon a vote being taken: aye – five noes – none Motion carried.

Action #434  
Supv auth to  
sign 2-yr  
Comp  
Alliance  
agrmt

Councilman Wochensky moved to adopt the following updates to the Town Personnel Policy that will take effect January 1, 2023:

### 3.04 Overtime Compensation

Applies to Full-time (Group 2) employees who are classified as NON-EXEMPT from the Fair Labor Standards Act.

An employee will receive time and one-half pay, or time and one-half compensatory time off, at the discretion of the Department Head, for each hour worked over forty (40) hours per week. The paid lunch will be considered time worked for purposes of overtime/compensatory time eligibility.

Paid sick time shall be considered time worked for the purpose of overtime only at the discretion of the Department Head.

Compensatory time may be accumulated up to a maximum of 240 hours.

Compensatory time must be used or cashed out during the calendar year in which earned. If compensatory time is earned in the month of December, it must be used or cashed out within the first thirty (30) days of the New Year.

Overtime beyond the employee's normal workday or work week must be approved in writing by the immediate supervisor. Supervisors shall ensure that no unauthorized overtime hours are worked. The Department Head must keep a detailed record of compensatory time of all employees and attach such record to a signed time sheet. Compensatory time shall be administered as required and permitted by law.

### 3.05 Flex Time – is removed in its entirety. (Section is reserved)

### 4.03 Vacation

1. Vacation leave will be granted to full-time employees hired on or before 1/1/2011 according to the following:
  1. The vacation year shall be January 1 through December 31.
  2. Length of continuous full-time service with the Town of Aurora on January 1 will determine vacation entitlement for the following vacation year.

Continuous Full Time Service

with Town of Aurora on January 1:

Vacation Settlement as of January 1:

One (1) Year

Ten (10) days

One (1) additional day of vacation will be granted for each additional year of service on January 1, with a maximum of twenty (20) vacation days.

The vacation schedule shall allow one (1) additional day of vacation for each additional year of service on January 1 starting at seventeen (17) years of service with a maximum of twenty-five (25) vacation days.

2. Vacation leave will be granted to employees hired after 1/1/2011 according to the following:

a. The vacation year shall be January 1 through December 31.

b. Length of continuous full-time service with the Town of Aurora on January 1 will determine vacation entitlement for the following vacation year:

Continuous Full Time Service with the Town of Aurora on January 1.	Vacation Settlement as of January 1.
Less than one (1) year	Five (5) days
One (1) to less than five (5) years	Ten (10) days
Five (5) to less than ten (10) years	Fifteen (15) days
Ten (10) + years	Twenty (20) days

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

Action #435  
 Personnel  
 policy  
 updates  
 adopted.

Councilman McCann moved to authorize the Supervisor to send a letter of support for the WNY Scenic Byway proposal to have kiosks at the new proposed football stadium in Orchard Park promoting the Byway and the towns/villages that are along the Byway. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five                      noes – none  
 Motion carried.

Action #436  
 Supv to send  
 ltr of support  
 re: Byway  
 kiosks

Councilman Granville moved to set Monday, December 12, 2022 at 7:00 p.m. at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, NY, as the date, time and place for a public hearing on a proposed Local Law addressing videoconferencing by Town boards and committees. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five  
 noes – none                      Motion carried.

Action #437  
 Public hrg  
 set for  
 Video-  
 conferencing  
 local law

Councilman Wochensky moved to set Monday, December 12, 2022 at 7:00 p.m. at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, NY, as the date, time and place for a public hearing on a proposed Local Law to amend Chapter 116 of the Codes of the Town of Aurora by amending the definition of Adult Entertainment Cabaret. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five                      noes – none  
 Motion carried.

Action #438  
 Public hrg  
 set for  
 amendment  
 to definition  
 in Adult Use  
 code

Councilman McCann moved to forward the request to rezone 359 Quaker Road from C3 to R3 to the Planning Board for review and recommendation. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #439  
 359 Quaker  
 rezoning  
 application  
 sent to Plnng  
 Brd

Councilman Snyder moved to approve payment no. 2 to Peyton Barlow Co., Inc. in the amount of \$148,852.66 work performed on the updates and repairs (restroom renovation and addition, painting, roofing) at Aurora Community Pool through November 7, 2022. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #440  
Pymt #2 to  
Peyton  
Barlow for  
pool  
restroom  
project  
aprvd

Councilman Snyder moved to approve pay request no. 3 from FoitAlbert Associates, 295 Main Street, Suite 200, Buffalo, NY, for consulting work on the Church Street bridge over Tannery Brook project for the period 10/1/2022 to 10/28/2022:

- Church Street pay app no. 3 \$13,122.03

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

Action #441  
Pymt #3 to  
FoitAlbert  
for Church  
St bridge  
aprvd

Councilman Snyder moved to approve the hiring of Elizabeth Osucha, Alley Road, Alden, NY (non-resident) as a Lifeguard RPT at the rate of \$15.00 per hour. Orientation will be considered her first day worked. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #442  
E. Osucha  
hired as  
lifeguard

Councilman McCann moved to approve the following Recreation budget amendment to reflect additional revenue collected for the 2022 July 3<sup>rd</sup> (Independence Day) Celebration:

- Increase revenue line A2080.1 by \$1,900.00
- Increase appropriation line A7550.413 by \$1,900.00

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

Action #443  
Recreation  
2022 budget  
amendment  
aprvd

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

- Senior Center – October 2022 report
- Building Department – October 2022 report
- Work requisitions – October 2022 report
- Dog Control – October 2022 report

#### BUSINESS FROM BOARD MEMBERS/LIAISONS:

Councilmen McCann and Wochensky spoke about Code Red and the need to finalize policies for using the program. They noted there can be several ways to sign up to receive messages.

Councilman McCann mentioned a T-Mobile grant opportunity that could be used to make the ball diamonds ADA compliant.

Councilman Wochensky stated he will be meeting with local fire departments about ambulance service.

Councilman Snyder stated the new pool boiler is ready to be installed.

Supervisor Bach complimented the Highway Department employees on the snow removal during the recent snowstorm.

AUDIENCE II:

Rod Simeone, Byeberry Court, noted that the Zoning Board is looking at a proposal to codify a one-year limit to obtain a building permit after a variance is granted.

STAFF REPORTS:

Highway Superintendent Gunner noted that the lack of radios was a weakness during the recent snowstorm. Mr. Gunner stated that the FEMA reimbursement request has been submitted.

ABSTRACT OF CLAIMS:

The November 28, 2022 Abstract of Claims, consisting of PCard voucher 1415; vouchers numbered 1416 to 1455; and prepaid voucher 1456 was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 161,863.96
Part Town	41.58
Highway DB	83,284.12
Capital H7	13,122.03
Capital H10	148,852.66
Special Districts	<u>61,074.10</u>
Grand Total Abstract	\$ 468,238.45

Councilman McCann moved to approve the 11/28/2022 Abstract of Claims and authorize payment of same. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #444  
11/28/22  
Abstract of  
Claims aprvd

Councilman Snyder moved to adjourn at 8:40 p.m. Seconded by Councilman McCann. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #445  
Meeting  
adjourned.

Martha L. Librock  
Town Clerk