

December 12, 2022

A meeting of the Town Board of the Town of Aurora took place on Monday, December 12, 2022, beginning at 7:00 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 via Zoom
	Joseph McCann	Councilman
	James F. Granville	Councilman
	James J. Bach	Supervisor
Others Present:	Brigid Maloney	Town Attorney
	Elizabeth Cassidy	Code Enforcement Officer
	Paul Ernst	Zoning Board Chairman
	Rod Simeone	Zoning Board Member
	Robert Goller	Town/Village Historian
	Chris Musshafen	Aquatics/Recreation Director
	Elizabeth Wilber	Live Stream Coordinator

Supervisor Bach opened the meeting at 7:00 p.m., immediately after the work session. Councilman Wochensky attended the meeting via Zoom from Washington, DC.

The first item on the agenda was a Public Hearing on a proposed local law that would allow the use of videoconferencing, including from outside Town boundaries, by the Town Board and other boards and committees.

Supervisor Bach opened the Public Hearing at 7:00p.m. The notice of public hearing was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board. The Supervisor asked if anyone wished to comment.

David Peltan, Church Street, EA, commended the Board's work on this local law. Mr. Peltan stated that the meeting notices need to reflect the use of videoconferencing.

Hearing no further comments, Supervisor Bach closed the hearing at 7:03 p.m.

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The next item on the agenda was a Public Hearing on a proposed local law that would change the definition of Adult Entertainment Cabaret in Section 116-60 of the Town Code. Supervisor Bach opened the Public Hearing at 7:04. The notice of public hearing was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board. The Supervisor asked if anyone wished to comment.

The following persons spoke in favor of the proposed local law changing the definition of Adult Entertainment Cabaret:

Bernadette Singer, Lakeview, NY
Denise Brinton, East Aurora, NY
Margaret Potter, East Aurora, NY
Karen Spencer, East Aurora, NY
John Roden, West Falls, NY
Jen Fee, East Aurora, NY
Robert Goller, East Aurora, NY
David Dubois, East Aurora, NY
Kelly, West Seneca, NY (via Zoom)

The following persons spoke against or had concerns with the proposed local law changing the definition of Adult Entertainment Cabaret:

David Torke, Town of Aurora, NY
David Peltan, East Aurora, NY
Becky Horning, South Wales, NY
Eric Apen, East Aurora, NY
Jeff Harris, East Aurora, NY
Dr. Andrea Peach, East Aurora, NY

Email correspondence in favor of the proposed local law changing the definition of Adult Entertainment Cabaret was received from:

Lynn Brunner
Donna Fierle
Dori Shear-McGowan
Gretchen Hayden
Paul Kielich
Mary Lynn Acee

Email correspondence opposed to the proposed local law changing the definition of Adult Entertainment Cabaret was received from:

Bernadette Schalk

Hearing no further comments, Supervisor Bach closed the hearing at 7:49 p.m.

Supervisor Bach stated that a lot of good points were made, and he would like to discuss this further with the Town Attorney, noting that he is not ready to vote tonight. Councilman Snyder stated he agrees with the Supervisor. Councilmen Granville and McCann stated they were prepared to vote tonight but will go along with tabling the local law until the next meeting.

Councilman McCann moved to approve the minutes of the November 28, 2022 work session and meeting; seconded by Councilman Granville. Upon a vote being taken: ayes – four noes – none Motion carried. Action #446 11/28/2022 min aprvd

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Granville moved to add items 4A – Videoconferencing local law and 4B – Adult Entertainment Cabaret definition change local law to the agenda. Councilman McCann seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #447 Items 4A & 4B – Local Law intros added to agenda

Councilman Granville moved to adopt the Local Law 6 of 2022 as follows; seconded by Councilman McCann:

TOWN OF AURORA
LOCAL LAW NO. 2022-6

A LOCAL LAW TO CREATE A NEW CHAPTER IN THE AURORA TOWN CODE ENTITLED “MEETINGS” AND TO AUTHORIZE MEMBERS OF THE TOWN BOARD AND PUBLIC BODIES OF THE TOWN TO PARTICIPATE IN TOWN BOARD MEETINGS VIDEOCONFERENCING FROM LOCATIONS OUTSIDE THE TOWN OF AURORA’S GEOGRAPHICAL LIMITS.

Section 1. Legislative Intent.

It is the intent of this local law to give members of the town’s local public bodies, as such term is defined in Public Officers Law § 103-a(1), the authority to participate in meetings via videoconferencing in a manner consistent with the town’s videoconferencing policy and the authority granted in Public Officers law Section 103-a.

Although Public Officers Law § 102 expressly allows members of a public body to attend and participate in meetings using videoconferencing, Town Law § 62 states that town board meetings must take place within the town thereby making it unclear if a town board member may participate via videoconference from a location outside the town's

boundaries. This local law is meant to expressly provide that authority to members of the town board.

Section 2. Authority.

This local law is adopted pursuant to Public Officers Law § 103-a which expressly authorizes the town board to adopt a local law giving the town’s public bodies the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the body participates from locations where the public may be physically present and other conditions are met.

Section 3. Videoconferencing from Outside Town Boundaries.

The town board of the Town of Aurora hereby supersedes Town Law § 62 to expressly allow members of the town’s public bodies, in each public body’s discretion, to participate in meetings using videoconferencing technology from locations within the town or outside the town’s boundaries from a location that is not accessible by the public, in a manner consistent with Public Officers Law Section 103-a and the town’s videoconferencing policy adopted by the town board. Attendance via videoconferencing is only permitted if (a) a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations within the Town of Aurora’s boundaries where the public can attend, and (b) the member of the public body is unable to be physically present at any such meeting location due to extraordinary circumstances including, without limitation: disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

Action #448
LL 6-2022
Video-
conferencing
for Boards
adopted

Upon a roll call vote being taken:

Councilman McCann Aye
Councilman Granville Aye
Councilman Snyder Aye
Supervisor Bach Aye

ayes – four noes – none

Motion carried.

Councilman Snyder moved to table Local Law Intro 2022-7 – Adult Use code amendment. Councilman Granville seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #449
LL Intro 7 –
2022 amend
adult use
code tabled

NEW BUSINESS:

Councilman Snyder moved to amend the agenda by adding items 5H – Highway Intermunicipal Shared Agreement and 5I – 359 Quaker rezoning to Code Review Committee. Councilman McCann seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #450
Items 5H –
Hwy agrmt;
5I – C1/C2
code added
to agenda

Councilman Snyder moved to authorize the submittal of a grant application to T-Mobile for funds to make the baseball diamond areas at Community Pool Park and Glead Avenue ADA compliant. Councilman McCann seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #451
T-Mobile
grant appl
submittal
aprvd

Councilman Snyder moved to approve enhancing the name of the Mill Road Overlook to become the Kathy Bieler Mill Road Overlook. Councilman McCann seconded the motion. Upon a vote being taken: ayes – four noes - none Motion carried.

Action #452
Mill Road
Overlook
name now
Kathy Bieler
Mill Road
Overlook

Councilman McCann moved to authorize the Supervisor to sign the following Memorandum of Agreement extending and modifying the Collective Bargaining Agreement between the Town of Aurora and CSEA, Local 1000 AFSCME, AFL-CIO Town of Aurora Unit of Erie County Local 815:

Memorandum of Agreement Extending and Modifying the Collective Bargaining Agreement between The Town of Aurora and CSEA, Local 1000 AFSCME, AFL-CIO Town of Aurora Unit of Erie County Local 815

WHEREAS, the Town of Aurora (the “Town”) and the Civil Service Employees Association, Local 1000 AFSCME, AFL-CIO, Town of Aurora Unit of Erie County Local 815 (the “Union”) are parties to a collective bargaining agreement for the period of January 1, 2020 – December 31, 2023 (the “CBA”); and

WHEREAS, the CBA is in full force and effect the parties are under no obligation to negotiate any changes to the CBA at the present time; and

WHEREAS, the Town of Aurora has made and/or intends to make certain changes to the terms and conditions of employment and wages for Town employees who are not covered by the CBA which are beneficial to the employees; and

WHEREAS, the Union would like employees covered by the CBA to be subject to similar beneficial changes to the terms and conditions of their employment and wages; and

WHEREAS, the Town is willing to make certain changes to the terms and conditions of employment and wages of employees covered by the CBA, that will benefit the employees in exchange for a two-year extension to the CBA as modified by this Memorandum of Agreement (“MOA”).

NOW THEREFORE, the Parties agree as follows:

1. The introductory paragraph of the CBA (immediately preceding the paragraph entitled “Legislative Requirement”) shall be amended to read as follows:

This Agreement made and entered into this first day of January 2020 through December 31, 2025 between the Town of Aurora, hereinafter called the “Town” and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, hereinafter called the “CSEA”.

2. Article 5, Section 5.03 (HOLIDAYS) shall be amended to add “Juneteenth” to the list of paid holidays to which employees are entitled.
3. Article 5.05 (VACATION), subsection 2 shall be amended to read as follows:

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

Supervisor Bach stated that Mr. Bender has always been there for the community in his position as Assistant Disaster Coordinator and member of the fire department.

Councilman Granville moved to approve the following 2022 budget amendment to record a donation received by the Board on 11/14/2022 from East Aurora Baseball & Softball for diamond dirt:

- Increase revenue line A2705.2 Donations EA baseball supplies \$5,000
- Increase appropriation line A7110.444 Parks landscaping \$5,000

Councilman Snyder seconded the motion. Upon a vote being taken:

ayes – four noes – none Motion carried.

Action #456
Budget
amendment
for EA
Baseball
donation
aprvd

Action #457
Payment no.
1 to Allgaier
Const –
SrCtr door
proj – aprvd

Councilman Granville moved to approve Pay Application No. 1 in the amount of \$3,330.00 from Allgaier Construction Corp., 10080 County Road, Clarence Center, NY, for bonds and insurance (work completed) on the Aurora Senior Center door project through 11/30/2022. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none

Motion carried.

Action #458
Supv auth to
sign Hwy
shared
services
agrmt

Councilman McCann moved to authorize the Supervisor to sign the Erie County Inter-Municipal Highway Shared Services Agreement (originally presented in August 2021). Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none

Motion carried.

Action #459
Modification
of C1/C2
zoning code
referred to
review
committee

Councilman McCann moved to refer the proposed addition of multi-family dwellings to the C1 and C2 zoning codes to the Code Review Committee for review and recommendations. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none

Motion carried.

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

- Senior Center – November 2022 report
- Town Clerk – November 2022 report
- Work requisitions – November 2022 report
- Dog Control – November 2022 report
- Recreation – October and November 2022 reports
- Supervisor – November 2022 report

BUSINESS FROM BOARD MEMBERS/LIAISONS:

Councilman Snyder gave a report on the pool construction project, noting that weather has slowed down construction.

Councilman Wochensky stated he had met with local fire chiefs regarding ambulance service and that he and Supervisor Bach will continue to work on this.

Councilman McCann stated he is working on the T-Mobile grant application and has been working with the East Aurora Library on collecting new books for disadvantaged kids in the K-4 age group.

AUDIENCE II:

Robert Goller, Sycamore Street, noted that since the Village of East Aurora has the same Adult Use code as the Town, it would be a good opportunity for both to work together on amending their codes.

Marsha Kimmel-Hurt, Village Board Trustee, stated that the Village does need to address their Adult Use code, too.

STAFF REPORTS:

Chris Musshafen noted that EAST recently held their Kiwanis swim meet.

ABSTRACT OF CLAIMS:

The December 12, 2022 Abstract of Claims, consisting of vouchers numbered 1457 to 1514; and prepaid vouchers 1515 to 1516 was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 25,102.09
Part Town	286.40
Highway DB	40,324.38
Special Districts	<u>53,940.49</u>
Grand Total Abstract	\$ 119,653.36

Councilman Granville moved to approve the 12/12/2022 Abstract of Claims and authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none
Motion carried.

Action #460
12/12/22
Abstract of
Claims aprvd

Councilman McCann moved to adjourn at 8:20 p.m. Seconded by Councilman Snyder. Upon a vote being taken: ayes – four noes – none
Motion carried.

Action #461
Meeting
adjourned.

Martha L. Librock
Town Clerk