

December 27, 2022

A meeting of the Town Board of the Town of Aurora took place on Tuesday, December 27, 2022, beginning at 11:30 a.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
	Paul Ernst	Zoning Board Chairman
	Rod Simeone	Zoning Board Member
	Donna Bodekor	Senior Center Director
	Shane Krieger	Chief of Police
	Robert Goller	Town/Village Historian
	Elizabeth Wilber	Live Stream Coordinator

Supervisor Bach opened the meeting at 11:30 a.m., immediately after the work session.

Councilman McCann moved to approve the minutes of the December 12, 2022 work session and meeting; seconded by Councilman Granville. Upon a vote being taken: ayes – five	noes – none	Motion carried.	Action #462 12/12/2022 min aprvd
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#### AUDIENCE I:

Kathy Goguen, King Street, E. Aurora, spoke to the Board about the proposed change to the Adult Use code. Mrs. Goguen is opposed to the local law amending a definition in the code.  
Eric Carlson, Main Street, E. Aurora, spoke in favor of the amendment/local law.  
Lesley Carlson, Main Street, E. Aurora, spoke in favor of the amendment/local law.  
John Goguen, King Street, E. Aurora, stated he is the Pastor of Agape Bible Fellowship which is next door to Angelina’s restaurant. Mr. Goguen spoke against the local law.  
Becky Horning, South Wales, spoke against the amendment/local law.  
David Peltan, Church Street, E. Aurora (via Zoom) noted his concerns about the amendment/local law.

#### UNFINISHED BUSINESS:

Councilman Wochensky moved to adopt the Local Law 7 of 2022 as follows; seconded by Councilman McCann:

### TOWN OF AURORA LOCAL LAW NO. 7-2022

A LOCAL LAW, TO AMEND LOCAL LAW 3-2022 KNOWN AS “THE ZONING CODE OF THE TOWN OF AURORA, ERIE COUNTY, AND STATE OF NEW YORK”, ADOPTED BY THE TOWN BOARD OF THE TOWN OF AURORA ON JUNE 20, 2022, BY AMENDING THE ZONING CODE REGARDING THE DEFINITION OF ADULT USE.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AURORA AS FOLLOWS:

#### SECTION 1. LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as “The Zoning Code of the Town of Aurora, Erie County, and State of New York” adopted by the Town of Aurora on June 20, 2022.

SECTION 2. SECTION 116-60, DEFINITIONS.

The definition of “Adult Entertainment Cabaret” is hereby amended to read as follows:

ADULT ENTERTAINMENT CABARET

A public or private establishment which is licensed to serve food and/or alcoholic beverages and which features topless dancers, strippers, or similar entertainers.

SECTION 3. 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 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Upon a roll call vote being taken:

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

ayes – five               noes – none

Motion carried.

Action #463  
LL 7-2022  
Adult use  
definition  
amendment  
adopted

NEW BUSINESS:

Councilman McCann moved to amend the agenda by adding Item 5M – carry-over appointments to 2023. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five     noes – none               Motion carried.

Action #464  
Item 5M –  
carry-over  
appointments  
added to  
agenda

Quotes for a new automated pool vacuum for Community Pool were received from:

- Commercial Clearwater Company, Inc.                 \$8,999.00
- Frey Technologies, Inc.                                     \$9,460.54
- SP&S Swimming Pool & Spa Equipment                 \$12,099.74
- B&R Pools & Swim Shop, Inc.                             \$9,244.00

Councilman Snyder moved to approve the purchase of an automated pool vacuum from Commercial Clearwater Company, Inc., Plandome, NY, for \$8,999.00. Funds will be disbursed from A7180.426. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five               noes – none  
Motion carried.

Action #465  
Purch of auto  
pool vacuum  
aprvd

Councilman Snyder moved to approve payment no. 1/final to Greater Niagara Mechanical, Inc. for the new pool boiler in the amount of \$39,745.00. Funds will be disbursed from A7110.454 ARPA. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five               noes – none  
Motion carried.

Action #466  
Pymt to  
Greater  
Niagara  
Mech for  
pool boiler  
aprvd

Councilman Granville moved to approve, and authorize the Supervisor to sign, Change Order No. 5 from Peyton Barlow Company, Inc. changing the epoxy floor finish to a quartz broadcast material instead of vinyl flake at Community Pool. Material and labor: \$1,814.00

- Original Contract \$374,670.00
- Net change by previous change order(s) 8,047.00
- Contract sum prior to this change order 382,717.00
- Amount of this change order (No. 5) 1,814.00
- New contract sum including this change order \$384,531.00

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

ayes – five                      noes – none                      Motion carried

Action #467  
Peyton  
Barlow  
CO#5 for  
pool project  
aprvd

Councilman Wochensky moved to approve, and authorize the Supervisor to sign, Change Order No. 6 from Peyton Barlow Company, Inc. removing patching and repair of damages to the existing asphalt driveway. Credit: \$2,500.00

- Original Contract \$374,670.00
- Net change by previous change order(s) 9,861.00
- Contract sum prior to this change order 384,531.00
- Amount of this change order (No. 6) -2,500.00
- New contract sum including this change order \$382,031.00

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

ayes – five                      noes – none                      Motion carried

Action #468  
Peyton  
Barlow  
CO#6 for  
pool project  
aprvd

Councilman McCann moved to approve Pay Application No. 3 in the amount of \$105,413.31 from Peyton Barlow Co., Inc., 360 Delaware Avenue, Buffalo, NY, for work done on the Community Pool update and repair project through 12/10/2022. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #469  
Pymt 3 to  
Peyton  
Barlow for  
pool project  
aprvd

Councilman McCann moved to table the resolution of support for the West Falls Depot National Register of Historic Places nomination for further information. Councilman Granville seconded the motion. Upon a vote being taken: ayes - five                      noes – none                      Motion carried.

Action #470  
WF Depot  
resolution  
tabled

Councilman Wochensky moved to approve a compensation (comp) time payout to Code Enforcement Officer Elizabeth Cassidy for 37.75 hours accrued in 2022. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #471  
Comp time  
payout for E.  
Cassidy  
aprvd

Councilman Snyder moved to approve the following budget transfer to cover the comp time payout to Code Enforcement Officer Elizabeth Cassidy:

- From: A3620.103 Assistant CEO \$1,179.69
- To: A3620.100 Code Enforcement Officer \$1,179.69

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

ayes – five                      noes – none                      Motion carried.

Action #472  
Budget  
transfer for  
comp time  
payout aprvd



Mruzik, Lillian	Lifeguard PT/WS instructor	\$13.85/14.60	\$15.75/16.50	
Mucklewee, Jordyn	Rec. Attendant PT	\$14.30	\$16.00	
Osucha, Elizabeth	Lifeguard PT/EAST Coach	\$15.00	\$17.50	
Randall, Edward	Lifeguard PT	\$13.85	\$15.75	
Roberts, Henry	Lifeguard PT	\$13.60	\$15.50	
Siener, Abby	Rec. Attendant PT	\$14.60	\$16.50	
Siener, Page	Rec. Attendant PT	\$14.60	\$16.50	
Tresmond, Jada	Rec. Attendant PT	\$13.30	\$15.00	
Tresmond, James	Rec. Attendant PT	\$13.30	\$15.00	
Valentine, Megan	Lifeguard PT	\$13.60	\$15.50	
Valentine, Weston	Lifeguard PT/WS instructor	\$13.85/14.60	\$15.75/16.50	
Wangelin, Sam	Lifeguard PT	\$13.85	\$15.75	
Wilber, Gregory	Lifeguard PT	\$13.60	\$15.50	Action #474
Williams, Nicholas	Lifeguard PT	\$13.60	\$15.50	Rec pay rate
Winfield, Jacob	Lifeguard PT/WS instructor	\$13.60/14.60	\$15.50/16.50	increases due

PT=part time RPT=regular part time WS=water safety  
 to min wage  
 increase  
 aprvd

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

Supervisor Bach moved to approve the following budget transfer to cover principal for the NYPA variable rate loan:

- From: A9790.700 NYPA Interest                      \$882.00
- To: A9790.600 NYPA Principal                      \$882.00

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

Action #475  
 Budget trans  
 for NYPA  
 loan aprvd

Councilman Wochensky moved to approve the following budget amendment to record an insurance recovery check for a highway vehicle accident that occurred on 10/28/2022:

- Increase revenue line DB2680 Insurance recovery                      \$5,191.60
- Increase appropriation line DB5130.432 Materials                      \$5,191.60

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

Action #476  
 Budget  
 amendment  
 for insurance  
 recovery ck  
 aprvd

Councilman Wochensky moved to extend all current board and committee appointments to the January 9, 2023, Organizational meeting.

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

Action #477  
 Current board  
 & committee  
 appts  
 extended to  
 2023

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

- Building Department – November 2022 report
- South Wales Fire Company – letter of thanks re: ARPA funds
- ECIDA Policy amendment notice

**BUSINESS FROM BOARD MEMBERS/LIAISONS:**

Supervisor Bach and the Councilmen thanked Highway Superintendent Gunner and the Highway employees for the great job they did keeping the roads clear during the 12/23-12/26/2022 blizzard/snowstorm event.

Councilman Wochensky stated the CSC Task Force met and will need a record of electric and gas use by the Town. He is also working on Code Red and a social media policy.

Councilman McCann stated the T-Mobile grant application is being finalized.

AUDIENCE II: none

STAFF REPORTS:

Donna Bodekor stated that the Senior Center sound system is going to be installed 1/9/2023.

Police Chief Krieger thanked the Town Clerk for opening the Senior Center this past weekend for use as a warming center for people who had lost heat and power in their homes.

Highway Superintendent Gunner stated that the Town Highway department helped the Village of East Aurora and the Town of Lancaster with plowing during the storm. Mr. Gunner stated that they will be going forward with both the Church Street and East Fillmore bridge projects and thanked Village Trustee Grace Viger for her help as a liaison between the Town and Village.

ABSTRACT OF CLAIMS:

The December 27, 2022 Abstract of Claims, consisting of PCard voucher 1517; vouchers numbered 1518 to 1567; and prepaid vouchers 1568 to 1570 was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 79,292.62
Highway DA	812.52
Highway DB	27,042.50
Special Districts	<u>2,028.31</u>
Grand Total Abstract	\$ 109,175.95

Councilman Wochensky moved to approve the 12/27/2022 Abstract of Claims and authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #478  
12/27/22  
Abstract of  
Claims aprvd

Councilman Wochensky moved to adjourn at 12:15 p.m. Seconded by Councilman McCann. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #479  
Meeting  
adjourned.

Martha L. Librock  
Town Clerk