

March 27, 2023

A meeting of the Town Board of the Town of Aurora took place on Monday, March 27, 2023, beginning at 7:32 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 also streamed via Zoom and YouTube:

Present:	Charles D. Snyder	Councilman/Deputy Supervisor
	Luke Wochensky	Councilman
	Joseph McCann	Councilman
	James F. Granville	Councilman
	James J. Bach	Supervisor via Zoom
Others Present:	Brigid Maloney	Town Attorney
	Richard Miga	Asst. Code Enforcement Officer
	David Gunner	Highway Superintendent
	Rod Simeone	Zoning Board Member
	Paul Ernst	Zoning Board Chairman
	Tim Stroth	Planning Board Member
	Chris Musshafen	Aquatics/Recreation Director
	Elizabeth Wilber	Live Stream Coordinator

Deputy Supervisor Snyder opened the regular meeting at 7:32 p.m., following the conclusion of the work session. Mr. Snyder stated that Supervisor Bach was attending the meeting via Zoom from Stewart, Florida and taking part in discussions but would not be voting on any of the motions.

The first item on the agenda was a Public Hearing on a proposed Local Law that would amend Chapter 116 Zoning Article IX by adding a section that would provide a sunset clause on decisions made by the Zoning Board of Appeals. Deputy Supervisor Snyder opened the hearing at 7:32 p.m. and asked if anyone wished to comment.

Grace Viger, Village of East Aurora Trustee, asked for the background of this law and noted that something similar could possibly be added to the Village code.

Dave Simeone, Village of East Aurora Planning Commission, stated he is in favor of the law.

Hearing no further comments, the hearing was closed at 7:35 p.m.

Councilman McCann moved to approve the minutes of the March 13, 2023, work session and meeting. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four	noes – none	Action #81 3/13/2023 minutes aprvd
	Motion carried.	

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Wochensky moved to adopt Local Law 3-2023; seconded by Councilman McCann:

TOWN OF AURORA

LOCAL LAW 3-2023

A LOCAL LAW, TO AMEND LOCAL LAW 1-1990 KNOWN AS “THE CODES OF THE TOWN OF AURORA”, ADOPTED BY THE TOWN BOARD OF THE TOWN OF AURORA ON JANUARY 22, 1990, BY AMENDING CHAPTER 116, ARTICLE IX, SECTION 116-91 - POWERS AND DUTIES.

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 Town of Aurora Code” adopted by the Town of Aurora on January 22, 1990, as amended, relating to the administrative, legislative and general legislation of Codes within the Town of Aurora as therein set forth.

SECTION 2. Chapter 116 – Zoning Article IX – Board of Appeals Section 116-91 - Powers and Duties is amended by adding the following paragraph:

H. Any variance or special use permit granted by the Zoning Board of Appeals or by a court of competent jurisdiction, pursuant to the provisions of this chapter, shall be and become null, void and of no further force or effect unless a building permit, if required, is issued or the use granted commences within 365 days after the date of the decision of the Zoning Board of Appeals or a final court decision has been entered.

SECTION 3. EFFECTIVE DATE

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

Action #82
 LL3-2023
 ZBA sunset
 clause adopted

Upon a roll call vote being taken:
 Councilman Wochensky – aye
 Councilman Snyder – aye
 Councilman Granville – aye
 Councilman McCann – aye

ayes – four noes – none Motion carried.

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Councilman Granville moved to send the rezoning request for 359 Quaker Road back to the Planning Board for further review. Councilman McCann seconded the motion. Upon a vote being taken: ayes – four
 noes – none Motion carried.

Action #83
 359 Quaker
 rezoning sent
 back to Plnng
 Brd for review

NEW BUSINESS:

Councilman McCann moved to add item 5F – Out of District water late fee to the agenda. Councilman Granville seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #84
 Item 5F –
 OOD water
 late fees added
 to agenda

Councilman McCann moved to approve the following fee schedule with the additional manual processing fee effective April 1, 2023 for contractors and effective October 1, 2023 for residents:

Permit Type	Application Fee	Permit Fee	Manual Processing Fee
One, Two & Multi-Family Residence (R)	\$75	\$.50/sf	\$75
Park/Recreation Fee		\$200	
Commercial (C)	\$100	\$.50/sf	\$100
Commercial/Residential Addition	\$60	\$.50/sf (\$50 minimum)	\$60
Alteration/Renovation/Repair	\$60	\$.50/sf (\$50 minimum)	\$60
Accessory Building/Accessory Structure	\$40	\$.25/sf	\$40
Antique Car		\$50	\$50
CO without Permit/Business CO		\$50	
Demolition (over 500sf)		\$50	\$50
Fence		\$50	\$50
Fuel Tank installation		\$100 up to 250lb tank + \$0.10/lb over 250lbs	\$100

Fuel Tank removal		\$100	\$100
Generator		\$75	\$75
Move building		\$50	\$50
Pond		\$50	\$50
Pools		\$150 In-ground \$75 Above ground	\$150 \$75
Pool permit renewal		\$100	\$100
Signs		\$60 Permanent \$25 Temporary	\$60
Solar Energy System	\$50	\$0.10/sf of panel	\$50
Solid Fuel Appliance		\$50	\$50
Tower**		\$150 Co-location of new equipment or antenna \$1,000 New Tower**	
Zoning Board of Appeals	\$100		
Zoning Compliance letter		\$50	
Re-issue expired permits		1 year: ½ original permit fee 3 month: \$25 application fee plus ¼ original permit fee	
Construction without Permit		Double permit fee	
Chickens and kennel		\$25	\$25
SWPPP*		0-5 acres: \$150 5.01-10 acres: \$250 Over 10 acres: \$350 min.	
Floodplain Development Permit		\$125	
Site Plan – based on number of improved acres**		0-1 acre: \$250 1.01-5 acres: \$500 5.01-10 acres: \$1000 Over 10 acres: \$1500	
*Additional Review Fees may be required per Town Code Chapter 96 Stormwater Mgmt. Section 8 Para. D		** Additional professional services, including but not limited to engineering review, traffic study and SEQRA review utilized by the Town during the review process shall be borne by the applicant	

Seconded by Councilman Wochensky. Upon a vote being taken: ayes – four
noes – none Motion carried.

Action #85
Building dept
fee schedule
aprvd

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Councilman Granville moved to approve the following pay requests
from FoitAlbert Associates, 295 Main Street, Suite 200, Buffalo, NY, for
consulting work on the Church Street and East Fillmore bridge projects:

- East Fillmore pay app no. 3: \$10,158.08 for services rendered
10/1/2022 – 10/28/2022
- East Fillmore pay app no. 5: \$23,986.41 for services rendered
12/31/2022 – 2/24/2023
- Church Street pay app no. 5: \$19,456.51 for services rendered
12/31/2022 – 2/24/2023

Action #86
FoitAlbert
payments for
bridge work
aprvd

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

Councilman McCann moved to approve a Temporary Use Permit for
the American Cancer Society - Cancer Action Network to use the Town
managed side of Knox Farm State Park for a 5K race/1mile walk on May 21,
2023, contingent upon receipt of an indemnification form. Councilman
Wochensky seconded the motion. Upon a vote being taken: ayes – four
noes - none Motion carried.

Action #87
TUP for
ACSCAN at
KFSP aprvd

Councilman McCann moved to approve the following minimum
quarterly water billing rates for private road/private water line customers
based on the size of the master meter that serves the individual private
road/water line and billing from the Erie County Water Authority:

Private road/line	O&A	Infrastructure	R&M	Min. water use	Minimum total
Center/WestGate*	\$20.02	\$16.61	\$25.00	\$21.71	\$83.34
Mitchell	\$20.02	\$15.94	\$25.00	\$21.05	\$82.01
Hickory (Sanford)	\$20.02	\$26.57	\$25.00	\$35.07	\$106.66
Mary Jane Ln	\$20.02	\$26.57	\$25.00	\$35.07	\$106.66
South Herrick	\$20.02	\$71.16	\$25.00	\$94.53	\$210.71

*Includes Hubbard Road customers.

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

Action #88
 Min water bill rates set for private line/private road customers

Councilman McCann moved that the \$25 Repair and Maintenance (R&M) fee from water bills be deposited to a separate budget line to be administered collectively among the private road/private water line customers. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #89
 Private water R&M fee to be collective

Councilman McCann moved to approve the hiring of the following non-residents as Lifeguards RPT at \$17.00/hour:
 Alexis Andres 6541 Vermont Hill Road, S. Wales, NY
 Elizabeth Sanderson 6721 Redwing Drive, Boston, NY
 Orientation will be considered first day worked. Councilman Granville seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #90
 Non-residents aprvd for hire as lifeguards

Councilman Granville moved to approve adding a late fee to out of district water customer annual invoices based on the penalty fee schedule on Town/County tax bills:

Payment is due February 15* without penalty. Penalties are added as follows:

- 1.5% added February 16 – February 28 (29th if a leap year)
- 3.0% added March 1 – March 15
- 4.5% added March 16 – March 31
- 6.0% added April 1 – April 15
- 7.5% added April 16 – April 30

On May 1, the 7.5% penalty fee is added to the unpaid amount, forming a new base rate then due. Thereafter, interest is added to the new base rate of 1.5% per month on the first of each month. Shut off procedures will commence for invoices unpaid past November 30th. (*Whenever the last day to pay such taxes without penalty or with a stated penalty, as hereinbefore or hereinafter provided, falls on a Sunday or legal holiday, such taxes may be paid on the next business day succeeding such Sunday or legal holiday without incurring any additional penalty – Erie County Tax Act.)

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

Action #91
 Late fee aprvd for OOD water customer invoices

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

- Building Department – February 2023 report

BUSINESS FROM BOARD MEMBERS/LIAISONS

Councilman McCann stated that East Aurora Baseball & Softball wants to donate two AED's to the Town. The Open Space Committee will be holding a meeting with Hubbard Road residents on 3/28/2023 at the Aurora Municipal Center to discuss the proposed improvements to the Hubbard Road portion of Majors Park.

Supervisor Bach and Councilman Snyder will be meeting with Village officials regarding the Police Contract.

Councilman Wochensky stated that to receive Climate Smart Community Bronze Certification the Town needs to adopt a non-binding complete streets policy. There is a meeting tomorrow with several fire chiefs to discuss ambulance service.

Deputy Supervisor Snyder stated that the gas line at Community Pool should be installed by National Fuel in the next 2 to 3 weeks. Mr. Snyder noted that, unfortunately due to construction delays, the new bathrooms at Community Pool Park will not be ready for the baseball season, but the contractor has offered two porta potties.

AUDIENCE II: none

STAFF REPORTS:

ZBA members Rod Simeone and Paul Ernst thanked the Board for adopting the local law with the sunset clause wording for the Town Code.

Chris Musshafen stated that EAST finished its fall and winter season; registration for summer recreation programs begins April 3rd; and lifeguard courses will be conducted in April and during the summer.

Rich Miga is starting his ACEO training.

ABSTRACT OF CLAIMS:

The March 27, 2023, Abstract of Claims, consisting of PCard voucher number 288; vouchers numbered 289 to 351; and prepaid vouchers numbered 352 to 354, was presented to the Board for audit and authorization of payment from the following funds:

General	\$312,859.19
Highway/DA	33,966.71
Highway/DB	25,199.37
Capital H7	53,601.00
Special Districts	<u>111,489.73</u>
Grand Total Abstract	\$537,116.00

Councilman Granville moved to approve the 3/27/2023 Abstract of Claims and authorize payment of same. Councilman McCann seconded the motion. Upon a vote being taken: ayes – four noes – none
Motion carried.

Action #92
3/27/2023
Abstract of
Claims aprvd

Councilman Wochensky moved to adjourn at 8:04 p.m. Seconded by Councilman Granville. Upon a vote being taken: ayes – four noes – none
Motion carried.

Action #93
Meeting
adjourned