

June 26, 2023

A meeting of the Town Board of the Town of Aurora took place on Monday, June 26, 2023, beginning at 6:50 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
	Rod Simeone	ZBA Member
	Elizabeth Wilber	Live Stream Coordinator

Supervisor Bach opened the regular meeting at 6:50 p.m., following the conclusion of the work session. The Supervisor noted that he cannot open the scheduled public hearing until 7:00 p.m. as was the time noted in the Notice of Public Hearing published in the East Aurora Advertiser.

Councilman McCann moved to approve the minutes of the June 12, 2023, work session and meeting. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #191
6/12/2023
minutes
aprvd

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Snyder moved to approve the following pay request from Peyton Barlow Co., Inc., 360 Delaware Ave., Ste. 300, Buffalo, NY:

- Pay app no. 5: \$10,666.35 for materials and services rendered for the pool restroom/renovation project through May 31, 2023.

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

Action #192
Pymt 5 to
Peyton
Barlow for
pool restroom
proj aprvd

Councilman McCann moved to approve the following pay request from Peyton Barlow Co., Inc., 360 Delaware Ave., Ste. 300, Buffalo, NY:

- Pay app no. 6/final: \$38,820.90 for the retainage/percentage held until the end of the construction project and final walk-through by the Town.

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

Action #193
Pymt 6/final
to Peyton
Barlow for
pool restroom
proj aprvd

NEW BUSINESS:

Councilman Granville moved to add items 5I – Polling Place Lease Agreements and 5J – Set Special Meeting to the agenda. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #194
Items 5I-
polling place
lease agrmts
& 5J special
mtg added to
agenda

Councilman McCann moved to authorize applying for a CFA program grant for totes and other items for the food composting program being initiated by Erie County. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #195
Submission
of grant
application
for food
recycling
aprvd

Councilman Granville moved to authorize the Supervisor, on behalf of the Town as an MS4 Coalition member, to sign and submit a letter of support for a grant application being submitted to the NYSDEC by the Coalition for additional storm sewer system mapping that will target post-construction stormwater management practices dating back to 2003.
Councilman McCann seconded the motion. Upon a vote being taken:
ayes – five noes – none Motion carried.

Action #196
Supv auth to sign/submit letter of support for MS4 grant

Maple Road Limited Partnership, owner of 208 Maple Road, East Aurora, is requesting that the Town grant consent of the plan of Belmont Development Corp., to transfer the general partner interest to VEP Buffalo, LLC for 208 Maple Road. The Town is required to provide consent to any changes in the Certificate of Limited Partnership under the Payment In Lieu of Taxes (PILOT) Agreement.

Action #197
Supv auth to sign consent for 208 Maple Rd PILOT partner interest to be transferred to new partner

Councilman Snyder moved to authorize the Supervisor to sign the Consent to the Certificate of Amendment of the Certificate of Limited Partnership of Maple Road Aurora Limited Partnership. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five
noes – none Motion carried.

Councilman McCann moved to approve the community project proposal from the East Aurora Kiwanis Club to clean-up and stain the pavilion and picnic tables at Community Pool Park with materials and labor being provided by Kiwanis. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #198
Kiwanis project at Community Pool Park aprvd

PUBLIC HEARING

The Notice of Public hearing for a single-family residence on an ODA lot at 81 Heiler was published in the East Aurora Advertiser and posted at the Town Clerk’s Office and on the Town of Aurora website.

At 7:00 p.m., Supervisor Bach opened the Public Hearing on the Open Development Area (ODA) application from Bill and Mary Beth Putney to construct a single-family residence on the ODA lot at 81 Heiler Drive and asked if anyone wished to comment. Hearing no one, the Supervisor closed the hearing at 7:01 p.m.

Councilman McCann stated he went to view the property and does not see any negative impact to this proposal.

UNFINISHED BUSINESS (continued):

Councilman Snyder moved to adopt the following resolution; seconded by Councilman Granville:

RESOLUTION TO APPROVE AN OPEN DEVELOPMENT AREA

WHEREAS, on May 12, 2014, the Aurora Town Board granted approval for an Open Development plan consisting of three lots identified as SBL#165.10-1-3.1; 3.2; and 3.3 Heiler Drive; and

WHEREAS, since that time the Open Development Area (ODA) Code of the Town has been amended and since no significant development has occurred at 81 Heiler Drive (SBL#165.10-1-3.2) the owner(s)/developer of the parcel are required to meet the current ODA Code; and

WHEREAS, the owners of 81 Heiler Drive applied to the Zoning Board of Appeals, and on April 20, 2023, were granted variances for lot size, lot frontage, right of way width and front yard setback to allow construction of a single-family residence at 81 Heiler Drive in accordance with the Town Code; and

WHEREAS, at their June 7, 2023 meeting, the Planning Board voted unanimously to recommend that the Town Board approve the proposed ODA application for 81 Heiler Drive; and

WHEREAS, GHD Engineer Camie Jarrell reviewed the ODA application and determined that this is a Type II action and does not require further review under SEQR; and

WHEREAS, at a Public Hearing held on June 26, 2023, the Town Board heard no objections to the ODA application for 81 Heiler Drive.

NOW, THEREFORE, be it

RESOLVED, the Town Board having considered details of the Open Development Area Application for 81 Heiler Drive, has found that the construction of a single-family residence as proposed in the Application is considered Type II and therefore no further review is required pursuant to the New York State Environmental Quality Review Act (SEQR); and BE IT FURTHER

RESOLVED, that approval of this Open Development Area by the Aurora Town Board and any future development is and will be subject to the standards and requirements of Chapter 99 of the Code of the Town of Aurora; and BE IT FURTHER

Action #199
ODA for 81
Heiler Dr
single family
residence
aprvd

RESOLVED, that the Open Development Area Plan for a single-family residence at 81 Heiler Drive, (PO East Aurora) Town of Aurora (SBL#165.10-1-3.2) is approved in accordance with the site plan submitted and variances grant as attached to this resolution.

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

NEW BUSINESS (continued):

Councilman Snyder moved to adopt the following resolution;
seconded by Councilman Wochensky:

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires every justice of a village or town to submit his records and docket to the auditing board of said village or town; and

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Justice Court records shall be examined and audited by said auditing board or a certified public accountant.

NOW, THEREFORE BE IT RESOLVED that the audit and examination of the records of the Aurora Town Justices for the year ended December 31, 2022 was performed by the auditing firm of Drescher & Malecki LLP; and

Action #200
Just Court
2022 audit
resolution
adopted

BE IT FURTHER RESOLVED that the findings of said audit and examination were presented to the Town Board of the Town of Aurora.

Upon a vote being taken: ayes – five noes – none Motion carried.
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Councilman McCann moved to approve the following budget amendment to record \$5,000 received from Erie County (Legislature) for Senior Center upgrades and approved at the May 8, 2023 Town Board meeting:

- Increase revenue line A2706 Grants/Local Governments by \$5,000
- Increase appropriation line A6772.401 Supplies by \$5,000

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

Action #201
Budget
amendment re:
\$5K SrCtr
funding aprvd

Councilman Granville moved to approve the following budget amendment to record the \$22,784.46 reimbursement received for the paving and paving material for the Mill Road Overlook parking area:

- Increase revenue line A1770 Miscellaneous by \$22,784.46
- Increase appropriation line A7110.444 Parks landscaping by \$22,784.46

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

ayes – five noes – none Motion carried.

Action #202
Budget
amendment re:
reimbursement
for Mill Rd
Overlook
paving aprvd

Councilman McCann moved to accept the following donations to be deposited to the Senior Center Trust and Agency fund TA1000.0090:

- \$100 from Claude Lemley and family in honor of Wes Whitte, who at age 92 continues to be a very active member of the Senior Center
- \$50 from Marie Burkhardt and family in memory of Don Karl
- \$25 from Aurora Senior Club in memory of Don Karl

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

Action #203
Donations to
SrCtr accepted

Councilman Snyder moved to authorize the Supervisor to sign the Polling Location Lease Agreements for the 2023 June 27th Primary and November 7th General elections at the Aurora Municipal Center, Aurora Senior Center and Highway Garage, whereby the Erie County Board of Elections will pay the Town \$100 for each election held at each location.

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

ayes – five noes – none Motion carried.

Action #204
Supv auth to
sign Polling
place lease
agrmnts

Councilman Wochensky moved to set 4:30 p.m. Thursday, July 5, 2023 at the Aurora Municipal Center as the time, date and place for a Special Meeting of the Town Board to consider a Complete Streets Policy.

Councilman Snyder seconded the motion. ayes – five noes – none

Motion carried.

Action #205
Spec Mtg set
for 7/5/2023 –
complete
streets policy

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

- NYS Agriculture & Markets – Municipal Shelter Report 2023
- NYS Agriculture & Markets – Dog Control Officer Inspection Report 2023

BUSINESS FROM BOARD MEMBERS/LIAISONS:

Councilman Granville stated he visited the Orchard Park rail trail and noted it is a very nice design. Mr. Granville stated he will not be at the July 10th Town Board meeting.

Councilman McCann noted he spoke with Dave Moomaw regarding the Halloween decorating and was informed that the houses involved are all in the Village of East Aurora.

Supervisor Bach wished the Town Clerk a belated happy birthday. Mr. Bach thanked everyone who is involved with the upcoming Independence Day events in the Town.

AUDIENCE II:

Michelle Bjella stated she attended the Cornell Climate Stewards classes recently held at the Aurora Municipal Center. Ms. Bjella noted that composting is very doable.

STAFF REPORTS:

Highway Superintendent Gunner stated that his department will begin working on the trails and cabin at Majors Park sometime after the July 3rd events.

ABSTRACT OF CLAIMS:

The June 26, 2023, Abstract of Claims consisting of PCard voucher number 687; vouchers numbered 688 to 736, and prepaid voucher numbered 737, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 39,888.46
Highway/DB	78,254.67
Capital/H10	49,487.25
Trust/Agency	16,205.00
Special Districts	<u>67,295.85</u>
Grand Total Abstract	\$251,131.23

Councilman McCann moved to approve the 6/26/2023 Abstract of Claims and authorize payment. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #206
6/26/2023
Abstract of
Claims aprvd

Councilman Snyder moved to adjourn at 7:20 p.m. Seconded by Councilman McCann. Upon a vote being taken: ayes – five noes - none
Motion carried.

Action #207
Meeting
adjourned

Martha L. Librock
Town Clerk