

September 25, 2023

A meeting of the Town Board of the Town of Aurora took place on Monday, September 25, 2023, 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
	Joseph McCann	Councilman
	James F. Granville	Councilman
	James J. Bach	Supervisor
Others Present:	Brigid Maloney	Town Attorney
	David Gunner	Highway Superintendent
	Paul Ernst	ZBA Chairman
	Rod Simeone	ZBA Member
	Doug Crow	Planning Board Chairman
	Tim Stroth	Planning Board Member
	Elizabeth Wilber	Live Stream Coordinator

Supervisor Bach opened the regular meeting at 7:00 p.m., following the conclusion of the work session.

The first item on the agenda was a Public Hearing on a Local Law that would allow Volunteer Firefighters and Volunteer Ambulance workers to apply for real property exemptions. The notice was published in the East Aurora Advertiser and posted on the Town's website and Town Clerk's bulletin board. Supervisor Bach opened the hearing at 7:01 p.m. and asked if anyone wished to comment. Chris Heyden, Fillmore Ave., E. Aurora, asked if the exemption really does extend to spouses of deceased volunteer firefighters. Councilman McCann noted that Section 101-36.6 of the law addresses that.

Hearing no further comments, the Supervisor closed the hearing at 7:07 p.m.

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The next item on the agenda was a Public Hearing on a Local Law that would allow the Town Board to override the tax levy limit, established in General Municipal Law Section 30c, for the 2024 budget. The notice was published in the East Aurora Advertiser and posted on the Town's website and Town Clerk's bulletin board.

Supervisor Bach stated that this local law is a vehicle to exceed the tax cap if necessary, an insurance policy in case an unexpected expense or other situation arises. Mr. Bach stated that the Town should be staying under the tax cap.

Supervisor Bach opened the hearing at 7:08 p.m. and asked if anyone wished to comment. Chris Heyden, Fillmore Ave., E. Aurora, asked if there is a cap on how far over the tax cap you can go. No one was aware of any limitations.

Hearing no further comments, the Supervisor closed the hearing at 7:17 p.m.

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The next item on the agenda was an informational meeting for the purpose of soliciting feedback from the public regarding a NY Forward grant application and proposed projects for the Hamlet of West Falls in the Town. The notice was published in the East Aurora Advertiser.

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Councilman McCann moved to approve the minutes of the September 11, 2023, work session and meeting. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #294
9/11/2023
minutes
aprvd

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Wochensky moved to adopt Local Law No. 4-2023 as follows; seconded by Councilman Granville:

TOWN OF AURORA
LOCAL LAW NO. 4-2023

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 101 TO ADD NEW ARTICLE XII PROPERTY TAX EXEMPTION TO VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS.

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 Codes of the Town of Aurora, adopted by the Town of Aurora Town Board on January 22, 1990, as amended, relating to the administrative, legislative and general legislation of the Codes within the Town of Aurora as herein set forth. This legislation adds property tax exemptions for volunteer firefighters and volunteer ambulance drivers.

SECTION 2. CHAPTER 101 TAXATION

Chapter 101 is amended by adding and adopting as follows:

Article XII. Volunteer Firefighters and Ambulance Workers Exemption

101-36.1 Purpose

The purpose of this article is to provide a Volunteer Firefighters and Ambulance Workers Exemption allowable pursuant to Section 446-a of the Real Property Tax Law of the State of New York.

101-36.2 Grant of Exemption

Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service which serves the Town of Aurora and such enrolled member who resides in the Town of Aurora shall be exempt from taxation to the extend of 10% of the assessed value of such property for Town purposes, exclusive of special assessments. Exemptions under this Article shall be granted in accordance with the Real Property Tax Law.

101-36.3 Eligibility Requirements

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service in the Town of Aurora provided that:

- (a) The property is owned by the volunteer firefighter or ambulance worker; and
- (b) The property is the primary residence of the volunteer firefighter or ambulance worker; and
- (c) The property is used exclusively for residential purposes; provided however that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining residential portion only shall be entitled to the exemption provided by this article; and
- (d) The volunteer firefighter or volunteer ambulance worker resides in the Town of Aurora and the Town of Aurora is served by such incorporated volunteer fire company or fire department or volunteer ambulance service; and
- (e) The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an enrolled and active member of such incorporated volunteer fire company or fire department or as a volunteer ambulance worker; and

(f) The volunteer firefighter or volunteer ambulance worker meets the minimum active service requirement established by the Town of Aurora, which is hereby determined to be the two preceding calendar years and remains an active enrolled member.

(g) The volunteer firefighter or volunteer ambulance worker who claims this real property tax exemption cannot claim a New York State income tax credit for the same volunteer service. However, if the property has multiple owners who are volunteer firefighters or volunteer ambulance workers who qualify for exemptions under this section, the owner whose volunteer service was not the basis of the real property tax exemption is eligible to claim the income tax credit.

101-36.4 Application

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the Town of Aurora Assessor on a form prescribed by the New York State Commissioner of Taxation and Finance.

101-36.5 Certification

The incorporated fire district, fire department or volunteer ambulance service must annually file with the Assessor, prior to the applicable taxable status date, a written list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the taxable status date, the number of years of active service by each such enrolled member and such enrolled member's address of residence.

101-36.6 Grant of Lifetime Exemption

- A. Any enrolled member of an incorporated volunteer fire company or fire department or incorporated volunteer ambulance service who accrues more than 20 years of active service, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company or department or incorporated voluntary ambulance service, shall be granted the ten-percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the Town of Aurora.
- B. Any existing exemption granted hereunder, or previously granted hereunder, may continue or be reinstated, respectively, to a deceased enrolled member's un-remarried spouse, where such deceased member was an enrolled member for at least five year was killed in the line of duty, all in accordance with all applicable requirements, including regarding certification, of New York Real Property Tax Law Section 466-a., as long as his or her primary residence is located within the Town of Aurora.
- C. Any existing exemption granted hereunder, or previously granted hereunder, may continue or be reinstated, respectively, to a deceased enrolled member's un-remarried spouse, where such deceased member was an enrolled member for at least twenty years but not killed in the line of duty, all in accordance with all applicable requirements, including regarding certification, of New York Real Property Tax Law Section 466-a., as long as his or her primary residence is located within the Town of Aurora.

101-36.7 No Diminution of Benefits

An applicant who is a volunteer fire fighter or volunteer ambulance worker who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this article shall not have any of those benefits diminished because of this article.

101-36.8 Severability

If any clause, sentence, paragraph, subdivision, section or part of this article or the application thereof of any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, effect or invalidate the remainder thereof but shall be confined in its operation to the clause,

sentence, paragraph, subdivision, section or part of this article or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

SECTION 3.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Municipal Home Rule Law Section 27.

Action #295
LL4 -
volunteer
firefighter tax
exemption

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
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Councilman McCann moved to adopt Local Law No. 5-2023 as follows; seconded by Councilman Granville:

TOWN OF AURORA

LOCAL LAW NO. 5 - 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, TO PROVIDE THE TOWN BOARD WITH THE AUTHORITY TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c.

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

SECTION 1. LEGISLATIVE INTENT

It is the intent of this Local Law to allow the Town of Aurora to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of “the tax levy limit” as defined by General Municipal Law Section 3-c.

SECTION 2. AUTHORITY

This Local Law is adopted pursuant to Subdivision 5 of the General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a Local Law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Aurora, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2024 that requires a property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

SECTION 4. SEVERABILITY

If a Court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the Court’s order or judgment shall not affect, impair or invalidate the remainder of this Local Law, 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 New York Secretary of State.

Action #296
LL5 – tax cap
override

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
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NEW BUSINESS:

Councilman Snyder moved to amend the agenda by adding item 5K – set Public Hearing for the proposed golf center on Olean Road. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #297
Item 5K
added to
agenda –
Public hrg
golf center

Councilman Wochensky moved to approve the date change from October 15, 2023 to November 12, 2023 for the Temporary Use Permit (TUP) previously granted to WNY Cyclocross/John Roden at the August 14, 2023 Town Board meeting. All other aspects of the TUP remain the same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #298
TUP date
change for
cyclocross
aprvd

Councilman McCann moved to grant a Temporary Use Permit to Earth Spirit Educational Services, Inc., Orchard Park, NY, to hold educational events at JP Nicely West Falls Park on:

- September 29, 2023 – homeschool program on map/compass use
- October 14, 2023 – public program on wild foods found in nature
- January 22, 2024 – homeschool program on winter ecology
- February 12, 2024 – homeschool program winter games/snow sculptures
- June 4, 2024 – school program on general creek ecology

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

Action #299
TUP for
ESES
educational
classes aprvd

Councilman Snyder moved to approve payment no. 4 to Allgaier Construction Corp., 10080 County Road, Clarence Center, NY, the amount of \$12,510.00 for materials and services rendered through June 30, 2023 for the Senior Center door replacement project. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #300
Pymt 4 to
Allgaier for
SrCtr door
project aprvd

Councilman Snyder moved to add TD Bank to the list of designated depositories for the Town. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #301
TD Bank
added as
designated
depository

Councilman Snyder moved to approve Change Order No. 1 from Fontanese Folts Aubrecht Ernst Architects for additional construction administration services for the Aurora Community Pool restroom project in the amount of \$2,650.00.

- Original Agreement \$8,500.00
- Contract sum prior to this change order 8,500.00
- Amount of this change order (No. 1) 2,650.00
- New contract sum including this change order \$11,150.00

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

Action #302
 Change order for FFAE admin work for pool restroom project aprvd

Councilman Wochensky moved to approve the following recreation budget amendment to reflect an increase in revenue and remediate an appropriation line overage:

- Increase revenue line A2056 Youth Ed. Programs \$842.00
- Increase appropriation line A7310.400.1 Youth Ed. Vendor \$842.00

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

Action #303
 Rec budget amendment aprvd

Councilman Snyder moved to authorize highway employee Michael Evens to attend the Cornell University Right-of-Way Pesticide workshop on October 12-13, 2023 in Auburn, NY. \$105.00 Registration fee, \$107.00 hotel fee – Holiday Inn Auburn and meal expenses will be disbursed from A7189.444. Councilman McCann seconded the motion. Upon a vote being taken:
 ayes – five noes – none Motion carried.

Action #304
 M. Evens to attend pesticide workshop

Councilman McCann moved to add the following Orchard Park delinquent water bills for Town of Aurora customers to the 2024 Erie County Tax rolls, in accordance with Town Law Article 12 Section 198, for non-payment; seconded by Councilman Snyder:

<u>Property Owner</u>	<u>Billing Customer</u>	<u>Service Address</u>	<u>Billing Source and Amount</u>
Adimey, Sharon	Same	1319 Jewett Holmwood Road SBL#174.13-2-1	Orchard Park \$78.28
Glass, Edwin	Same	4727 Transit Road SBL#174.03-2-7	Orchard Park \$126.86
Price, Jeffrey	Same	4483 Transit Road SBL#174.00-1-43	Orchard Park \$161.25

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

Action #305
 Orch Park delinquent water to be added to 2024 tax roll

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

- Church Street pay app no. 8: \$5,313.23 for services rendered 4/29/2023 – 9/1/2023
- East Fillmore pay app no. 8: \$2,179.21 for services rendered 4/29/2023 – 9/1/2023

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

Action #306
 Foit Albert pay requests No. 8 for bridges aprvd

Supervisor Bach spoke about the proposed 2024 Tentative Budget noting that the budget is under the tax cap. The A (General) fund increases by 2.97%; the B (Town Outside the Village) fund decreases .47%; and the DB (Highway outside the Village) increases .92%.

Action #307
Board
receives 2024
budget from
Town Clerk

Councilman McCann moved to accept the 2024 Tentative Budget from the Town Clerk. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes -none Motion carried.

Councilman Wochensky moved to set 7:00 p.m. on Tuesday, October 10, 2023 at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, NY, as the time, date and place for a public hearing regarding the proposed family golf center at 600 Olean Road, East Aurora. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #308
Public hrg set
for proposed
Olean golf
center

COMMUNICATIONS AND REPORTS:

- Senior Center – August 2023 report
- Garbage Service – August 2023 report
- Town Clerk/Tax – August 2023 report
- Aurora Historical Society newsletter

BUSINESS FROM BOARD MEMBERS/LIAISONS:

Councilman McCann noted that the food composting grant is coming along. Mr. McCann stated he was at the Colden Firehall for the Erie County ambulance presentation event and that the County plans on housing the remainder of the ambulances at its former asphalt plant location on Olean Road in the Town of Aurora.

Councilman Granville stated the NY Forward grant is meant to improve the area in West Falls for residents.

Councilman Snyder attended the Rural Transit budget meeting. Mr. Snyder met with representatives and the Town's accountants regarding lower mortgage tax revenues.

Councilman Wochensky attended the ambulance presentation. Mr. Wochensky noted that the CSCTF is working on a number of initiatives, including a community campaign to encourage residents to switch their energy source to solar.

Supervisor Bach stated he and Councilman Snyder met with representatives of the Masonic organization regarding the former Seminary property on Knox Road.

AUDIENCE II:

Paul Porter asked if the Town and Village work together more and spoke about the pickleball courts.

Michelle Bjella, South Park Place, stated there is a recruitment effort for a Cornell Climate Stewards study group. The event will be held October 5, 2023 at the Elm Street Bakery at 6:00 p.m. and is open to the public.

STAFF REPORTS: none

ABSTRACT OF CLAIMS:

The September 25, 2023 Abstract of Claims, consisting of PCard voucher number 1107, vouchers numbered 1108 to 1159, and prepaid vouchers numbered 1160 to 1164, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 170,918.18
Highway/DA	8,025.00
Highway/DB	33,001.82
Special Districts	<u>102,356.12</u>
Grand Total Abstract	\$ 314,301.12

Councilman McCann moved to approve the 9/25/2023 Abstract of Claims and authorize payment. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #309
9/25/2023
Abstract of
Claims aprvd

Councilman Snyder moved to adjourn at 7:50 p.m. Seconded by Councilman McCann. Upon a vote being taken: ayes – five noes - none Motion carried.

Action #310
Meeting
adjourned

Martha L. Librock
Town Clerk