

May 13, 2024

A meeting of the Town Board of the Town of Aurora took place on Monday, May 13, 2024, beginning at 7:20 p.m., immediately following 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:	Luke Wochensky	Councilman
	Joseph McCann	Councilman
	Raymond M. Wrazen	Councilman
	Charles D. Snyder	Supervisor
Absent/Excused:	James F. Granville	Councilman
Others Present:	Brigid Maloney	Town Attorney
	David Gunner	Highway Superintendent
	Elizabeth Cassidy	Code Enforcement Officer
	Chris Musshafen	Recreation/Aquatics Director
	Paul Ernst	ZBA Chairman
	Rod Simeone	ZBA Member
	Douglas Crow	Planning Board Chairman
	Shane Krieger	Chief of Police
	Elizabeth Wilber	Live Stream Coordinator

Supervisor Snyder opened the regular meeting at 7:20 p.m. following the work session.

The following public hearings were held:

At 7:22 p.m. Supervisor Snyder opened the public hearing regarding a request from Robert Neil Hopkins for a Special Use Permit for an event center at 298 Ellicott Road and asked if anyone wished to comment. Hearing no one, the Supervisor closed the hearing at 7:23 p.m.

At 7:23 p.m. Supervisor Snyder opened the public hearing regarding a request from Robert Neil Hopkins for a Special Use Permit for a campground at 298 Ellicott Road and asked if anyone wished to comment. Hearing no one, the Supervisor closed the hearing at 7:24 p.m.

At 7:24 p.m. Supervisor Snyder opened the public hearing regarding a request from Ronald Bartsch for a Special Use Permit for an Auto Repair and Undercoating business at 420 Olean Road and asked if anyone wished to comment. The site is the former Shanley Collision business. Hearing no one, the Supervisor closed the hearing at 7:25 p.m.

At 7:26 p.m. Supervisor Snyder opened the public hearing regarding a Local Law amending the C3 code to better define which allowed uses could be held outside of an enclosed building and which need to be in an enclosed building and asked if anyone wished to comment. Hearing no one, the Supervisor closed the hearing at 7:26 p.m.

Supervisor Snyder read from a prepared statement, regarding the responsibilities, boundaries, and restrictions that the Town has in regard to approving or disapproving the request to construct a telecommunications tower.

At 7:27 p.m. Supervisor Snyder opened the public hearing regarding the Site Plan and Special Use Permit for a telecommunications tower at 4399 Transit Road, PO Orchard Park, Town of Aurora, and asked if anyone wished to comment. Anthony Sirianni, attorney for the project, stated that they have changed the fence area to conform to the Town Code and are no longer asking for a variance to have a 50 x 50 feet fenced area, it will be 100 x 100 feet. Mr. Sirianni noted that there is 500 plus feet of separation between the proposed tower and the closest residence.

Councilman McCann asked about placing the tower at the Erie County Water Authority site at the corner of Transit and Route 20A. Mr. Sirianni responded that the water tower is not high enough and there is not enough ground space for the equipment that is needed.

Councilman Wrazen asked about study documentation and radio frequency analysis. Mr. Sirianni responded that those items were given to the Planning Board.

Lori Felton-Schwing, Transit Road, stated she lives two lots away from the site and is not in favor of the project. Ms. Felton-Schwing read from a prepared statement noting the impacts

the tower would have on the nearby residents and on wildlife and stated that the Board needs to do due diligence before making any decisions.

Ms. Pierce, Transit Road, spoke about the health aspects, specifically the health ramifications that 5G can have on pacemakers and the higher rates of cancer and auto immune diseases in areas around cell towers. Ms. Pierce stated she would like to see a moratorium on towers.

Kurt Harlock, Quaker Road, stated his plan is to build a home on the property he purchased next to Murray Bros. Nursery, but the location of the proposed tower would put his house less than 500 feet from the tower. Mr. Harlock stated the Board needs to do its due diligence before making a decision.

Douglas Ford, Quaker Road, stated that people who Verizon said they contacted have not been contacted. Mr. Ford spoke against the tower at the proposed location and urged the Board to take a good look at this.

Russ Harlock, Quaker Road, stated this project is not a good choice for this area as it affects residents and property values on Idlewood Drive, Transit Road and Quaker Road.

Dominic Carisetti, Quaker Road, stated he recently received a pacemaker and one of the items in the brochure he received at that time was advice not to live near cell towers. Mr. Carisetti noted that he is very concerned about his health and what might happen if the cell tower were erected.

Susan Langendorfer, Quaker Road, stated that the residents in this area have legitimate concerns regarding health and property values. Ms. Langendorfer noted that Town Board can approve this if the criteria listed in the Town Code are met and she does not believe the applicant is meeting some of the criteria. Ms. Langendorfer is requesting a pause on towers until concerns can be met.

David Schwing, Transit Road, stated the Board needs to weigh the public need for the tower. Mr. Schwing noted this area is residential/agricultural and a tower will have a negative impact on property values and he believes there are other locations better suited for the tower. Mr. Schwing stated that Murrays do not live where the tower is proposed.

Kelly Brownell, Quaker Road, stated that she lives directly next to where the tower is proposed to go. Ms. Brownell noted that this tower will be 12 stories tall and that Route 20A/Quaker Road is a Scenic Byway. She asked the Board to consider what it would be like if a tower were to be built where they live.

Supervisor Snyder stated he received emails from the Hackfords' and Wilsons' – both opposed to the tower. Mr. Snyder noted that everyone's concerns are taken seriously and will be considered. Hearing no one else, the Supervisor closed the public hearing at 8:17 p.m.

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Councilman McCann moved to approve the minutes of the April 22, 2024 work session and meeting and the April 24, 2024 special meeting.	Action #171 4/22/24 & 4/24/24 minutes aprvd
Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.	

AUDIENCE I:

Anthony Sirianni asked the Board if they had any questions of him or the other cell tower representatives. Board members responded that they would review the applications and documents submitted and get back to the applicants with any questions.

UNFINISHED BUSINESS:

Councilman Wrazen moved that the Special Use Permit for an event center at 298 Ellicott Road will not result in an adverse environmental impacts as it does not involve construction or physical alteration of land and therefore for purposes of SEQR a negative declaration is issued. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.	Action #172 Neg Dec issued for 298 Ellicott SUP for event center
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Councilman Wochensky moved to adopt the following resolution; seconded by Councilman McCann:

RESOLUTION APPROVING SPECIAL USE PERMIT
298 Ellicott Road (SBL# 186.00-5-1)

WHEREAS, Robert N. Hopkins/RNH 298 LLC has applied for a Special Use Permit for an event center at 298 Ellicott Road, PO West Falls, NY; and

WHEREAS, Chapter 116 Section 116-8.9 D(1) states that this type of development in a C-3 (commercial) zoned district requires a Special Use Permit from the Town Board; and

WHEREAS, the Town Board of the Town of Aurora referred the Special Use Permit application to the Town of Aurora Planning Board for their review and recommendation; and

WHEREAS, the Planning Board voted unanimously to recommend that the Town Board approve the Special Use Permit; and

WHEREAS, as an unlisted action under SEQRA the Town Board found that the project will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 116 – Zoning, Article III of the Code of the Town of Aurora, the Town Board of the Town of Aurora does hereby grant the attached Special Use Permit, including conditions, to Robert N. Hopkins/RNH 298 LLC for an event center at 298 Ellicott Road, PO West Falls, NY.

SPECIAL USE PERMIT

Pursuant to Chapter 116 Article III of the Zoning Code of the Town of Aurora, a Special Use Permit is hereby granted by the Town Board of the Town of Aurora in accordance with the following:

APPLICANT: Robert N. Hopkins/RNH 298 LLC

PROPERTY

ADDRESS: 298 Ellicott Road (aka Rte. 240), PO West Falls, NY 14170
SBL# 186.00-5-1

PROPERTY

OWNER: RNH 298 LLC
mailing address: PO Box 8, West Falls, NY 14170

CODE: Chapter 116 – Zoning §116-8.9D(1)

SPECIAL PERMIT

USE: Event Center

The Town of Aurora Town Board received an application for a Special Use Permit for an event center from the applicant at their March 11, 2024 meeting. At that time the application was referred to the Planning Board. On April 3, 2024, the Planning Board recommended that the Town Board approve the Special Use Permit for an event center. A public hearing was held by the Town Board, at which hearing there were no comments from the public.

Background. The 196±-acre parcel at 298 Ellicott Road was once an eight-eight± site campground and recreation location known as Alpine Recreation Area (or Alpine Resort and Campground) was used as a campground and recreation area until the mid-1980's. The applicant wishes to host events such as weddings, birthday parties, graduation parties, family reunions and other similar events. The property at 298 Ellicott Road is zoned Commercial (C3).

This permit is contingent and subject to the following:

1. CODE REQUIREMENTS: Full compliance with all sections of the Aurora Code as presently codified or as may be amended from time to time.
2. APPLICATION AND PLANNING BOARD: Subject to all plans and specifications submitted with the application, recommendations of the Planning Board and additional conditions and terms as adopted by the Town Board.
3. VIOLATION: Any violation of the provisions of the Permit or any other applicable law, code, rule or regulation of any government or department shall subject this Permit to suspension or revocation in the discretion of the Town Board.
4. ATTACHMENT: This permit is subject to any and all special conditions attached hereto.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 116 – Zoning, Article III of the Code of the Town of Aurora, the Town Board of the Town of Aurora does hereby grant the attached Special Use Permit, including conditions, to Robert N. Hopkins/RNH 298 LLC for a campground at 298 Ellicott Road, PO West Falls, NY.

SPECIAL USE PERMIT

Pursuant to Chapter 116 Article III of the Zoning Code of the Town of Aurora, a Special Use Permit is hereby granted by the Town Board of the Town of Aurora in accordance with the following:

APPLICANT: Robert N. Hopkins/RNH 298 LLC

PROPERTY

ADDRESS: 298 Ellicott Road (aka Rte. 240), PO West Falls, NY 14170
SBL# 186.00-5-1

PROPERTY

OWNER: RNH 298 LLC - mailing address: PO Box 8, W. Falls, NY 14170

CODE: Chapter 116 – Zoning §116-8.9D(1)

SPECIAL PERMIT

USE: Campground

The Town of Aurora Town Board received an application for a Special Use Permit for an event center from the applicant at their March 11, 2024 meeting. At that time the application was referred to the Planning Board. On April 3, 2024, the Planning Board recommended that the Town Board approve the Special Use Permit for a campground. A public hearing was held by the Town Board, at which hearing there were no comments from the public.

Background. The 196±-acre parcel at 298 Ellicott Road was once an eight-eight± site campground and recreation location known as Alpine Recreation Area (or Alpine Resort and Campground) was used as a campground and recreation area until the mid-1980's. The applicant wishes to use a portion of the property as a campground. The property at 298 Ellicott Road is zoned Commercial (C3).

This permit is contingent and subject to the following:

1. CODE REQUIREMENTS: Full compliance with all sections of the Aurora Code as presently codified or as may be amended from time to time.
2. APPLICATION AND PLANNING BOARD: Subject to all plans and specifications Submitted with the application, recommendations of the Planning Board and additional conditions and terms as adopted by the Town Board.
3. VIOLATION: Any violation of the provisions of the Permit or any other applicable law, code, rule or regulation of any government or department shall subject this Permit to suspension or revocation in the discretion of the Town Board.
4. ATTACHMENT: This permit is subject to any and all special conditions attached hereto.

ACKNOWLEDGEMENT: the undersigned as applicant for this Special Use Permit for a campground at 298 Ellicott Road, PO West Falls, NY, does hereby acknowledge receipt of a copy of this Special Use Permit, agrees, and accepts the provisions herein. The applicant further acknowledges that a violation or breach of any covenants, provisions or conditions of this Special Use Permit will result in suspension or revocation of this Special Use Permit. The undersigned agrees to all terms and provisions of this Special Use Permit as herein stated or as hereafter may be amended.

SPECIAL USE PERMIT - SPECIAL CONDITIONS

298 Ellicott Road, PO West Falls, NY

1. USE: Campground
2. SIGN(S): Shall be in accordance with Section 116.34 of the Town Code of the Town of Aurora.
3. CAMPGROUND:
 - a. No more than four (4) RV sites (RV defined as self-contained unit with sanitary facilities)
 - b. No more than sixteen (16) tent sites.
 - c. Quiet time will be from 10:30 p.m. to 7:30 a.m.

4. **OTHER CONDITIONS:**

- a. Signage stating “No Swimming” in the quarry will be posted around the quarry.
- b. All water hose-bibs in the campground will be labeled “non-potable”.
- c. Year-round access for emergency vehicles is required when the campground is occupied. Action #175
SUP for
campground
at 298
Ellicott
aprvd
- d. Complaints brought to the Town regarding the use of this property for the activities associated with the business will be brought to the Code Enforcement Officer and, if necessary, be brought to the Town Board for further action. The Town of Aurora may terminate this Special Use permit at any time for failure of the Applicant to abide by the conditions of the Special Use Permit, terms of the Aurora Town Code and/or NYS Building and Fire Code.
- e. The property must remain under the Applicant’s ownership. Transfer of the property to another owner or use of this permit by another individual or entity will terminate this special use permit.

Upon a vote being taken: ayes – four noes – none Motion carried.
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Councilman Wochensky moved that the Special Use Permit for an auto repair, auto sales and auto undercoating business at 420 Olean Road, East Aurora, will not result in an adverse environmental impacts as it does not involve construction or physical alteration of land and therefore for purposes of SEQRA a negative declaration is issued. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four noes – none Action #176
Neg Dec
issued for
420 Olean
SUP – auto
repair etc

Motion carried.

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

RESOLUTION APPROVING SPECIAL USE PERMIT
420 Olean Road (SBL# 176.13-2-2)

WHEREAS, Ronald Bartsch (dba Bartsch’s Auto Service) has applied for a Special Use Permit for an auto repair, auto sales and auto undercoating business at 420 Olean Road, East Aurora, NY; and

WHEREAS, Chapter 116 Section 116-8.8 states that this type of development in a C-2 (commercial) zoned district requires a Special Use Permit from the Town Board; and

WHEREAS, the Town Board of the Town of Aurora referred the Special Use Permit application to the Town of Aurora Planning Board for their review and recommendation; and

WHEREAS, the Planning Board voted unanimously to recommend that the Town Board approve the Special Use Permit; and

WHEREAS, as an unlisted action under SEQRA the Town Board found that the project will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 116 – Zoning, Article III of the Code of the Town of Aurora, the Town Board of the Town of Aurora does hereby grant the attached Special Use Permit, including conditions, to Ronald Bartsch (dba Bartsch’s Auto Service) for an auto repair, auto sales and auto undercoating business in the existing building at 420 Olean Road, East Aurora, NY.

SPECIAL USE PERMIT

Pursuant to Chapter 116 Article III of the Zoning Code of the Town of Aurora, a Special Use Permit is hereby granted by the Town Board of the Town of Aurora in accordance with the following:

APPLICANT: Ronald Bartsch
dba: Bartsch’s Auto Service

PROPERTY ADDRESS: 420 Olean (aka: Route 16, East Aurora, NY 14052 SBL# 176.13-2-2

PROPERTY OWNER: Brian Shanley and David Dillon
mailing address: 420 Olean Road, East Aurora, NY 14052

CODE: Chapter 116 – Zoning §116-8.8 D(5) & Chapter 116 – Zoning §116-8.8 D(11)

SPECIAL PERMIT

USE: Auto Repair; Auto Sales; Auto Undercoating

The Town of Aurora Town Board received an application for a Special Use Permit for an auto repair, auto sales and auto undercoating business in the existing commercial building from the applicant at their March 25, 2024 meeting. At that time the application was referred to the Planning Board. On April 3, 2024, the Planning Board recommended that the Town Board approve the Special Use Permit for an auto repair, sales and undercoating business. A public hearing was held by the Town Board, at which hearing there were no comments from the public.

Background. The property at 420 Olean Road has been used as an auto repair and auto sales business since 1979. The applicant currently operates an auto repair business in the Town of Elma and wishes to expand into the Town of Aurora. The property at 420 Olean road is zoned Commercial (C2). This permit is contingent and subject to the following:

1. CODE REQUIREMENTS: Full compliance with all sections of the Aurora Code as presently codified or as may be amended from time to time.
2. APPLICATION AND PLANNING BOARD: Subject to all plans and specifications submitted with the application, recommendations of the Planning Board and additional conditions and terms as adopted by the Town Board.
3. VIOLATION: Any violation of the provisions of the Permit or any other applicable law, code, rule or regulation of any government or department shall subject this Permit to suspension or revocation in the discretion of the Town Board.
4. ATTACHMENT: This permit is subject to any and all special conditions attached hereto.

ACKNOWLEDGEMENT: the undersigned as applicant for this Special Use Permit for an auto repair, auto sales and auto undercoating business at 420 Olean Road, East Aurora, NY, does hereby acknowledge receipt of a copy of this Special Use Permit, agrees, and accepts the provisions herein. The applicant further acknowledges that a violation or breach of any covenants, provisions or conditions of this Special Use Permit will result in suspension or revocation of this Special Use Permit. The undersigned agrees to all terms and provisions of this Special Use Permit as herein stated or as hereafter may be amended.

SPECIAL USE PERMIT - SPECIAL CONDITIONS
420 Olean Road, East Aurora, NY

1. USE: Auto repair, auto sales and auto undercoating business..
2. SIGN(S): Shall be in accordance with Section 116.34 of the Town Code of the Town of Aurora.
3. PARKING: Sufficient parking will be provided for customers and employees of the establishment.
4. AUTO SALES VEHICLES: No more than 12 vehicles for sale are permitted on the auto sales lot.
5. OTHER CONDITIONS:
 - a. Complaints brought to the Town regarding the use of this property for the activities associated with the business will be brought to the Code Enforcement Officer and, if necessary, be brought to the Town Board for further action. The Town of Aurora may terminate this Special Use permit at any time for failure of the Applicant to abide by the conditions of the Special Use Permit, terms of the Aurora Town Code and/or NYS Building and Fire Code.
 - b. The business must remain under the Applicant's ownership. Transfer of the property to another owner or use of this permit by another individual or entity will terminate this special use permit.

Upon a vote being taken: ayes – four noes – none Motion carried. Action #177
SUP for 420
Olean auto
repair, etc
aprvd

Councilman McCann moved to adopt the following Local Law; seconded by Councilman Wrazen:

**TOWN OF AURORA
LOCAL LAW NO. 3-2024**

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 AMEND THE ZONING CODE.

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 116-8.9 C-3 COMMERCIAL.

Paragraph “D” (Uses by special use permit) is hereby amended to read as follows:

D. Uses by special use permit of the Town Board:

- (1) Any use permitted and as regulated in the C-2 district other than dwellings and other residential structures.
- (2) When conducted in an enclosed building:
 - a. Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing or incidental storage of products or materials involving the use of only oil, gas or electricity for fuel and which operation, in the opinion of the Town Board, will not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of air pollution, electromagnetic or other disturbance, glare or harmful discharge, storage or dispersal of liquid or solid wastes in a manner or amount so as to adversely affect the surrounding area.
 - b. Food preparation (e.g. baking, bottling, mixing, and milling).
 - c. Processing or canning of putrescible food products (e.g. meat, fish or dairy products, fermented foods such as sauerkraut, vinegar, or the like).
 - d. Adult entertainment businesses as described in Article V of this chapter.
 - e. Uses requiring an adult-use cannabis license.
- (3) Junkyards as regulated by Chapter 72.
- (4) Other uses not specifically listed as permitted uses, but similar in nature and compatible with C-3 uses.

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.

Action #178
LL 3-2024
adopted -
amendment
to code re:
C-3 uses

Upon a roll call vote being taken:

Councilman Wrazen – aye; Councilman Wochensky – aye;

Councilman McCann – aye; Supervisor Snyder – aye

ayes – four

noes – none

Motion carried.

Councilman Wrazen moved to authorize the Town Attorney to prepare a Local Law for the rezoning of 12 Old Glenwood Road, PO West Falls, from C-2 to R-3. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #179
Twn Atty to
prepare LL
for rezoning
12 Old
Glenwood

Councilman Wrazen moved to set 7:00 p.m. Tuesday, May 28, 2024 at the Aurora Municipal Center, 575 Oakwood Ave., E. Aurora, NY, as the time, date and place for a public hearing on a Special Use Permit application for a campground at SBL 187.01-2-5 and 187.01-2-4 Sweet Road (adjacent to 988 Sweet Road). Councilman McCann seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #180
Public hrg set
for Sweet Rd
SUP for
campground

Councilman McCann moved to set 7:00 p.m. Tuesday, May 28, 2024 at the Aurora Municipal Center, 575 Oakwood Ave., E. Aurora, NY, as the time, date and place for a public hearing on an Open Development Area application for 775 Jewett Holmwood Road. Councilman Wrazen seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried

Action #181
Public hrg set
for 775
Jewett
Holmwood
ODA

Councilman Wochensky moved to approve payment no. 12 to Foit Albert in the amount of \$11,770.94 for professional services rendered from March 30 – April 26, 2024 for the Church Street bridge replacement project. Funds will be disbursed from H7-5120.210. Councilman McCann seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #182
Pymt 12 to
FoitAlbert for
Church St
bridge aprvd

Councilman Wrazen moved to approve payment no. 11 to Foit Albert in the amount of \$5,511.33 for professional services rendered from March 30 – April 26, 2024 for the East Fillmore bridge replacement project. Funds will be disbursed from H7-5120.210. Councilman McCann seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #183
Pymt 11 to
FoitAlbert for
E. Fillmore
bridge aprvd

NEW BUSINESS

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

RESOLUTION IN SUPPORT OF THE TOWN OF AURORA COMMUNITY SOLAR CAMPAIGN

WHEREAS, the Town of Aurora recognizes the importance of sustainable and renewable energy sources for the health, welfare, and economic benefit of its residents and businesses; and

WHEREAS, community solar enables eligible residents to benefit from utility bill savings of up to 10 percent without the need for installing solar panels on their property; and

WHEREAS, PowerMarket, an experienced community solar provider, has offered to collaborate with the Town on a community solar campaign that aligns with grant requirements of the New York State Energy Research and Development Authority (NYSERDA) Clean Energy Communities program; and

WHEREAS, a Memorandum of Understanding (MOU) has been drafted to outline the roles, responsibilities, and objectives of this partnership, aiming to leverage community solar for the benefit of the Town of Aurora; and

WHEREAS, the Town Board has reviewed the Memorandum of Understanding and finds it to be in the best interests of the Town and its residents;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor, Deputy Supervisor, and other members of the Town Board are hereby authorized to work collaboratively with PowerMarket to implement the community solar campaign and to take any necessary actions to facilitate the Town of Aurora's participation in this initiative, including sending a personalized letter to residents to inform them of the benefits and impacts of participating in the community solar campaign; and

Action #184
Community
Solar
campaign
resolution
adopted

BE IT FURTHER RESOLVED, that the Supervisor is also authorized to sign the Memorandum of Understanding on behalf of the Town of Aurora.

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

Councilman Wrazen moved to appoint the following persons as Planning Board Alternate members, term effective 5/13/2024 through 12/31/2024:

William Heidt, Ellis Drive, W. Falls
Chelsea Root, N. Willow, E. Aurora

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

Action #185
Two Planning
Brd alternates
appointed

Councilman McCann moved to approve implementation of the following GASB 96 policy; seconded by Councilman Wrazen:

TOWN OF AURORA GASB 96 POLICY

POLICY: Accounting for Subscription-Based IT Arrangements (“SBITA”)

PURPOSE: Establishes the Town’s policy for SBITAs in accordance with Governmental Accounting Standards Board (GASB) Statement No. 96 concerning subscription-based IT arrangements.

Qualifying SBITAs:

The Statement defines a SBITA as a contract that conveys control of the right to use another party's information technology (IT) software, alone or in combination with tangible capital assets, as specified in the contract for a period of time in an exchange or exchange-like transaction. Any contract meeting this definition should be accounted for under the guidance contained in this statement.

Qualifying SBITAs commonly include IT software that includes provisions such as remote access to software applications or cloud data storage and allows for temporary use that ends when the subscription expires.

For purposes of this policy, the following are examples of potential SBITAs¹:

- a) Accounting software
- b) Microsoft
- c) Cisco

Terminology:

“Control of the right to use” – requires both a right to obtain present service capacity from the use of the underlying IT assets and the right to determine the nature and manner of use of the underlying IT assets.

“Period of time” – the subscription term is the period of time that the government has a noncancellable right to use the underlying IT assets plus any periods that the government or vendor have the option to extend the contract and it is reasonably certain that the option will be exercised.

Excluded SBITAs:

For the purposes of this policy, the following are examples of non-qualifying SBITAs:

- Short-term SBITAs. A SBITA is considered short-term if, at commencement of the subscription term, it has a maximum possible term under the SBITA contract of 12 months (or less), including any options to extend, regardless of their probability of being exercised.
- Contracts that convey control of the right to use another party’s combination of IT software and tangible capital assets that meets the definition of a lease in Statement No. 87, *Leases*, in which the software component is insignificant when compared to the cost of the underlying tangible capital asset.
- Governments that provide the right to use their IT software and associated tangible capital assets to other entities through SBITAs.
- Contracts that meet the definition of a public-private or public-public partnership as defined in GASB No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*.

- Licensing arrangements that provide a perpetual license to governments to use a vendor’s computer software.

THRESHOLD AMOUNT: \$30,000. The Town is utilizing a SBITA dollar value of \$30,000 for compliance with Statement No. 96. This amount is calculated using the present value of all future SBITA payments including all optional extensions.

TOWN POLICY:

If the Town has a qualifying SBITA:

- a) The subscription asset should be initially measured as the sum of:
 - a. The initial subscription liability amount;
 - b. Payments made to the SBITA vendor before commencement of the subscription term; and
 - c. Capitalizable implementation costs, less any incentives received from the SBITA vendor at or before the commencement of the subscription term
- b) The subscription liability should be recognized at the commencement of the subscription term, which is when the subscription asset is placed into service. The subscription liability should be initially measured at the present value of subscription payments expected to be made during the subscription term. Future subscription payments should be discounted using the interest rate the SBITA vendor charges the Town, which may be implicit, or the Town’s incremental borrowing rate if the interest rate is not readily determinable.
- c) The SBITA liability is reduced over time as payments are made, with a portion of the payments comprised of a current interest expense and the remainder is a reduction of the liability.
- d) The SBITA liability and payments will be accounted for in the applicable governmental fund or enterprise fund.

If a SBITA contract contains multiple components, the Town should account for each component separately as a subscription component or non-subscription component and allocate the contract price to the different components. If it is not practicable to determine a best estimate for price allocation for some or all components in the contract, the Town should account for those components as a single SBITA.

Periods for which both the government and the SBITA vendor have an option to terminate without permission from the other party are cancelable periods and are excluded from the subscription term.

DEPARTMENTS’ RESPONSIBILITIES: The Supervisor’s office **must be notified immediately by the contracting department** when any SBITA is entered into or modified by the Town. The department shall provide the Supervisor’s office with a copy of the SBITA agreement and the legislative resolution authorizing the SBITA as approved by the Town Board. Action #186 GASB 96 policy adopted

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

Councilman McCann moved to approve the following highway department employee promotions effective May 27, 2024: Action #187 Hwy employee promotions aprvd

Justin Smith from MEO to Working Crew Chief	\$34.64 per hour
Jordan Schneider from Truck Driver to MEO	\$32.85 per hour
Nick Ingelfinger from Truck Driver to MEO	\$32.85 per hour

and to assign Truck Driver Colin Voss the maintenance/mechanic stipend for an hourly rate of \$27.32 effective May 27, 2024. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Councilman Wrazen moved to approve the following 2024 Recreation Summer Employee Bonus schedule and requirements that need to be met to earn a bonus:

Title	Bonus	Hrs/Wk	Wks/Season	Total Hrs	Bonus/hr	Max staff	Max cost
Facility Mgr	\$500	40	11	440	\$1.14	1	\$500
Swim Lesson Coordinator	\$200	15	6	90	\$2.22	1	\$200
Camp Dir.	\$300	35	7	245	\$1.22	2	\$600
Camp Counselor	\$200	35	7	245	\$0.82	8	\$1,600
Sports	\$100	20	7	140	\$0.71	4	\$400

Title	Bonus	Hrs/Wk	Wks/Season	Total Hrs	Bonus/hr	Max staff	Max cost
Theater	\$50	7.5	4	30	1.67	2	\$200
Exclus. Little	\$100	12	4	48	\$2.08	2	\$200
Tennis Instructor	\$100	15	6	90	\$1.11	2	\$200
WSI 2 sessions	\$100					7	\$1,050
WSI 3 sessions	\$150						
Lifeguards	\$0.50/hr		11		\$0.50/hr	24	\$2,392.50

Total \$7,242.50

- Employee must have obtained all required certifications by June 1, 2024 and certifications must be valid until August 9, 2024 for pool staff; July 1, 2024 until August 9, 2029 for park staff.
- Facility Manager, Head Guards and Lifeguards must work to within 5 hours of their contracted hours per week from July 1, 2024 until August 8, 2024.
- Day Camp, Sport, and Theater staff must work their entire program season (first day of program through last day of program)
- Employee must attend all mandatory orientations, training, in-services, meetings, etc., during the pre-season, regular season and post-season.
- Employee must show up for all their shifts (entire length of shift) or find shift coverage they are unable to attend. This is for all request-off types. If the department must find shift coverage or there is no coverage, the employee will not qualify for the bonus.
- Employee must have had no disciplinary action for the entire season, including but not limited to, verbal, written, final or investigation.
- Employee must have completed sexual harassment training prior to the beginning of the season.
- Employees 18 years of age and older must have completed the background check release form prior to the start of the season. Employees turning 18 years of age during the season must complete the background check release form within one week of receiving an email from Praesidium.

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

Action #188
 Rec bonus
 chart aprvd

Councilman Wrazen moved to approve the hiring of the following persons as Seasonal Part-time Lifeguards or Recreation Attendants at the hourly rates listed – orientation will be first day worked:

Staff Summer 2024

Name	Address	Position	Year	Rate
Elliott Marshall	40 Girdle Rd	Seasonal PT Lifeguard	3	\$17.00
Luke Krieger	113 Church St	Seasonal PT Lifeguard	1	\$16.50

Sarah Stanz	261 Mill Rd	Seasonal PT Rec Attendant	1	\$16.25
Colin Cassidy	357 S. Park	Seasonal PT Rec Attendant	1	\$16.25
Damian Wiedeman	303 Parkdale	Seasonal PT Rec Attendant	1	\$16.25
Charlotte Cosgrove	98 Elmwood Ave	Seasonal PT Rec Attendant	1	\$15.75

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

Action #189
 Seasonal PT
 rec attendants
 & lifeguards
 aprvd

Councilman McCann moved to authorize the following budget amendment to reflect an increase in recreation revenue and vendor expense:

- Increase revenue line A2056 Youth Education Programs by \$7,147
- Increase appropriation line A7310.400.1 Youth Ed. Vendor by \$7,147

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

Action #190
 Recreation
 budget
 amendment
 aprvd

Councilman McCann moved to approve the hiring of the following as Seasonal Laborers (orientation will be first day worked):

Jonathan Misenheimer	96 Shearer Ave., EA	\$16.00 per hour
Thomas Merletti	664 West Falls Rd., WF	\$15.00 per hour
Kyle Rosinski	1660 Blakeley Rd., EA	\$15.00 per hour

Action #191
Hiring of
seasonal
laborers
aprvd

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

COMMUNICATIONS AND REPORTS:

- Building Department – April 2024 report
- Recreation – March & April 2024 reports
- Senior Center – April 2024 report
- Town Clerk – April 2024 report
- Town Clerk/Tax – April 2024 report
- Town Clerk/Water – April 2024 report
- EAPS – March 2024 report
- Supervisor – April 2024 report

BUSINESS FROM BOARD MEMBERS/LIAISONS:

Councilman McCann stated he attended the May Planning Board meeting.

Councilman Wochensky stated the Town was awarded \$10,000 through the Clean Energy Program and has a window of time to decide what to use it for.

Councilman Wrazen stated the trail marker posts are in at Majors Park and quotes for a map for the kiosk at the Hubbard side of the park are needed.

Supervisor Snyder stated the kick-off meeting of the LPC for the WNY Forward Grant will be on May 20, 2024.

AUDIENCE II:

Rod Simeone, Byeberry Ct., asked if having the Community Solar Campaign means that a solar farm would be coming to our town. Councilman Wochensky responded that there is no obligation to have a solar farm in Aurora. Mr. Simeone asked about the status of the Short-term Rental Code. Attorney Maloney stated she will get to it this week.

Mindee Mutty, Transit Road, noted that no one came in support of the Transit Road telecommunication tower tonight and asked if people/residents are expressing a need for the cell service. Ms. Mutty stated she is registering her opposition to the tower. Councilman Wochensky responded by stating the Town is subject to State and Federal laws, that with the negative reaction in the neighborhood the Town needs to look at parameters. Supervisor Snyder stated that the Town will confirm that all requirements have been met by the developer.

STAFF REPORTS: none

ABSTRACT OF CLAIMS:

The April 30, 2024 pre-paid Abstract of Claims consisting of vouchers numbered 526 to 531 was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 1,206.72
Special Districts	<u>1,215.39</u>
Grand Total Abstract	\$ 2,422.11

The May 13, 2024 Abstract of Claims, consisting of vouchers numbered 532 to 620, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 43,242.42
Part Town	20.79
Highway/DB	8,639.14
Capital H7	17,282.27
Special Districts	<u>1,108.61</u>
Grand Total Abstract	\$ 70,293.23

Councilman McCann moved to approve the April 30, 2024 Prepaid and the May 13, 2024 Abstracts of Claims and authorize payment of same. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four noes – none

Motion carried.

Action #192
4/30 ppd and
5/13/24
Abstracts of
Claims aprvd

Councilman Wrazen moved to adjourn at 8:55 p.m. Seconded by Councilman McCann. Upon a vote being taken: ayes – four noes – none

Motion carried.

Action #193
Meeting
adjourned

Martha L. Librock
Town Clerk