

July 8, 2024

A meeting of the Town Board of the Town of Aurora took place on Monday, July 8, 2024, beginning at 6:30 p.m. 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:	Joseph McCann	Councilman
	James F. Granville	Councilman
	Raymond M. Wrazen	Councilman
	Charles D. Snyder	Supervisor
Absent/Excused:	Luke Wochensky	Councilman
Others Present:	Brigid Maloney	Town Attorney
	Richard Miga	Asst. Code Enforcement Officer
	Chris Musshafen	Recreation/Aquatics Director
	David Gunner	Highway Superintendent
	Douglas Crow	Planning Board Chairman
	Rod Simeone	ZBA Member
	Paul Ernst	ZBA Chairman
	Patrick Welch	Chief of Police
	Elizabeth Wilber	Live Stream Coordinator

Supervisor Snyder opened the meeting at 6:30 p.m. with the recitation of the Pledge of Allegiance to the Flag.

Councilman Wrazen moved to approve the consent agenda consisting of the June 24, 2024 meeting minutes; the July 8, 2024 Abstract of Claims consisting of vouchers 731 to 854 to be paid from the following funds:

General	\$ 29,558.17	Action #240
Highway/DB	12,470.66	6/24/24
Trust & Agency	17,600.00	minutes &
Special Districts	<u>28,667.69</u>	7/8/24
Grand Total Abstract	\$ 88,296.52	abstract of
		claims aprvd

Councilman McCann seconded the motion. Upon a vote being taken:
ayes – three (Councilman Granville was not yet present.) noes – none

Motion carried.

AUDIENCE I:

Doug Ford, Quaker Road, commented on the cell tower application that is before the Board. Mr. Ford suggested that the Town take a look at the current Town Code regarding cell towers and solar and consider acreage and other things. Mr. Ford noted he realizes the Town can't stop a utility, but we should be able to limit where they are located.

UNFINISHED BUSINESS:

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

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, 2023 was performed by the auditing firm of Drescher & Malecki LLP; and

BE IT FURTHER RESOLVED that the findings of said audit and examination were presented to the Town Board of the Town of Aurora. Action #241 Justice Court audit resolution adopted

Upon a vote being taken: ayes – three (Councilman Granville was not yet present.)
noes – none Motion carried.

The Board reviewed Part II of the Full Environmental Assessment form for the proposed Telecommunication Tower at 4399 Transit Road. Assistant Code Enforcement Officer Miga stated the Building Department reviewed SEQRA and determined that there would be no significant impact.

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

A Resolution Declaring Lead Agency and Adopting a Negative Declaration

WHEREAS, the Town Board of the Town of Aurora is considering approving a Site Plan and Special use permit for the VB BTS II, LLC and Verizon Wireless, as agents for Murray Bros. Nurseries, Inc., to erect a Telecommunication Tower at 4399 Transit Road; and

WHEREAS, the Town Board of the Town of Aurora is duly qualified to act as lead agency and has requested lead agency status with respect to compliance with SEQRA which requires environmental review of certain actions undertaken by local government; and

WHEREAS, the proposed action appears to be an Unlisted action pursuant to the Rules and Regulations of the State Environmental Quality Review Act; and

WHEREAS, the Town Board forwarded Part I of the Full Environmental Assessment Form along with copies of the proposed site plan and special use permit to Potentially Involved and/or Interested Agencies; and

WHEREAS, the Town Board has reviewed Part II of the Full Environmental Assessment Form.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Aurora declares itself lead agency with regard to SEQR for this action to erect a Telecommunication Tower at 4399 Transit Road; and further

RESOLVED, that after considering the action proposed herein, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the State Environmental Quality Review Act, determines that the action is an Unlisted action; and further

RESOLVED, that the Town Board of the Town of Aurora has determined that the proposed Unlisted action will result in no significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared; and further

RESOLVED, that a negative declaration is issued with regard to this action.

Action #242
Negative
Declaration
issued for
4399 Transit
cell tower
SEQR

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

Prior to the Town Board considering the resolution to approve the site plan and special use permit for the cell tower at 4399 Transit Road, Councilman McCann stated that this is a permitted action in our zoning code and the Town can not outlaw cell towers. Mr. McCann stated that Bob-O-Link was considered as a site, but the owners decided they did not want it at their location and the ECWA water tower was considered but is not suitable as it is not tall enough and the land around it is not large enough to support the accessory equipment for the tower. Concerns regarding the Cerulean Warbler were taken to the NYSDEC who stated that the loss of these birds is due to breeding, not cell towers. The wetlands were addressed by SEQR. Concerns regarding pacemakers were addressed by the manufacturer who stated that they should not be within nine feet of the tower equipment. Mr. McCann noted that the Town Board took a long, hard look at the proposal.

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

Town of Aurora Town Board Resolution Approving the Telecommunication Tower Site Plan and Special Use Permit for 4399 Transit Road

WHEREAS, Murray Bros. Nurseries, Inc., represented by VB BTS II, LLC and Verizon Wireless (the “Applicant”) has submitted an application for a Special Use Permit and Site Plan to construct a 135-foot monopole (“Cell Tower”) on a portion of property owned by Murray Bros. located at 4399 Transit Road; and

WHEREAS, the Town Board has reviewed the Special Use Permit application and finds that it complies with the requirements of Section 116-44 of the Town Code; and

WHEREAS, the Town Board has reviewed the Site Plan and finds that it complies with all relevant local zoning requirements and standards for the construction of a cell tower in the Town of Aurora including, without limitation, Section 116-77 through 116-79 of the Town Code; and

WHEREAS, the Town Board finds that the Applicant has demonstrated that there is a gap in cellular service coverage, and no other feasible alternative location available for the Cell Tower placement, and that the proposed Cell Tower is expected to improve cellular service coverage within the area, thereby benefiting residents and businesses; and

WHEREAS, a public hearing was held on May 13, 2024 allowing for public input and consideration of any concerns related to the placement of the Cell Tower; and

WHEREAS, the Town Board has considered all public comments and concerns related to the proposed Cell Tower.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and special use permit applications submitted by VB BTS II, LLC and Verizon Wireless on behalf of Murray Bros. Nurseries, Inc. for the placement of a cell tower on property located at 4399 Transit Road (SBL#174.00-1-1.1); are hereby approved; and be it further

RESOLVED, that the Applicant is hereby granted a waiver from the requirement to add landscaping in accordance with Section 116-79(I) of the Town Code;

RESOLVED, that the placement of the cell tower is consistent with the zoning regulations of the Town of Aurora and is deemed to be in the public interest, and be it further

RESOLVED, that upon receipt by the Town Clerk of evidence of a demolition bond demonstrating compliance with Section 116-79(E) of the Town Code, Murray Bros. Nurseries, Inc. or their representatives are authorized to proceed with the construction and installation of the cell tower in accordance with the approved site plan and any conditions specified by the Town Board; and be it further

Action #243
Site Plan &
SUP for cell
tower at
4399 Transit
aprvd

RESOLVED, that all necessary permits and approvals required by federal, state, and local agencies must be obtained before commencing construction of the cell tower.

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

Councilman Wrazen moved to rescind Action #373 of the November 27, 2023 Town Board meeting due to the manufacturer changing cab specifications for the street sweeper. Councilman Granville seconded the motion. Upon a vote being taken: ayes – four noes – none
Motion carried.

Action #244
Brd rescinds
Action #373
of
11/27/2023

Councilman McCann moved to approve the purchase of a 2024 Freightliner/Bucher Street Sweeper, with left-hand steering and right-hand camera controls, off of Sourcewell Bid #093021-BUC in the amount of \$268,900. Purchase is contingent on funding and approval of the 2025 Town budget. Councilman Granville seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #245
Purch of
2024 street
sweeper
from 2025
budget
aprvd

The following entities responded to the Town's RFP to update the Comprehensive Plan:

- CPL – estimated cost \$59,960.00
- LaBella – estimated cost \$49,960.00
- Wendell – estimated cost \$49,920.00

Councilman Wrazen moved to award the Town's Comprehensive Plan Update project to LaBella Associates who presented an estimated cost of \$49,960.00 to perform the work described in the Request for Proposals, contingent upon a signed contract between the Town and LaBella.

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

Action #246
LaBella
Associates
awarded
Comp Plan
update proj

Supervisor Snyder stated that this is considered a professional service.

NEW BUSINESS:

Councilman McCann moved to approve the request for the Highway Superintendent Gunner to travel to Richmond, VA to transport the ODB leaf vacuum back to East Aurora, NY. Funds for the flight to Richmond, hotel stay, and other expenses will be appropriated from SR8189.401. Councilman Wrazen seconded the motion. Upon a vote being taken: ayes – four
noes – none Motion carried.

Action #247
Hwy Supt
travel to VA
to transport
leaf vacuum
aprvd

Councilman McCann moved to approve the purchase of a new Case Farmall 90C Hi/Lo Tractor with Alamo mower and side flails from Monroe Tractor, Inc., off of Sourcewell Contract #AI070821-AGI in the amount of \$134,265.97. Funds will be appropriated from DB5130.217 contingent upon funding and adoption of the 2025 Town budget. Councilman Granville seconded the motion. Upon a vote being taken: ayes – four noes – none
Motion carried.

Action #248
Purch of
Case tractor
& mower
from 2025
budget
aprvd

Councilman McCann moved to adopt the following resolution authorizing the Town to join the Erie County Energy Aggregation and authorizing the Supervisor to execute the applicable agreements:

WHEREAS, Article 5-G of the General Municipal law authorizes municipal corporations to enter into cooperative agreements for the performance of those functions or activities in which they could engage individually; and

WHEREAS, Section 119-N of the General Municipal Law defines the term "Municipal Corporation" to mean a county outside the city of New York, a city, a town, a village, a board of cooperative educational services, fire district or a school district; and

WHEREAS, it has been determined that the Town of Aurora can save money by the joint purchasing of energy; and

WHEREAS, the Town of Aurora has determined that it may purchase energy through the use of a marketing firm, individually or through an energy cooperative.

NOW, THEREFORE BE IT

RESOLVED, that the Town of Aurora participate in the Erie County Energy Aggregation by authorizing the Supervisor to sign the Electric and Natural Gas Co-Operative Purchasing Agreements for said Aggregation indicating the Town of Aurora will agree to be bound thereby.

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

Action #249
Supv auth to
sign EC
Energy
Aggregate
agreements

COMMUNICATIONS AND REPORTS:

- Dog Contril/Municipal Shelter Report
- EAPD – May 2024 report
- Supervisor – June 2024 report

BUSINESS FROM BOARD MEMBERS/LIAISONS:

Councilman McCann stated that he is working with the American Legion regarding a canoe/kayak launch into Cazenovia Creek from the Legion property. Mr. McCann noted that an energy audit of the Aurora Town Library (Main Street) will be performed to see if heat pumps are the right solution for that building and he has talked with Highway Superintendent Gunner regarding a grant for an electric zero-turn mower or other electric powered equipment.

Councilman Wrazen stated that he received an email from the WNY Land Conservancy re: “dogs or no dogs in Majors Park” and will report on this at a later date.

Councilman Granville congratulated Patrick Welch on his promotion to Chief of Police.

Supervisor Snyder thanked Meaghan Tent, Chris Musshafen and the Parks and Highway employees who made the July 3rd events a huge success. Mr. Snyder welcomed Pat Welch.

AUDIENCE II: none

STAFF REPORTS:

Chris Musshafen stated last week was very busy with the opening of two day camps, July 3rd events and pool activities. Chris stated that Meaghan Tent did a fantastic job with the July 3rd events and other recreation activities.

Highway Superintendent Gunner noted that he is planning on sealing the Aurora Municipal Center parking lot next week.

Pat Welch thanked everyone for the welcome and noted that Dustin Waldron is now the special events coordinator for the police department.

Doug Crow stated that the July Planning Board meeting will be held on July 16, 2024 instead of July 10, 2024 as was previously scheduled and then cancelled.

Rod Simeone stated that the Zoning Board of Appeals will be reviewing seven new cases at their July 18th meeting.

Councilman Granville moved to adjourn at 7:15 p.m. Seconded by Councilman McCann. Upon a vote being taken: ayes – four noes – none Motion carried. Action #250 Meeting adjourned

Martha L. Librock
Town Clerk