

September 27, 2021

A meeting of the Town Board of the Town of Aurora took place on Monday, September 27, 2021 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 also streamed via Zoom and YouTube:

Present:	Jolene M. Jeffe	Councilwoman
	Susan A. Friess	Councilwoman
	Charles D. Snyder	Councilman
	Luke Wochensky	Councilman
	James J. Bach	Supervisor
Others Present:	Ronald Bennett	Town Attorney
	Elizabeth Cassidy	Code Enforcement Officer
	David Gunner	Highway Superintendent
	Elizabeth Deveso	Highway Secretary
	Shane Krieger	Police Chief
	Tony Rosati	ZBA member/Village Trustee

Supervisor Bach opened the regular meeting at 6:50 p.m., immediately following the conclusion of the work session. The Board addressed agenda items in the following order:

Councilwoman Jeffe moved to approve the minutes of the September 13, 2021 work session and meeting. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five	noes – none	Action #270 9/13/21 minutes aprvd
Motion carried.		

AUDIENCE I:

Robert Aronica, Boies Road, spoke to the Board about issues he is facing due to an ODA next to his property. Mr. Aronica stated neighbors should be notified so they are surprised by ODA development and that flag lots are becoming a problem.

David Peltan, Church Street, spoke to the board about the cannabis law, noting that this is an important event that will change our community and that there is a lot of research still to be done.

PUBLIC HEARING:

At 7:00 p.m. Supervisor Bach opened the Public Hearing on a Local Law proposing to extend the moratorium on certain development in Business (B) and Industrial (I) for three months. The notice was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board. The Supervisor asked if anyone wished to comment. Hearing no one, Supervisor Bach closed the hearing at 7:01 p.m.

UNFINISHED BUSINESS:

Councilman Wochensky moved to adopt the following Local Law; seconded by Councilwoman Friess:

TOWN OF AURORA
LOCAL LAW 4 - 2021

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 ESTABLISH A MORATORIUM ON CERTAIN DEVELOPMENT IN ZONING DISTRICTS B-1, B-2 and I.

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. PURPOSE

The Town Board of the Town of Aurora has under review regulations in regard to development in B1, B2 and I Zoning Districts within the Town of Aurora. It is acknowledged that Local Law No. 1-2021 previously established a six (6) month moratorium. Members of the Town Board have had numerous sessions reviewing the proposed code together with support of the Town Planning Board. The Town Board of the Town of Aurora finds it prudent and necessary to enact an extension to a moratorium applicable to the use of land and development in B1, B2 and I Zoning Districts in the Town. This moratorium extension is intended to ensure that no approvals for such land use application be granted or permitted until this Board can complete its planning studies and has had an opportunity to consider and enact appropriate regulations and/or appropriate amendments to existing laws. It is anticipated that the required code revisions shall be under consideration by the Town Board within the time-frame of the additional three (3) month moratorium.

SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the provisions of Article 16 of the New York Town Law and Section 10 of the New York Municipal Home Rule Law.

SECTION 4. MORATORIUM AND DURATION

The Town Board of the Aurora hereby declares a three (3) month moratorium extension on the use of land and development in B1, B2 and I Zoning Districts within the Town in accordance with the directives of Local Law 1 - 2021.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

SECTION 6. EFFECTIVE DATE

This Local Law shall become effective immediately upon the adoption by the Town of Aurora Town Board and filing with the New York Secretary of State.

Upon a roll call vote being taken:

Councilman Snyder – aye; Councilwoman Friess – aye; Councilwoman Jeffe – aye; Councilman Wochensky – aye; Supervisor Bach – aye

Action #271
LL 4-2021 B&I
zone
moratorium
extension
adopted

ayes – five noes – none
Duly adopted this 27th day of September, 2021.
* * * * *

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

RESOLUTION AUTHORIZING PUBLIC HEARING

WHEREAS, Local Law Intro. No. 5-2021 has been introduced at a meeting of the Town Board held on the 27th day of September, 2021, and

WHEREAS, the Local Law would enable the Town of Aurora to establish a three month moratorium extension relating to the Development or Subdivision of land that lacks required public road frontage within the jurisdiction of the Town of Aurora, and

WHEREAS, Municipal Home Rule Law Section 20(5) requires a Public Hearing to be held before the Town Board with at least five (5) days' notice of said Public Hearing,

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Aurora does hereby approve a Public Hearing to be held on said Local Law Intro. 5 - 2021 on the 12th day of October, 2021, at 7:00 p.m. at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, New York, and be it further

RESOLVED, the Town Clerk is directed to publish notice of said Public Hearing in the official newspaper of the Town of Aurora, said notice being published at least five (5) days prior to the scheduled Public Hearing.

Action #272
Public hrg set
for LL re:
ODA
moratorium
extension

Upon a vote being taken: ayes – five noes – none

Duly adopted this 27th day of September, 2021.

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Councilman Snyder moved to approve payment no. 12 (final) to Mollenberg-Betz, Inc., 300 Scott Street, Buffalo, in the amount of \$49,615.00 (10% retainage held from the project contract) for work performed at the Aurora Municipal Center through September, 2021. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #273
Final pymt to
Mollenberg-
Betz for
AMC proj
aprvd

NEW BUSINESS:

Councilwoman Friess moved to amend the agenda by adding item 6P – Maple Road ODA to the agenda. Councilman Snyder seconded the motion. Upon a vote being taken: aye – five noes – none Motion carried.

Action #274
Item 6P –
Maple Rd
ODA added
to agenda

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

RESOLUTION AUTHORIZING PUBLIC HEARING

WHEREAS, Local Law Intro. No. 6-2021 has been introduced at a meeting of the Town Board held on the 27th day of September, 2021, and

WHEREAS, the Local Law would enable the Town of Aurora to opt-out of the provisions relating to the Cannabis Control Board's authority to issue Retail Dispensary Licenses and/or on-site Consumption Licenses for cannabis pursuant to Chapter 7-A of the Consolidated Laws of the State of New York within the jurisdiction of the Town of Aurora, and

WHEREAS, Municipal Home Rule Law Section 20(5) requires a Public Hearing to be held before the Town Board with at least five (5) days' notice of said Public Hearing,

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Aurora does hereby approve a Public Hearing to be held on said Local Law Intro. 6 - 2021 on the 12th day of October, 2021, at 7:00 p.m. at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, New York, and be it further

RESOLVED, the Town Clerk is directed to publish notice of said Public Hearing in the official newspaper of the Town of Aurora, said notice being published at least five (5) days prior to the scheduled Public Hearing.

Action #275
Public hrg set
for Cannabis
opt out LL

Upon a vote being taken: ayes – five noes – none
Duly adopted this 27th day of September, 2021.

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Councilman Wochensky moved to approve the purchase of the cloud-based Gasboy Prime system software from The Pump Doctor Inc., 2706 Hemlock Road, Eden, NY at a cost of \$17,807.12 (off the Sourcewell purchasing program contract #022217-GVR ID#115246) and to approve the \$80 monthly software support cost. Funds will be disbursed from A1680.401. Councilman Snyder seconded the motion. Upon a vote being taken: aye – five noes – none Motion carried.

Action #276
Purch of
Gasboy
software
aprvd

Councilwoman Jeffe moved to approve a Temporary Use Permit to Walter McLaughlin to use the Town managed portion of Knox Farm State Park for the Section 6 Cross Country Race on November 5, 2021 with setup on November 4, 2021. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #277
TUP for Sect
6 cross
country race
at KFSP
aprvd

Councilman Wochensky moved to table the Intermunicipal Agreement with the Village of East Aurora for Hamlin Park for further review. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #278
Hamlin Park
agreement w/
VEA tabled

Councilman Snyder moved to receive the 2022 Tentative Budget from the Town Clerk. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #279
Board
receives 2022
tentative
budget from
Twn Clk

Supervisor Bach stated that so far in the 2022 Budget the A fund is increasing 15¢ per \$1,000 A.V.; B fund is increasing 6¢ per \$1,000 A.V.; DA fund is 2¢ per \$1,000 A.V. and the DB fund increasing 2¢ per \$1,000 A.V. Councilman Wochensky noted that the 2022 Tentative Budget is on the Town's website.

Councilwoman Friess moved to approve the request for Daniel Harris and Michael Evens to attend the Cornell University Right-of-Way Pesticide workshop being held on October 14-15, 2021, in Liverpool, NY. The total cost of \$352 (registration \$75 each and hotel room \$101 each) will be disbursed from Parks Landscaping and Knox Park budget lines. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #280
D. Harris &
M. Evens to
attend
pesticide
workshop

Councilwoman Jeffe moved to approve the promotion of Paul Spahn to Truck Driver effective October 2, 2021 at an hourly rate of \$22.61. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #281
P. Spahn
promoted to
truck driver

Councilman Snyder moved to set a public informational meeting for Tuesday, October 5, 2021 at 7:00 p.m. in the meeting room at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, NY, for the purpose of discussing the use of American Rescue Plan Act funds in the Town of

Aurora. Councilwoman Jeffe seconded the motion. Upon a vote being taken:
ayes – five noes – none Motion carried.

Action #282
Informational
mtg for use of
ARPA funds
set

Councilwoman Friess moved to accept the resignation of Ronald Bennett as Town Attorney effective September 28, 2021. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five
noes – none Motion carried.

Action #283
R. Bennett
resignation as
Twn Atty
accepted

Councilman Snyder moved to appoint Joel Kurtzhalt of Bennett, DiFilippo & Kurtzhalt LLP as Town Attorney to fill the unexpired term of Ronald Bennett, at a biweekly rate of \$1,381.03, effective September 28, 2021, term ending December 31, 2021. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four abstain – one (Wochensky)
noes – none (Councilman Wochensky stated he does not know Mr. Kurtzhalt and could not find contact information on the law firms website.)
Motion carried.

Action #284
J. Kurtzhalt
appt Twn
Atty

Councilman Snyder moved to accept the resignation of Edward (Ned) Snyder as Deputy Town Attorney effective September 28, 2021. Councilwoman Friess seconded the motion. Upon a vote being taken:
ayes – five noes – none Motion carried.

Action #285
E. Snyder
resignation as
Deputy Twn
Atty accepted

Councilman Snyder moved to appoint Ronald Bennett as Deputy Town Attorney to fill the unexpired term of Edward Snyder, at a biweekly rate of \$500.00, effective September 28, 2021, term ending December 31, 2021. Councilwoman Jeffe seconded the motion. Upon a vote being taken:
ayes – five noes – none Motion carried.

Action #286
R. Bennett
appt Deputy
Twn Atty

Councilwoman Friess moved to approve the following budget amendment to document the Town Attorney/Deputy Town Attorney changes:

- Add expenditure line A1420.102 Deputy Town Attorney
- Decrease expenditure line A1420.100 Town Attorney by \$9,667.25
- Increase expenditure line A1420.102 Deputy Town Attorney by \$9,667.25

Action #287
Budget
transfer for
attorney
changes
aprvd

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

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

WHEREAS, the Town of Aurora Justice Court desires to submit a grant application to the Justice Court Assistance Program (JCAP) for funding to purchase four tables, one tabletop lectern and two air purifiers for the court room and court office.

Action #288
JCAP grant
submission
aprvd

Now, therefore be it

RESOLVED, The Board of the Town of Aurora authorizes the Aurora Town Court to apply for a JCAP grant in the 2021-2022 grant cycle up to \$30,000.

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

information. In reference to the event code that the Town is considering, Mr. Aronica asked if there was a NY State definition of “event”.

STAFF REPORTS:

Police Chief Krieger stated that the Village and Town and many other entities are experiencing a phone system issue today and that they assigned a temporary non-emergency phone number to contact the EAPD. Mr. Krieger said there were no issues with the 911 line.

Code Enforcement Officer Cassidy stated that training with part time Assistant CEO is going well and looks forward to hiring a second part time ACEO in the future. Mrs. Cassidy stated there is a special meeting of the Planning and Town Boards scheduled for September 28, 2021 at 7:00 p.m. at the Aurora Municipal Center to discuss the ODA code.

Highway Superintendent Gunner stated that the Borderland Festival went well and that approximately 1200 cars were parked at the soccer fields for the music festival.

ABSTRACT OF CLAIMS:

The Abstract of Claims dated September 27, 2021, consisting of vouchers numbered 992 to 1038; prepaid vouchers numbered 1039 to 1041; and PCard voucher numbered 1042 was presented to the Board for audit and authorization of payment from the following funds:

General	\$131,187.20
Highway/DA	8,775.00
Highway/DB	17,948.95
Capital/H5 AMC	48,915.10
Special Districts	<u>89,367.60</u>
Grand Total Abstract	\$296,193.85

Councilwoman Friess moved to approve the 9/27/2021 Abstract of Claims, and authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #291
9/27/21
Abstract of
Claims
approved.

Councilwoman Jeffe moved to adjourn at 7:55 p.m.; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #292
Meeting
adjourned

Martha L. Librock
Town Clerk