

December 13, 2021

A meeting of the Town Board of the Town of Aurora took place on Monday, December 13, 2021, beginning at 6:35 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:	Joel Kurtzhalts	Town Attorney
	David Gunner	Highway Superintendent
	Elizabeth Cassidy	Code Enforcement Officer
	Paul Ernst	ZBA Chairman
	Rod Simeone	ZBA Member
	Tim Stroth	Planning Board Member
	Greg Keyser	GHD

Supervisor Bach opened the regular meeting at 6:35 p.m., immediately following the conclusion of the work session.

Councilwoman Friess moved to approve the minutes of the November 22, 2021, work session and meeting. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five	noes – none	Action #361 11/22/21 minutes aprvd
Motion carried.		

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Wochensky moved to authorize the Supervisor to sign the following Memorandum of Understanding; seconded by Councilwoman Jeffe:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) made this 13th day of December 2021, is between THE TOWN OF AURORA (hereinafter “Town”) and THE EAST AURORA KIWANIS FOUNDATION, INC. (hereinafter “The Foundation”),

WHEREAS, the Town endeavors to provide accessible resources to all members of the community to enjoy the Town’s parks and recreational facilities; and

WHEREAS, the Foundation is a Not-for-Profit Corporation organized and existing pursuant to the laws of the State of New York and provides services to the community including, inter-alia, through its constituent club, the East Aurora Aktion Club, which club was established to provide its members, who are challenged by developmental and physical disabilities, the opportunity to engage in physical activity in a supported and enjoyable environment; and

WHEREAS, the Foundation desires to provide funding to the Town to make improvements to two Town baseball diamonds at the Town park located at 690 South Street, East Aurora, New York in order to improve the accessibility and safety of the baseball diamonds for players of baseball and softball who are challenged by developmental and physical disabilities (the baseball fields improvement project); and

WHEREAS, the Foundation intends to solicit grants and donations from various organizations in the general community to obtain funding to donate to the Town to complete the baseball fields improvement project; and

WHEREAS, the Town is willing to complete the baseball fields improvement project for the benefit of the Town community provided sufficient funds are gifted to the Town from the Foundation.

NOW, THEREFORE, THE TOWN AND THE FOUNDATION HEREBY AGREE AS FOLLOWS:

1. The Foundation shall gift funds to the Town for the specific purpose of constructing and completing a baseball fields improvement project. Such gift shall not be made until all funds needed to complete the project are available.
2. Funds, once gifted, shall be separately kept in an account by the Town until expended.
3. The Town shall not be obligated to undertake any efforts necessary to advance the baseball fields improvement project until all funds necessary to fully complete the project are gifted to the Town.
4. The Town shall not be obligated to expend any Town funds for this project. Any expenses incurred by the Town in the planning of or actual improvement of the baseball fields improvement project shall be reimbursed to the Town from the gifted funds.
5. The Town and the Foundation shall collaborate on the plans and specifications for the baseball fields improvement project. All final decisions shall be the sole province of the Town.
6. Construction and installation of all improvements shall be solely under Town supervision and direction.
7. Upon completion of the baseball fields improvement project any such improvements are exclusively Town property to be used as the Town authorizes and directs.
8. This Memorandum of Understanding shall continue until either party, at any time, provides written notice of its intent to withdraw from this Memorandum of Understanding. Such written notice to the Town shall be sent to the Town's offices at 575 Oakwood Avenue, East Aurora, New York 14052 and to the East Aurora Kiwanis Foundation, Inc. at PO Box 712, East Aurora, New York 14052.

JAMES BACH, Supervisor
Town of Aurora

ROBERT RUFFNER, President
East Aurora Kiwanis Foundation, Inc.

Upon a vote being taken: ayes – four noes – none recusal – one
(Councilman Snyder recused himself from voting as he is a member of the EA
Kiwanis Foundation.)

Action #362
MOU with
EA Kiwanis
re: baseball
project apvd

Councilman Snyder moved to authorize the Supervisor to sign an
agreement with Praesidium (Lundberg Enterprise, LLC dba Praesidium) for
background screening services for Town employees at a rate of \$16 per
person per screening. Councilwoman Friess seconded the motion. Upon a
vote being taken: ayes – five noes – none Motion carried.

Action #363
Supv auth to
sign
agreement
for backgrnd
screening

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

A RESOLUTION RELATING TO THE STATE
ENVIRONMENTAL QUALITY REVIEW PROCESS

WHEREAS, the Town Board of the Town of Aurora is considering
adopting a Local Law to extend a Moratorium previous adopted in Local Law
1-2021 of the Town of Aurora; and

WHEREAS, the Town Board of the Town of Aurora is duly qualified
to act as Lead Agency for environmental review of certain actions undertaken
by local government;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Aurora hereby declares itself as Lead Agency for SEQRA review purposes and hereby determines that the proposed action is a Type II action, and that no further environmental review is required.

DULY ADOPTED, this 13th day of December 2021, by the following vote: ayes – five noes – none Motion carried.

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Action #364
B&I zone
moratorium
extension
LL SEQR
resolution
adopted –
Type 2

Councilman Wochensky moved to set Monday, December 27, 2021, at 11:00 a.m. at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, NY, as the date, time, and place to hold a public hearing on a proposed local law extending a Moratorium on certain development in B and I zones in the Town of Aurora. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #365
B&I zone
moratorium
extension
LL public
hearing set

NEW BUSINESS:

Councilman Wochensky moved to amend tonight’s agenda by adding items 5J – Special work session; 5K – Liquor authority 30-day waiver; and item 5L – 12/27/2021 work session time. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #366
Items 5J,5K
& 5L added
to agenda

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

Resolution Granting the State of New York Authority to Perform the Adjustment for the Owner and Agreeing to Maintain Facilities Adjusted Via State-let Contract

Resolution # 2021-367

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of **Intersection Reconstruction at NY 400 (Aurora Expressway), SH#68-7 and NY 16 (Olean Road), SH#5317 & 5453 & Pavement Resurfacing on NY 400 (Aurora Expressway) from US 20A to NY 16** in the **Town of Aurora** located in **Erie County**, PIN **5392.46, D264713**, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the **installation of a new lighting system** pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: That the **Town of Aurora** approves of the **installation of a new lighting system** and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the **Town of Aurora** will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED: that **Aurora Town Supervisor James J. Bach** has the authority to sign, with the concurrence of the **Town Board**, any and all documentation that may become necessary as a result of this project as it relates to the **Town of Aurora**, and

BE IT FURTHER RESOLVED: That the clerk of the **Town of Aurora** is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Actin #367
NYSDOT
resolution re:
Rt 400
project
adopted

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

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

RESOLUTION ADOPTING THE “AGREEMENT FOR INSTALLATION, MAINTENANCE, REPAIR AND ENERGIZING OF LIGHTING SYSTEM FOR STATE HIGHWAY NY 400 (Aurora Expressway), SH#68-7 and NY 16 (Olean Road), SH#5317 & 5453.”

RESOLUTION # 2021-368

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, and/or improvement of **Intersection Reconstruction at NY 400 (Aurora Expressway), SH#68-7 and NY 16 (Olean Road), SH#5317 & 5453 & Pavement Resurfacing on NY 400 (Aurora Expressway) from US 20A to NY 16** in the **Town of Aurora** located in **Erie County, PIN 5392.46, D264713**, and

NOW, THEREFORE,

BE IT RESOLVED: That the **Town of Aurora** approves of the Agreement for Installation, Maintenance, Repair and Energizing of Lighting System for State Highway **NY 400 (Aurora Expressway), SH#68-7 and NY 16 (Olean Road), SH#5317 & 5453**.

BE IT FURTHER RESOLVED: that **Aurora Town Supervisor James J. Bach** has the authority to sign, with the concurrence of the **Town Board**, this agreement, and

BE IT FURTHER RESOLVED: That the clerk of the **Town of Aurora** is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Action #368
NYSDOT
resolution re:
Rt 400
lighting
adopted

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

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Councilwoman Friess moved to refer the Special Use Permit application for 612 Buffalo Road for a restaurant and bar to the Planning Board for review and recommendation. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes - none
Motion carried

Action #369
SUP for 612
Buffalo Rd
referred to
Plnng Brd

Councilman Wochensky moved to refer the Special Use Permit application for 1887 Davis Road for a short-term rental unit (ex: AirBnB) to the Planning Board for review and recommendation. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes - none
Motion carried

Action #370
SUP for 1887
Davis Rd
referred to
Plnng Brd

Councilman Wochensky moved to refer the Special Use Permit application for 1895 Davis Road for a short-term rental unit (ex: AirBnB) to the Planning Board for review and recommendation. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes - none
Motion carried

Action #371
SUP for 1895
Davis Rd
referred to
Plnng Brd

Councilwoman Friess moved to authorize the Supervisor to send a letter of support to Rural Transit Service, Inc. to be included in their grant funding application to Erie County. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried

Action #372
Letter of support for Rural Transit aprvd

Councilman Wochensky moved to authorize the Supervisor to send a letter of support to Erie County for the ErieNet fiber optic network proposal. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried

Action #373
Letter of support for ErieNet fiber optic aprvd

Councilwoman Jeffe moved to approve the request from Code Enforcement Officer Elizabeth Cassidy to carry over five vacation days to be used in the first quarter of 2022. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #374
E. Cassidy 5-day vacation carry-over aprvd

Councilman Wochensky moved to approve the following budget transfer to cover the Court Clerk's (C. Granville) mid-year wage increase in 2021:

From: A1110.105 Court Clerk \$11,500.00
To: A1110.102 Court Clerk \$11,500.00

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

Action #375
Court budget transfer aprvd

Councilwoman Friess moved to approve the following Highway Department budget transfer to prevent an overdrawn budget line:

From: DB5130.420 Mobile Radio Service \$1,000.00
To: DB5130-432 Materials & Supplies \$1,000.00

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

Action #376
Hwy budget transfer aprvd

Councilman Wochensky moved to set Wednesday, January 5, 2022, at 6:00 p.m. at the Aurora Municipal Center as the date, time, and place for a work session with regard to board and committee appointments. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #377
Work session set for 1/5/22 at 6pm

Councilwoman Jeffe moved that the Town of Aurora has no objections to the application of 7901 Seneca LLC dba Angelina's for an On-Premises Alcohol Beverage License at 612 Buffalo Road and hereby waives the thirty (30) day notification period. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – five noes - none
Motion carried.

Action #378
30-day liquor license waiver aprvd for 7901 Seneca LLC (612 Bflo Rd)

Councilwoman Friess moved to set a work session on Monday, December 27, 2021, at 10:30 a.m. preceding the Town Board meeting. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #379
Work session set for 10:30a.m. 12/27/21

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

- Recreation – November 2021 report

- Senior Center – November 2021 report
- Building Department – November 2021 report
- Town Clerk – November 2021 report
- Town Clerk/Tax – November 2021 report
- Water Clerk – November 2021 report
- Dog Control – November 2021 report
- Work requisitions – November 2021 report
- Supervisor – November 2021 report

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Councilman Wochensky noted that the Open Space Committee is meeting at 2:00 p.m. on December 14th.

Councilman Snyder wished everyone a Merry Christmas.

AUDIENCE II: none

STAFF REPORTS:

Elizabeth Cassidy stated that Jim Kittner has been working in the building department for two weeks now and Paul Kielich has just completed his second week of state training.

Greg Keyser wished everyone a Merry Christmas.

Highway Superintendent Gunner stated that the new excavator was delivered. Mr. Gunner noted that the Highway crews did a good job cleaning up after Saturday's windstorm.

Paul Ernst commented on raising the overhead door height limit in the Town Code from 9 feet to 10 feet.

Tim Stroth stated he and Doug Crow had introduced the proposed B & I code to the Planning Board.

ABSTRACT OF CLAIMS:

The Prepaid Abstract of Claims dated November 30, 2021, consisting of vouchers numbered 1266 to 1277, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 17,209.56
Highway/DB	15,075.95
Special Districts	<u>672.67</u>
Grand Total Abstract	\$ 32,958.18

The Abstract of Claims dated December 13, 2021, consisting of vouchers numbered 1278 to 1340 and prepaid vouchers numbered 1341 to 1343 was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 13,274.01
Part Town	35.00
Highway/DB	5,628.84
Trust/Agency	900.00
Special Districts	<u>57,911.17</u>
Grand Total Abstract	\$ 77,749.02

Councilman Snyder moved to approve the 11/30/2021 Prepaid and the 12/13/2021 Abstracts of Claims and authorize payment of same.

Councilwoman Friess seconded the motion. Upon a vote being taken:
eyes – five noes – none

Motion carried.

Action #380
11/22/21
Abstract of
Claims
approved.

The next item was a PUBLIC HEARING on Local Law Intro 7-2021 – Amendment to Chapter 99 of the Aurora Town Code - Subdivision and ODA. The notice of public hearing was published in the East Aurora Advertiser and posted on the Town Clerk’s bulletin board and on the Town website. Supervisor Bach opened the hearing at 7:00 p.m. and asked if anyone wished to comment. Hearing no one, the Supervisor closed the hearing at 7:01 p.m.

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The next item on the agenda was a PUBLIC HEARING on Local Law Intro 8-2021 – a new law regarding smoking and vaping on Town property. The notice of public hearing was published in the East Aurora Advertiser and posted on the Town Clerk’s bulletin board and on the Town website. Supervisor Bach opened the hearing at 7:02 p.m. and asked if anyone wished to comment. Hearing no one, the Supervisor closed the hearing at 7:03 p.m.

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The next item on the agenda was a PUBLIC HEARING on Local Law Intro 9-2021 – a new law regarding Special Events in the Town. The notice of public hearing was published in the East Aurora Advertiser and posted on the Town Clerk’s bulletin board and on the Town website. Supervisor Bach opened the hearing at 7:03 p.m. and asked if anyone wished to comment. Hearing no one, the Supervisor closed the hearing at 7:04 p.m.

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Supervisor Bach stated that these local laws will be voted on at the December 27, 2021, Town Board meeting.

Councilwoman Jeffe moved to adjourn at 7:05 p.m.; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none Motion carried.	Action #381 Meeting adjourned
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Martha L. Librock
Town Clerk