

June 13, 2022

A meeting of the Town Board of the Town of Aurora took place on Monday, June 13, 2022, beginning at 7:38 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
	James F. Granville	Councilman
	Joseph McCann	Councilman
	James J. Bach	Supervisor
Others Present:	Brigid Maloney	Town Attorney
	Elizabeth Cassidy	Code Enforcement Officer
	Shane Krieger	Chief of Police
	Chris Musshafen	Aquatics/Recreation Director
	Rod Simeone	ZBA member
	Paul Ernst	ZBA Chairman
	Timothy Stroth	Planning Board member
	Adam Zaremski	Library Board member
	Elizabeth Wilber	Live Stream Coordinator

Supervisor Bach opened the meeting at 7:38 p.m., immediately following the work session.

The first item on the agenda was a Public Hearing on a proposed Local Law to amend Chapter 65 of the Aurora Town Code and rescind Chapter 44. The notice was published in the East Aurora Advertiser and posted at the Town Clerks office. Supervisor Bach opened the hearing at 7:39 p.m. and asked if anyone in the audience wished to address the Board with regard to this local law. Hearing no one, the Supervisor closed the hearing at 7:40 p.m.

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The next item on the agenda was a Public Hearing on a proposed Local Law to amend Chapter 116 of the Aurora Town Code. The notice was published in the East Aurora Advertiser and posted at the Town Clerks office. Supervisor Bach opened the hearing at 7:41 p.m. and asked if anyone in the audience wished to address the Board with regard to this local law. Hearing no one, the Supervisor closed the hearing at 7:42 p.m.

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Councilman McCann moved to approve the minutes of the May 23, 2022 work session and meeting; seconded by Councilman Granville. Upon a vote being taken: ayes – five noes – none Motion carried.	Action #214 5/23/2022 minutes aprvd
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AUDIENCE I: none

UNFINISHED BUSINESS: none

NEW BUSINESS:

Councilman Wochensky moved to amend the agenda by adding item 5R- Erie Cattaraugus Rail Trail resolution. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes- none Motion carried.	Action #215 5R – ECRT resolution added to agenda
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Councilman McCann moved to forward the request to rezone the property at 4479 Transit Road, PO Orchard Park, 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 #216 Rezone application for 4479 Transit sent to Plnng Brd
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Councilman Granville moved to approve the fee increase for rezoning applications from \$35 to \$150. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #217
Rezoning
application
fee
increased to
\$150

Councilman Wochensky moved to table the request from Ben Bell/Angelina's restaurant, 612 Buffalo Road, to amend his special use permit to include Thursday night outdoor bands. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #218
SUP
amendment
for 612 Bflo
Rd tabled

Councilman Granville moved to approve a Temporary Use Permit for Kevin Guest House to host a polo match on the Town managed portion of Knox Farm State Park on July 16, 2022. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #219
TUP for
polo match
at KFSP on
7/16/22

Councilman Snyder moved to table the request from the Building Department for new building/code enforcement software until a building permit fee comparison is prepared. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #220
Building
dept
software
request
tabled

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

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, 2021 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.

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

Action #221
Justice
Court audit
resolution
adopted

Councilman Wochensky moved to authorize the Supervisor to sign the Early Voting Polling Location Lease Agreement with the Erie County Board of Elections for their use of the conference room at the Aurora Municipal Center, 575 Oakwood Ave., for the following events/dates for \$900 per election:

- Primary Election: June 18, 2022 – June 26, 2022
- Primary Election: August 13, 2022 – August 21, 2022
- General Election: October 29, 2022 – November 6, 2022

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

Action #222
Supv auth to
sign early
voting lease
agreement
with
ECBOE

Councilman McCann moved to accept with regret the resignation of Tony Rosati from the Zoning Board of Appeals effective June 1, 2022. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #223
T. Rosati
resignation
from ZBA
accepted

Councilman Mccann moved to appoint Zoning Board of Appeals alternate member Nancy Burkhardt to the Zoning Board of Appeals to fill the unexpired term of Tony Rosati through December 31, 2022. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #224
N. Burkhardt
appointed to
ZBA to fill
T. Rosati
term

Councilman Snyder moved to establish the standard workday for the following elected and appointed officials as eight (8) hours and will report the officials to the New York State and Local Retirement System based on their record of activities or time keeping system records:

Town Historian	Councilman	Highway Superintendent
Supervisor	Town Prosecutor	Town Clerk

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

Action #225
Retirement
reporting
resolution –
standard
workday
established

Quotes to replace the heater/boiler at Community Pool were received from:

- | | |
|------------------------------------|-------------|
| ▪ Tri R Mechanical Services | \$44,788.00 |
| ▪ Mollenberg-Betz, Inc. | \$63,155.00 |
| ▪ Greater Niagara Mechanical, Inc. | \$39,745.00 |

Councilman Snyder moved to award the Aurora Community Pool Boiler/Heater replacement contract to Greater Niagara Mechanical, Inc., 7311 Ward Road, North Tonawanda, NY, as the low bidder at \$39,745.00. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #226
Pool heater
bid awarded
to Greater
Niag Mech

Quotes to replace a man-door at Community Pool were received from:

- | | |
|-----------------------------|------------|
| ▪ Aurora Door & Window, LLC | \$2,177.50 |
| ▪ Telco Construction | \$4,700.00 |

Councilman Granville moved to award the Aurora Community Pool man-door replacement contract to Aurora Door & Window, LLC, 1158 Davis Road, West Falls, NY 14170, as the low bidder at \$2,177.50. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #227
Pool man-
door bid
awarded to
Aurora Door
& Window

Councilman Snyder moved to approve the Temporary Use Permit for the Holland Middle School to rent Community Pool for an open swim event on Tuesday, June 21, 2022, for approximately 110 7th and 8th grade students from the school. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #228
TUP for
Holland MS
to use
Community
Pool aprvd

Councilman Granville moved to approve a Temporary Use Permit for the East Aurora Preschool Center to have a picnic lunch and playtime for approximately 60 attendees at Warren Drive Park on Friday, June 17, 2022 from 12:30pm to 3:00pm. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #229
TUP for EA
Presch to
use Warren
Park aprvd

Councilman McCann moved to approve hiring the following persons as Lifeguards PT Seasonal at a rate of \$13.60/hour:

Henry Roberts	585 South Street, E. Aurora	
Megan Valentine	365 South Street, E. Aurora	

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

Action #230
Hiring of
lifeguards
aprvd

Councilman Granville moved to accept the donation of \$200 from the Lions Club of East Aurora to the Senior Center. Funds will be deposited to TA1000.0094. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #231
Donation
from Lions
Club for
SrCtr
accepted

Councilman Snyder moved to authorize the Supervisor to sign the 2021 Stormwater report (MS4 Annual Report) for the period ending March 9, 2022. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #232
Supv auth to
sign storm
water MS4
report

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

Town of Aurora, NY
Erie-Cattaraugus Rail Trail – Southern Tier Trail

WHEREAS, the Town of Aurora is committed to honoring the history of the Hamlets of West Falls and Jewettville while embracing a future that provides beneficial cultural, educational, recreational, and economic opportunities for their residents and the residents of the Town of Aurora in general;

WHEREAS, Erie Cattaraugus Rail Trail, Inc. is a 501(c)(3) not-for-profit organization and the trail manager for the railbanked portion of the Buffalo-Pittsburgh Railway in the Town of Aurora;

WHEREAS, the Town of Aurora recognizes the many benefits for the residents of the Town of Aurora from the conversion of the Baltimore-Pittsburgh rail corridor located in the Town of Aurora to a multi-use recreational trail, including:

- Expanded opportunities for small business development and attracting new investments, especially in the Hamlets of West Falls and Jewettville;
- An attractive resource for current and new residents and a destination for visitors;
- Linking community assets to adjacent skiing, fishing, and other recreational opportunities;
- Linking Aurora’s community assets to those in adjacent municipalities, leading to regional growth in tourism and related recreational, cultural, and economic growth opportunities;
- A healthy activity for families and individuals that promotes health care quality and education;
- Additional community-based recreational opportunities for children, youth, adults, and seniors of all ages and abilities;
- Positive economic growth;
- Reuse of existing buildings in the Hamlet of West Falls;

WHEREAS, the Town of Aurora also recognizes the concerns of landowners neighboring the Baltimore-Pittsburg rail corridor regarding safety and privacy; and

WHEREAS, the Erie Cattaraugus Rail Trail has entered into a legally binding agreement to keep the West Falls Conservation Society in operation with minimal impact on their activities; and

WHEREAS, the Town of Aurora remains committed to addressing the privacy and safety concerns of residents along the trail and will hold Erie Cattaraugus Rail Trail, Inc. accountable to their commitment to involve residents in the design and implementation of trail improvements; and

WHEREAS, the Erie Cattaraugus Rail Trail has committed to resolving the safety and privacy concerns of residents along the trail to the best of their ability; and

WHEREAS, New York State Senator Patrick Gallivan and United States Congressman Christopher Jacobs have both endorsed the development of the Erie Cattaraugus Rail Trail; and

WHEREAS, Erie Cattaraugus Rail Trail has committed to utilizing all funds generated as a result of this Resolution of Support to improve the section of the trail located in the Town of Aurora for the benefit of our residents; now

THEREFORE, BE IT RESOLVED, that The Town of Aurora supports the development of the railbanked portion of the Buffalo-Pittsburgh Railway in the Town of Aurora into a multi-use trail by Erie Cattaraugus Rail Trail, Inc. provided that Erie Cattaraugus Rail Trail, Inc. will: (1) continue to work with the Town of Aurora and neighboring landowners to mitigate safety and privacy concerns as much as is reasonably possible, including, inter alia, berms, fences and shrubbery; 2) will continue to work with the Town of Aurora and the West Falls Conservation Society to ensure the long-term continuation of this valuable community organization as it has historically operated; 3) snowmobiles, other motorized vehicles and horses will not be permitted at this time; and 4) drainage issues that involve the railbanked portion of the Buffalo-Pittsburgh railway in the Town of Aurora will be addressed in the design.

Action #233
Board adopts
resolution of
support with
conditions for
ECRT (rail
trail)

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

Adopted this 13th day of June, 2022

Supervisor Bach stated that he struggled with this at first, but the fact that they (ECRT) agreed to get us to the table is very important.

Councilman Granville stated that people wanted to be heard and assured issues would be addressed.

Councilman Snyder stated that we came up with a good document and worked together to get there.

Councilman McCann seconded what had been said and noted it was a long process.

Councilman Wochensky stated that it says a lot that no one is here tonight about the trail.

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

- Town Clerk – May 2022 report
- Building Department – May 2022 report

BUSINESS FROM BOARD MEMBERS/LIAISONS:

Councilman Wochensky spoke about “No Drive July” encouraging Village residents and others to walk or ride bikes during July rather than driving their cars.

Councilman Snyder stated the Senior Center shed is in place and looks good.
Councilman Granville spoke about a walking/riding trail in the Town of Clarence
Councilman McCann stated he attended the training offered to municipal officials and boards by Southern Tier West, noting it was a day well spent.

Supervisor Bach stated he attended the Memorial Day service at the Oakwood Cemetery and volunteered at Music Fest. The Supervisor thanked BOCES for building the shed for the Senior Center.

AUDIENCE II: none

STAFF REPORTS:

Chris Musshafen stated that hiring Mike I. was great for the Town and he noted that the cost of chlorine for the pool is up about \$1.00 per gallon.

Police Chief Krieger stated that Music Fest was busy but nothing serious occurred.

Code Enforcement Officer Cassidy thanked Mike Evens for identifying an area of poison hemlock and disposing of it. Ms. Cassidy stated she will be doing Energy Code Enforcement training tomorrow which will earn 200 (NYSERDA) points for the Town and that former CEO Bill Kramer will be covering for her when she is on vacation later this month.

ABSTRACT OF CLAIMS:

The June 13, 2022 Abstract of Claims, consisting of vouchers numbered 598 to 678 and prepaid vouchers numbered 679 to 680, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 41,066.09
Part Town	867.00
Highway	135,752.27
Special Districts	<u>46,721.32</u>
Grand Total Abstract	\$ 224,406.68

Councilman Snyder moved to approve the 6/13/2022 Abstract of Claims and authorize payment of same. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #234
6/13/22
Abstract of
Claims aprvd

Councilman McCann moved to adjourn at 8:15 p.m. Seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #235
Meeting
adjourned.

Martha L. Librock
Town Clerk