

May 8, 2023

A meeting of the Town Board of the Town of Aurora took place on Monday, May 8, 2023, beginning at 7:15 p.m. immediately after the work session. The Board met in-person at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, New York. Due to technical difficulties, the meeting was not able to be streamed via Zoom or YouTube.

Present:	Charles D. Snyder	Councilman
	Joseph McCann	Councilman
	James F. Granville	Councilman
	James J. Bach	Supervisor
Absent/Excused:	Luke Wochensky	Councilman
	Brigid Maloney	Town Attorney
Others Present:	Elizabeth Cassidy	Code Enforcement Officer
	David Gunner	Highway Superintendent
	Rod Simeone	Zoning Board Member
	Chris Musshafen	Recreation/Aquatics Director
	Robert Goller	Town/Village Historian

Supervisor Bach opened the regular meeting at 7:15 p.m., following the conclusion of the work session.

Councilman McCann moved to approve the minutes of the April 24, 2023, work session and meeting. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #128
4/24/2023
minutes
aprvd

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Snyder moved to approve Pay Application No. 2 in the amount of \$23,400.00 for Allgaier Construction Corp., 10080 County Road, Clarence Center, NY, for merchandise on hand and work performed on the Aurora Senior Center door project through 4/30/2023. Councilman Granville seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #129
Pymt. 2 to
Allgaier for
SrCtr door
proj aprvd

Councilman Granville moved to approve the following pay requests from FoitAlbert Associates, 295 Main Street, Suite 200, Buffalo, NY, for consulting work on the Church Street and East Fillmore bridge projects:

- East Fillmore pay app no. 6: \$11,591.16 for services rendered 2/25/2023 – 3/31/2023
- Church Street pay app no. 6: \$5,092.14 for services rendered 2/25/2023 – 3/31/2023

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

Action #130
Pymt No. 6 to
Foit Albert
for Church St
& E.Fillmore
bridge proj
aprvd

Councilman McCann moved to approve Pay Application No. 4 in the amount of \$51,755.72 from Peyton Barlow Co., Inc., 360 Delaware Avenue, Buffalo, NY, for work done on the Community Pool update and repair project for the period 12/11/2022 through 4/30/2023. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #131
Pymt No. 4 to
Peyton
Barlow for
pool restrm
proj aprvd

NEW BUSINESS:

Councilman Snyder moved to table agenda item 5A – Architectural Survey for the Church Street Bridge project. Councilman Granville seconded the motion. Upon a vote being taken: ayes – four noes – none
Motion carried.

Action #132
Church St
bridge
architectural
survey tabled

(It was noted that Foit Albert Associates will be submitting a change order to their contract for this in the future as they will be paying the \$3,948.00 fixed price cost for the brief architectural survey of four structures near the Church Street bridge based on SHPPO requirements.)

Councilman McCann moved to authorize the Supervisor to sign a service agreement with Time Warner Cable Northeast LLC d/b/a Spectrum for Fiber Internet Access service with 5 static IP Addresses at 575 Oakwood Avenue (Aurora Municipal Center) for a recurring monthly charge of \$449.00. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none
Motion carried.

Action #133
Supv auth to
sign
Spectrum
fiber internet
svc agrmt

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

**Joint Resolution of the East Aurora Village Board and the
Aurora Town Board for Obtaining and Sharing Fiber Internet Access**

WHEREAS, the East Aurora Village and Town of Aurora governments rely on internet access as a critical component of performing services for residents and customers of both communities;
and

WHEREAS, both the Village and Town currently have internet access services provided individually as standard business accounts, with the Village having one account for administration at 585 Oakwood Avenue and one account for the Police Department, including dispatch services, at 571 Main Street, and with the Town having one account at 101 King Street for the Senior Center and one account at 575 Oakwood Avenue for administration and one account at 571 Main Street for Town Courts; and

WHEREAS, the two accounts at 571 Main Street – one each for the Village and Town – could be consolidated and served with one fiber internet access line running into that building, and the other three aforementioned accounts – one for the Village and two for the Town – could be consolidated and served with one fiber internet access line running into the building at 575/585 Oakwood Avenue; and

WHEREAS, having one fiber internet access line running into each of the aforementioned buildings will increase data speed and reliability compared to the current standard accounts being utilized; and

WHEREAS, the Village and Town have an existing intermunicipal agreement to share space at each of the aforementioned buildings and the governing bodies of each entity concur that sharing services wherever practical is in the interest of all Village and Town citizens and customers.

NOW, THEREFORE, BE IT RESOLVED, that the East Aurora Village Board and Aurora Town Board shall arrange for new Fiber Internet Access service with one fiber line at each building: the Village-owned building at 571 Main Street and the Town-owned building at 575/585 Oakwood Avenue, and that subsequent to the Fiber Internet Access being activated, each entity shall cancel their current standard internet connection accounts; and

BE IT FURTHER RESOLVED, that Spectrum/Charter is the vendor for the new fiber internet access and services shall be obtained under a State Contract: OGS PS68706, Award 23100, Group 77017, with all terms and conditions under the State Contract in effect and controlling; and

BE IT FURTHER RESOLVED, that the Village Mayor and Town Supervisor are authorized to sign any agreements necessary to have new Fiber Internet Access service installed at 571 Main Street and 575/585 Oakwood Avenue; and

BE IT FURTHER RESOLVED, that the Village shall pay the installation and monthly costs for the line at 571 Main Street, which shall be available for use by Police, Dispatch and Town Courts, and the Town shall pay the installation and monthly costs for 575/585 Oakwood Avenue, which shall be available for use by Town Administration, the Town Senior Center and the Village Administration; and

BE IT FURTHER RESOLVED, that the Village shall not charge the Town for the use by the Town Courts of the Fiber Internet Access service at 571 Main Street and the Town shall not charge the Village for use by the Village Administration of the Fiber Internet Access service at 575/585 Oakwood Avenue, however the Village shall continue to have costs shared among partners for Internet Access proportionately as they relate police and dispatch operations at 571 Main Street; and

BE IT FURTHER RESOLVED, that the term of this Resolution and Agreement shall run concurrent with the existing agreement between the Village and Town for sharing each of the aforementioned buildings and shall become a part of that agreement at the next renewal period.

Action #134
Supv auth to sign fiber internet agrmt with VEA

Upon a vote being taken:

Councilman Granville	Aye
Councilman McCann	Aye
Councilman Snyder	Aye
Supervisor Bach	Aye

The Resolution was approved.

* * * * *

Councilman Snyder moved to authorize the Supervisor to sign the amendment to the January 1, 2017 evergreen agreement between the Town of Aurora and Erie County whereby 1) Schedule A: Statement of Services – Congregate Dining (Clean-up) is replaced with Schedule A: Statement of Services – Congregate Dining (Clean-up), Technology Installation & Special Event Programming; and 2) Schedule E: Remuneration Schedule Congregate Dining (Clean-up) is replaced with Schedule E: Remuneration Schedule Congregate Dining (Clean-up), Technology Installation & Special Event Programming. Councilman McCann seconded the motion. Upon a vote being taken: ayes – four noes - none Motion carried.

Action #135
Supv auth to sign congreg-ate dining agrmt w/ EC re: amending agrmt

The Erie County Legislature awarded funding, sponsored by Legislator James Malczewski, to the Aurora Senior Center for kitchen upgrades. Councilman McCann moved to authorize the Supervisor to sign the Intermunicipal Agreement with Erie County whereby in consideration of improvements to the Aurora Senior Center, the County shall reimburse the Town an amount not to exceed \$5,000. Councilman McCann seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #136
Supv auth to sign EC \$5K funding agrmt for SrCtr

Councilman Granville moved to approve the following 2023 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	1	\$300
Camp Counselor	\$200	35	7	245	\$0.82	5	\$1,000
Sports/Theater	\$ 75	12	7	84	\$0.89	8	\$600
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	20	11	220	\$0.50/hr	24	\$2,392.50

Total \$6,442.50

- Employee must have obtained all required certifications by June 3, 2023 and certifications must be valid until August 11, 2023.
- Facility Manager, Head Guards and Lifeguards must work to within 5 hours of their contracted hours per week from June 26, 2023 until August 4, 2023.
- 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 shifts 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.
- Employees contracted for less than 5 hours per week are not eligible for a bonus.

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

Action #137
Bonuses for Rec employees aprvd

Councilman McCann moved to authorize the Supervisor to sign the proposal from GHD Consulting Services Inc. whereby GHD will review the Stormwater Pollution Prevention Plan (SWPPP) for the National Fuel Gas Supply Corporation’s Colden Anodes project that includes the Town of Aurora for lump sum fee not to exceed \$2,000.00. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none
 Motion carried.

Action #138
Supv auth to sign GHD proposal for NFG SWPPP

(Chapter 96 of the Aurora Town Code states that the Town should be compensated by the developer for this fee.)

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

RESOLUTION TO APPROVE AN OPEN DEVELOPMENT AREA

WHEREAS, on August 23, 2021, the Aurora Town Board granted approval for two Open Development Area lots identified as 1045 Willardshire Road (SBL#163.00-1-2.32) and 1047 Willardshire Road (SBL#163.00-1-2.31); and

WHEREAS, at that time 1047 Willardshire Road required and was granted a lot size area variance of .7 acres, a front yard setback variance of forty (40) feet and a rear yard setback restriction of 150 feet to allow the construction of a single-family residence; and

WHEREAS, the current owners of 1047 Willardshire Road applied to the Zoning Board of Appeals for a front yard setback of 150 feet which requires a front yard setback variance of fifty (50) feet, ten (10) feet more than the variance originally granted in 2021; and

WHEREAS, on April 20, 2023, the Zoning Board of Appeals granted a front yard setback variance of fifty (50) feet thereby allowing a single-family residence to be built 150 feet back from the front yard lot line of 1047 Willardshire Road; and

WHEREAS, Planning Board Chairman Don Owens submitted a memo to the Town Board dated April 28, 2023, noting that this ODA lot was before the Planning Board in 2021 and approval was recommended and noting that further consideration by the Planning Board is not required; and

WHEREAS, this action is considered Type II under SEQR.

NOW, THEREFORE, be it

RESOLVED, the Town Board having considered details of the of the Open Development Area Application for 1047 Willardshire Road, has found that the actions proposed in the Application are considered Type II and therefore no further review is required pursuant to the New York State Environmental Quality Review Act (SEQR); and BE IT FURTHER

RESOLVED, that approval of this Open Development Area by the Aurora Town Board and any future development is and will be subject to the standards and requirements of Chapter 99 of the Code of the Town of Aurora; and BE IT FURTHER

Action #139
ODA for 1047
Willardshire
aprvd

RESOLVED, that the Open Development Area Plan for a single-family residence at 1047 Willardshire Road, PO Orchard Park, Town of Aurora (SBL#163.00-1-2.31) is approved in accordance with the site plan submitted and attached to this resolution.

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

Councilman Granville moved to approve a Temporary Use Permit for the Holland Middle School to rent Community Pool for an open swim event for approximately 125 7th and 8th grade students, on Wednesday, June 21, 2023 from 9:45 a.m. to 11:45 a.m. Approval is contingent upon payment to the Town of all required fees. Councilman Snyder seconded the motion.

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

Action #140
TUP for
Holland MS
to use pool
aprvd

Councilman Snyder moved to approve the hiring of the following as Lifeguard Seasonal PT employees at the following hourly rates:

Hannes Aubrecht	121 Center St., EA	\$15.50/hour
Elliott Marshall	40 Girdle Rd., EA	\$15.75/hour

Action #141
Hiring of
2 Lifeguards
aprvd

Orientation will be considered the first day worked.

Councilman Granville seconded the motion. Upon a vote being taken:

ayes – four noes – none Motion carried.

Councilman McCann moved to approve the hiring of the following as Seasonal PT Laborer employees at the following hourly rates:

Abbey Hall	870 Chestnut Hill Rd, EA	\$15.50/hour
John Evens	65 Park Place, EA	\$15.50/hour
Charles Gerken	1573 Boies Rd., EA	\$15.50/hour
Steven Kaminski, Jr	174 West Falls Rd., WF	\$15.50/hour
Christopher Keller	53 Savage Place, EA	\$15.00/hour

Action #142
Hiring of 5
seasonal PT
laborers
aprvd

Orientation will be considered the first day worked.

Councilman Snyder seconded the motion. Upon a vote being taken:

ayes – four noes – none Motion carried.

Councilman McCann moved to approve the following budget amendment to record the use of Contingent Funds to pay for the purchase of an AED with case as approved by the Town Board on April 24, 2023:

- Decrease A1990 Contingent by \$1,903.75
- Increase A1620.422 Op Building R&M by \$1,903.75

Action #143
Budget
amendment
for AED
aprvd

Councilman Snyder seconded the motion. Upon a vote being taken:

ayes – four noes – none Motion carried.

Councilman Granville moved to accept a donation of \$200 from the Lions Club of East Aurora for the Senior Center. Funds will be deposited to TA1000.0090. Councilman McCann seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #144
Lions Club
donation for
SrCtr
accepted

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

- Town Clerk – April 2023 report
- Town Clerk/Tax – April 2023 report
- Town Clerk/Water – April 2023 report
- Recreation Director – April 2023 report
- Senior Center – April 2023 report
- Building Department – April 2023 report
- Supervisor – April 2023 report

BUSINESS FROM BOARD MEMBERS/LIAISONS

Councilman McCann met with Chris Musshafen and Meaghan Tent regarding the baseball schedule.

Supervisor Bach attended a function at the Rural Outreach Center.

AUDIENCE II: none

STAFF REPORTS:

Rod Simeone noted that he will be acting chairman for the May 18, 2023 Zoning Board of Appeals meeting.

Chris Musshafen stated that he has been holding lifeguarding courses and swim lessons start tomorrow.

Highway Superintendent Gunner stated that Schopper Road, East Fillmore two-lane roadway as part of the bridge project and the Mill Road Overlook parking lot have all been paved.

ABSTRACT OF CLAIMS:

The May 8, 2023, Abstract of Claims, consisting of vouchers numbered 484 to 553, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 47,073.97
Highway/DA	1,774.16
Highway/DB	9,200.74
Capital	68,439.02
Special Districts	<u>1,814.88</u>
Grand Total Abstract	\$128,302.77

Councilman Granville moved to approve the 5/8/2023 Abstract of Claims and authorize payment. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #145
5/8/2023
Abstract of
Claims aprvd

Councilman McCann moved to adjourn at 7:35 p.m. Seconded by Councilman Granville. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #146
Meeting
adjourned

Martha L. Librock
Town Clerk