

May 22, 2023

A meeting of the Town Board of the Town of Aurora took place on Monday, May 22, 2023, beginning at 7:00 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
	Joseph McCann	Councilman
	James F. Granville	Councilman
	James J. Bach	Supervisor
Others Present:	Brigid Maloney	Town Attorney
	Elizabeth Cassidy	Code Enforcement Officer
	David Gunner	Highway Superintendent (via Zoom)
	Shane Krieger	Chief of Police
	Elizabeth Wilber	Live Stream Coordinator

Supervisor Bach opened the regular meeting at 7:00 p.m., following the conclusion of the work session.

Dan Mirsky, President of East Aurora Baseball and Softball, Inc. presented the Town Board with a check for \$1,000.00 as a donation toward the diamond dirt and baseball field maintenance for the fields used by their organization. Mr. Mirsky stated that the new bathrooms are a great addition. He also noted that the temporary backstops are a safety issue.

The next item on the agenda was a presentation of the 2022FY Audit by Carl Widmer, Partner, and Megan Wnek, Manager, of Drescher Malecki LLP, the Town's external auditors. Mr. Widmer spoke about the products of the audit (deliverables) and the responsibilities of Drescher Malecki in conducting the audit, preparing the Annual Update Document and helping the Town compile the CAFR, which has resulted in the Town receiving financial reporting excellence. Ms. Wnek reviewed the major funds, including General, Part Town and Highway. She stated there are no reportable findings. Mr. Widmer stated that the Town of Aurora is in a good financial position.

Councilman Snyder moved to approve the minutes of the May 8, 2023, work session and meeting. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five      noes – none      Motion carried.

Action #147  
5/8/2023  
minutes  
aprvd

AUDIENCE I: none

#### UNFINISHED BUSINESS:

Councilman McCann moved to approve the following pay request from FoitAlbert Associates, 295 Main Street, Suite 200, Buffalo, NY, for consulting work on the Church Street bridge project:

- Church Street pay app no. 7: \$5,654.88 for services rendered 4/1/2023 – 4/28/2023

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

Action #148  
Pymt No. 7 to  
Foit Albert  
for Church St  
bridge proj  
aprvd

Councilman Snyder moved to approve the following pay request from FoitAlbert Associates, 295 Main Street, Suite 200, Buffalo, NY, for consulting work on the East Fillmore bridge project:

- East Fillmore pay app no. 7: \$3,962.43 for services rendered 4/1/2023 – 4/28/2023

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

Action #149  
Pymt No. 7 to  
Foit Albert  
for East  
Fillmore  
bridge proj  
aprvd

NEW BUSINESS:

Councilman McCann moved to add item 5N – Highway request to hire to the agenda. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #150  
Item 5N –  
Hwy new  
hire added to  
agenda

Councilman Wochensky moved to accept a \$1,000.00 donation from East Aurora Baseball and Softball, Inc. for baseball diamond dirt and field maintenance. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #151  
EA Baseball  
donation  
accepted

Councilman Snyder moved to declare the following as surplus inventory to be used as \$40,000.00 trade-in (credit) toward the purchase of a 2023 Western Star plow truck from Fleet Maintenance Inc. (purchase previously approved 3/14/2022):

- 2009 International truck VIN# ending in 114487, Town truck 324, inventory #2058 including Smith salt spreader, Viking-Cives plow wing and Viking-Cives 10' wing
- 2009 International truck VIN# ending in 114488, Town truck 328, inventory #2060 including Smith salt spreader, Everest main plow and Viking 10' wing

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

Action #152  
2-2009 Inter-  
national  
trucks  
declared  
surplus

Councilman McCann moved to approve the purchase of a 2024 Kenworth dump truck with Henderson plow equipment. The 2024 Kenworth T480 Cab and Chassis is off the Sourcewell contract and is being purchased from Kenworth of Buffalo, 100 Commerce Drive, Lackawanna, NY for \$124,653.00. The dump body, plow equipment and salt spreader are being purchased from and installed by Henderson Products, Inc., 22686 Fisher Road, Watertown, NY for \$136,298.00. Funds will be disbursed from 2024 budget line DB5130.217. Approval is contingent on this being included in the 2024 budget and adoption of the 2024 budget. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #153  
Purch of  
2024  
Kenworth  
plow truck  
aprvd

Councilman Snyder moved to approve advertising for bids for a 2022 or newer pickup truck for the Highway Department and to set a bid opening of 10:00 a.m. Thursday, June 8, 2023 at the Town Clerk's office, 575 Oakwood Ave., East Aurora, NY. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #154  
Bid opening  
for new pick-  
up truck set

Councilman Granville moved to declare a 2020 Dodge Ram pickup truck, VIN# ending in 273998, Town truck 325, as surplus inventory to be auctioned by Auctions International with the proceeds being used toward the purchase of a new pickup truck. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #155  
2020 Dodge  
Ram pickup  
declared  
surplus

Councilman McCann moved to adopt the following Employee Policy 5.04 – Drug and Alcohol-Free Workplace that replaces current policy 5.04 titled Drug-Free Policy; seconded by Councilman Snyder:

#### 5.04 Drug and Alcohol-Free Workplace

**Statement of Compliance** – The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the Town must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the legislation. As a recipient of Federal grants, the Town hereby complies with the requirements of the Drug-Free Workplace Act by adopting the following policy and drug-free awareness program:

**Policy Statement** – It is the policy of the Town of Aurora that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Act, is prohibited on the job or at the workplace. The manufacture, distribution, dispensation, possession, or use of alcohol is also prohibited on the job or at the workplace. Employees are also prohibited from reporting to work under the influence of any illegal drugs, prescription drugs not prescribed for the employee, alcohol or cannabis. The Town also prohibits its employees from engaging in the off-duty use of any illegal controlled substance. The off-duty use of cannabis is only prohibited for employees who are subject to DOT regulations.

**Implementation of Policy** – This policy will be distributed to all employees and officials of the Town.

**Sanctions** – An employee who, after investigation, is found to have violated any of the prohibitions set forth in the Policy Statement above may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to criminal, civil and disciplinary penalties, up to and including dismissal from employment.

**Employee Responsibilities** – As a condition of the Town receiving Federal grant moneys, each employee must abide by this policy and notify the Department Head of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

**Town Responsibilities** – The Town will notify the granting federal agency within ten days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, within thirty calendar days of receiving notice of a conviction, the Town will take disciplinary action against the employee, up to and including termination from employment and/or require such employee to satisfactorily participate in drug abuse assistance or rehabilitation program pursuant to Sections 702 and 703 of the Drug-Free Workplace Act.

**Drug-Free Awareness Program** – It is the policy of the Town of Aurora to maintain a drug-free workplace. In accordance with that policy, the Town has adopted the following drug-free awareness program to raise employee awareness of the dangers associated with drug abuse in the workplace.

**Dangers of Drug Abuse in the Workplace** – \*Employees with chemical dependence problems have a major negative impact on productivity, staff morale, and labor/management relations. Their hidden illness is responsible for:

A. Declining Performance

- poor concentration
- confusion in following directions
- noticeable change in the quality of work
- inability to meet deadlines
- errors in judgment affecting the health and safety of others.
- customer complaints and injuries.

\*Information obtained from New York State Division of Alcoholism and Alcohol Abuse pamphlet entitled Alcohol and Drugs on the Job.

B. Increased Costs

- five times the average sick and accident benefits
- higher job turnover, replacement and training costs
- greater workers' compensation and health insurance payments.
- 3 to 5 times more on-the-job accidents
- unemployment claims

C. Absenteeism and Tardiness

- double the normal rate
- repeatedly being late for work and often leaving early
- extended lunch hours
- frequent illness and accidents both on and off the job

D. Damaged Relationships

- emotional outbursts, over-reaction to criticism, mood swings, complaints from co-workers, associates and the public often leading to damaged relations.

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

Action #156  
Emp policy  
5.04 replaced  
with new  
policy Drug  
Alcohol free  
workplace

Councilman Snyder moved to approve the hiring of Maureen Kenney, 1422 Emery Road, East Aurora, NY as a court clerk at an hourly rate of \$20.50 per hour. Ms. Kenney's first day worked will be June 20, 2023 or orientation, whichever comes first. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes - none Motion carried.

Action #157  
M. Kenney  
hired as court  
clerk

Councilman McCann moved to approve the rate increase for court clerk Elizabeth Wiber from \$18.03 per hour to \$21.00 per hour effective payroll week beginning June 17, 2023. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #158  
E. Wilber rate  
increased

Councilman Granville moved to refer the Open Development application for 81 Heiler Drive, East Aurora, NY to the Planning Board for review and recommendation(s). Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #159  
ODA for 81  
Heiler  
referred to  
plnng brd

Councilman Snyder moved to approve a new Recreation program – Diving Camp – to be held at the East Aurora High School pool and instructed by diving coach Jasper Adams. As an independent contractor, Mr. Jasper will receive 85% of the net revenue from the program. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #160  
New rec  
program –  
Diving Camp  
aprvd

Councilman Granville moved to authorize the demolition of the Majors Park structure known as Hubbard Cabin, which was condemned by Code Enforcement Officer Elizabeth Cassidy on May 9, 2023, but save the "R" made of sticks from the exterior of the structure. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #161  
Demolition of  
Hubbard  
Cabin at  
Majors Park  
Authorized

Councilman Snyder moved to approve the following budget amendment to record the increase in CHIPS funding to be received by the Highway Department:

- Increase revenue line DB3501 State Aid-Chips by \$11,601.29
- Increase appropriation line DB5112.433 Permanent Improvements Materials and Supplies by \$11,601.29

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

Action #162  
Budget  
amendment  
for CHIPS  
aprvd

Councilman McCann moved to approve the hiring of Kathleen Eckert, 69 Hillcrest Rd., East Aurora, as Clerk Part Time (Assessment Clerk) at a rate of \$17.50 per hour. First day worked will be Tuesday, May 30, 2023 or orientation, whichever comes first. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #163  
K. Eckert  
hired as PT  
assessment  
clerk

Councilman Snyder moved to authorize the Supervisor to sign the 2022 Stormwater report (MS4 Annual Report) for the period ending March 9, 2023. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #164  
Supv auth to  
sign 2022  
Stormwater

Councilman McCann moved to approve the hiring of Nathaniel Bender, 45 Center Ridge Rd, East Aurora, as a Seasonal PT Laborer at a rate of \$15 per hour. Orientation will be considered first day worked. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #165  
N. Bender  
hired as  
Seasonal PT  
laborer

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

- Dog Control – April 2023 report
- Work Requisitions – April 2023 report
- Erie County Clerk – 2022 Annual report

#### BUSINESS FROM BOARD MEMBERS/LIAISONS:

Councilman McCann stated that the Town of Aurora Facebook page went live today. Mr. McCann also commented on the Erie County food waste program.

Councilman Granville stated he took part in the Majors Park trail tour and also met with a representative of Adirondacks

USA. Mr. Granville announce that the Army Band will be playing at JP Nicely West Falls Park on July 2<sup>nd</sup>.

Councilman Snyder stated the new restrooms at Community Pool are operational. Mr. Snyder thanked the Board for the use of ARPA funds for the project.

Councilman Wochensky stated that the Climate Smart Community Task Force met. Mr. Wochensky is working on the Complete Streets Policy, and he promoted “Scoot Around June” encouraging walking and biking for daily tasks instead of driving. He also noted that the Social Media Policy administrators need to come together for a short training.

#### AUDIENCE II:

Jim Malczewski, Erie County Legislator, spoke to the Board about two funding contracts– one for the Senior Center and one for the Historian that he secured for the Town.

Carine Mardorossian, Hubbard Road, stated that Majors Park backs up to her property and that she believes that the Hubbard Cabin can be saved. Ms. Mardorossian stated she had an engineer look at the cabin about a week ago. Councilman Snyder stated he would be open to reading a report from that engineer. Councilman McCann stated that the building needs to be made inaccessible as soon as possible. CEO Cassidy stated she will put in a work order to have a fence put up.

STAFF REPORTS: none

ABSTRACT OF CLAIMS:

The May 22, 2023, Abstract of Claims, consisting of PCard voucher number 555 and vouchers numbered 556 to 602, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 44,141.83
Highway/DB	22,345.98
Part Town	48.51
Special Districts	<u>1,250.45</u>
Grand Total Abstract	\$ 67,786.77

Councilman McCann moved to approve the 5/22/2023 Abstract of Claims and authorize payment. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #166  
5/22/2023  
Abstract of  
Claims aprvd

Councilman McCann moved to adjourn at 8:05 p.m. Seconded by Councilman Wochensky. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #167  
Meeting  
adjourned

Martha L. Librock  
Town Clerk