October 28, 2024

A meeting of the Town Board of the Town of Aurora took place on Monday, October 28, 2024, beginning at 6:30 p.m. 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:	Joseph McCann Luke Wochensky Raymond M. Wrazen Charles D. Snyder	Councilman Councilman Councilman Supervisor
Absent/Excused:	James F. Granville	Councilman
Others Present:	Brigid Maloney Richard Miga David Gunner Paul Ernst Doug Crow Patrick Welch Elizabeth Wilber	Town Attorney Asst. Code Enforcement Officer Highway Superintendent ZBA Chairman Planning Board Chairman Chief of Police Live Stream Coordinator

Supervisor Snyder opened the meeting at 6:30 p.m. with the recitation of the Pledge of Allegiance to the Flag.

The first item on the agenda was a Public Hearing on a Special Use Permit for a shortterm rental at 59 Cook Road, East Aurora, NY. Supervisor Snyder opened the hearing at 6:31 p.m. and asked if anyone wished to comment. Hearing no-one, the Supervisor closed the hearing at 6:32 p.m.

The next item on the agenda was a public hearing on the 2025 Preliminary Budget. Supervisor Snyder opened the hearing at 6:32 p.m. and asked if anyone wished to comment. Hearing no-one, the Supervisor closed the hearing at 6:33 p.m.

Councilman McCann moved to approve the October 15, 2024 meeting<br/>minutes with one addition – add \$100,700.00 to 1) Aurora Senior Center –<br/>replacement of movable wall. Councilman Wrazen seconded the motion.<br/>Upon a vote being taken: ayes – three abstain – one (Wochensky)<br/>noes – none Motion carried.Action #352<br/>10/15/24<br/>minutes with<br/>one addition<br/>aprvd

Councilman Wrazen moved to approve of Claims vouchers 1392 to 1458 to be paid fr	Action #353 10/28/24		
General	\$ 25,076.97	Abstract of	
Part Town	101.56	claims aprvd	
Highway/DB	5,674.04	clains apiva	
Special Districts	1,743.78		
Grand Total Abstract	\$ 32,596.35		
Councilman McCann seconded the motion. Upon a vote being taken:			
ayes – four noes – none	Motion carried.		

### AUDIENCE I:

Robert Aronica, Boies Road, spoke to the Board about the Special Event Permit application for the holiday light show next door to his residence, noting that the people visiting the site have a blatant disregard for signs and the event disturbs the Aronicas' quality of life.

### UNFINISHED BUSINESS:

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

RESOLVED that the Town Board of the Town of Aurora declares itself lead agency with regard to SEQR for the Open Development Area at 2271 Lapham Road; and further

RESOLVED that after considering the action stated herein, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the State Environmental Quality Review Act, determines that the action is an Unlisted action; and further

RESOLVED that the Town Board of the Town of Aurora has determined that this Unlisted action will result in no significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared; and further

RESOLVED that a negative declaration is issued with regard to the Open Development Area at 2271 Lapham Road, East Aurora, New York.

Upon a vote begin taken: ayes – four  $noes - none \\ * * * * *$  Motion carried.

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

Resolution Approving Development on an OPEN DEVELOPMENT AREA LOT 2271 Lapham Road (SBL# 176.00-3-20) Town of Aurora, New York

WHEREAS, Chapter 99 of the Code of The Town of Aurora establishes standards for landowners who wish to develop or subdivide land that lacks adequate public road frontage for standard lot development (known as "Open Development Area"); and

WHEREAS, Alex Handley ("the Applicant") has filed an Open Development Area (ODA) application to be able to construct a single-family residence on an ODA lot at 2271 Lapham Road; and

WHEREAS, the Applicant has made a reasonable attempt and effort to comply with specifications of Chapters 99 of the Code of the Town of Aurora; and

WHEREAS, the applications and supporting documentation were forwarded to the Erie County Division of Planning whose response was that the proposed action has been reviewed and determined to be of local concern and they have no recommendations; and

WHEREAS, the Applicant applied for and the Zoning Board of Appeals granted a 2.3' lot frontage variance and a 9' ingress/egress width variance for this ODA lot; and

WHEREAS, the Town of Aurora Planning Board moved to recommend that the Town Board approve the Open Development Area application for 2271 Lapham Road; and

WHEREAS, as an unlisted action under SEQRA the Town Board found that this will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 99 Article VI – Open Development Area of the Code of the Town of Aurora, the Town Board does hereby approve the Open Development Area application for a single-family residence at 2271 Lapham Road, East Aurora, New York. Action #355

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

Councilman McCann moved to approve the following quote from		
GAR Associates, 5500 Main Street, Williamsville, NY, to provide real estate		
appraisal services for the West Herr Article 7 tax certiorari case:		

- Preliminary appraisal \$6,500.00

- Court-ready appraisal \$8,400.00
- Pre-trial preparation \$200.00 per hour
- Court testimony/trial \$250.00 per hour

Action #356 GAR quote for W Herr appraisal aprvd

Action #354 Neg SEQR declaration for 2271 Lapham ODA issued

Upon a vote being taken: ayes – four noes – none Motion carried. Action #357 Councilman Wochensky moved to approve payment no. 13 to Azar Pymt 13 to Design Co. (formerly Foit-Albert) in the amount of \$1,625.76 for professional Azar (Foit services rendered from 6/29 - 9/27/24 for the East Fillmore Avenue bridge Albert) – E. replacement project. Funds will be disbursed from H7 5120.210. Fillmore proj Councilman McCann seconded the motion. Upon a vote being taken: aprvd ayes – four noes – none Motion carried. Action #358 **NEW BUSINESS:** SUP appl for short-term Councilman Wrazen moved to refer the Special Use Permit rental 140 application for a bed and breakfast/short-term rental at 140 Jewett Holmwood Jewett Road to the Planning Board for review and recommendation(s). Councilman Holmwood McCann seconded the motion. Upon a vote being taken: ayes - four referred to noes – none Motion carried. Plnng Brd Action #359 Councilman Wochensky moved to refer the Special Use Permit SUP appl for B-n-B 1150 application for a bed and breakfast at 1150 Underhill Road to the Planning Underhill Board for review and recommendation(s). Councilman Wrazen seconded the referred to motion. Upon a vote being taken: ayes – four noes - none Plnng Brd Motion carried. Councilman McCann moved to accept a \$100 donation to the Aurora Action #360 Senior Center from Kathleen Vanbaren in memory of Rosemary Krieger. Donation to SrCtr Funds will be deposited to TA1000.0900. Councilman Wochensky seconded accepted the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #361 Councilman Wochensky moved to approve the following highway Hwy budget budget transfer to correct an over-drawn budget line: transfer aprvd From: DB 5142.140 snow removal overtime \$1,511.97 DB 5110.140 general repairs overtime \$1,511.97 To: Councilman Wrazen seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #362 Councilman McCann moved to set 6:30p.m. on Tuesday, November 12, 2024 at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, Public hrg set for 1840 NY as the time, date and place for a Public Hearing on a Special Event Permit Boies special application from Michael Bojanowski for a holiday light show at 1840 Boies

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

Road. Councilman Wochensky seconded the motion. Upon a vote being

noes – none

taken: ayes - four

event permit

Motion carried.

Bridge NY Resolution – Town of Aurora (Culvert Project – Municipality Administered) RESOLUTION NUMBER: 363 - 2024

Authorizing the implementation and funding of 100% of the costs of a transportation project, of which qualified costs may be reimbursed from Bridge NY funds.

WHEREAS, a project for the Culvert Replacement Project Shearer Avenue over Tannery Brook, P.I.N. 5765.54 (the "Project") IS ELIGIBLE FOR REIMBURSEMENT OF QUALIFIED COSTS FROM

Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the Town of Aurora will design, let and administer all phases of the Project.

WHEREAS, the Town of Aurora desires to advance the Project by making a commitment of 100% of the costs of the \$1,271,000.00 work for the Project or portions thereof.

NOW, THEREFORE, the Aurora Town Board (the "Town Board"), duly convened does hereby

RESOLVE, that the Town Board hereby approves the project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Aurora to pay 100% of the cost of \$1,271,000.00 work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and it is further

RESOLVED, that the sum of \$1,271,000.00 is hereby appropriated from General Fund A Fund Balance and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the Town Board hereby agrees that the Town of Aurora shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Town of Aurora; and it is further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Clerk thereof, and it is further

RESOLVED, that the Town Board hereby agrees that the Town of Aurora hereby commits that the construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Supervisor of the Town of Aurora be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Town of Aurora in connection with the advancement or approval of the Project providing for the administration of the Project and the municipality's funding of the Project costs, and it is further

RESOLVED, that the Town of Aurora will be responsible for all maintenance of the Project; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

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

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

Bridge NY Resolution – Town of Aurora (2023 NY Bridge Project funded with BFP Off-System) Locally Administered RESOLUTION NUMBER: 364 - 2024

Authorizing the implementation and funding of the costs of a transportation project, which may be eligible for federal-aid and/or state-aid, or reimbursement from Bridge NY funds.

WHEREAS, a project for the Bridge Replacement, Brooklea Drive over Tannery Brook, P.I.N. 5765.46 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, 23CFR as amended and PUB. L. 117-58 also known as the "Bipartisan Infrastructure Law" (BIL): and

WHEREAS, the Town of Aurora will design, let and construct the Project; and

Action #363 BridgeNY Shearer Ave culvert agreement adopted

WHEREAS, the Town of Aurora desires to advance the Project by making a commitment of 100% of the costs for \$274,474.00.

NOW, THEREFORE, the Aurora Town Board (the "Town Board"), duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Aurora to pay 100% of the cost of \$274,474.00 work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED, that the sum of \$274,474.00 is hereby appropriated from General Fund A Fund Balance and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that the Town Board hereby agrees that the Town of Aurora shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the Town of Aurora; and it is further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid or NY Bridge funding exceed the amount appropriated above, the Town Board of the Town of Aurora shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Clerk thereof, and it is further

RESOLVED, that the Aurora Town Board hereby agrees that the construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Supervisor of the Town of Aurora be and is hereby authorized to execute on behalf of the Town of Aurora all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Town of Aurora's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

Action #364 BridgeNY Brooklea bridge proj agreement adopted

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

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

\* \* \* \* \*

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

Bridge NY Resolution – Town of Aurora (Culvert Project – Municipality Administered) RESOLUTION NUMBER: 365 - 2024

Authorizing the implementation and funding of 100% of the costs of a transportation project, of which qualified costs may be reimbursed from Bridge NY funds.

WHEREAS, a project for the Culvert Replacement Project Cornwall Road over Cazenovia Creek Tributary, P.I.N. 5765.55 (the "Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ration of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the Town of Aurora will design, let and administer all phases of the Project.

WHEREAS, the Town of Aurora desires to advance the Project by making a commitment of 100% of the costs of the \$1,486,000.00 work for the Project or portions thereof.

NOW, THEREFORE, the Aurora Town Board (the "Town Board"), duly convened does hereby

RESOLVE, that the Town Board hereby approves the project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Aurora to pay 100% of the cost of \$1,486,000.00 work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and it is further

RESOLVED, that the sum of \$1,486,000.00 is hereby appropriated from General Fund A Fund Balance and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the Town Board hereby agrees that the Town of Aurora shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Town of Aurora; and it is further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Town Board of the Town of Aurora shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Clerk thereof, and it is further

RESOLVED, that the Town Board hereby agrees that the Town of Aurora hereby commits that the construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Supervisor of the Town of Aurora be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Town of Aurora in connection with the advancement or approval of the Project providing for the administration of the Project and the municipality's funding of the Project costs, and it is further

RESOLVED, that the Town of Aurora will be responsible for all maintenance of the Project; and it is further

or all maintenance of the Cornwall Rd culvert agreement adopted

Action #365

BridgeNY

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

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

# COMMUNICATIONS AND REPORTS:

- Dog Control September 2024 report
- Work Requisitions September 2024 report
- EAPD September 2024 report

# BUSINESS FROM BOARD MEMBERS/LIAISONS:

Councilman McCann stated that he contacted a NYSDEC representative regarding the deer population situation brought up at the last meeting. Mr. McCann noted that according to the NYSDEC a lot can be done and that he will continue to work with them.

Councilman Wochensky noted that the Town of Aurora is on tract to be the first Climate Smart Silver community in Western New York.

Councilman Wrazen spoke about the Comprehensive Plan process.

Supervisor Snyder thanked Councilman McCann for his service on the Erie County Sewer District 8 Board of Directors and noted that Councilman Wrazen will be filling that

vacancy. Mr. Snyder stated the NY Forward slate of projects has been sent to NY State for review.

# AUDIENCE II:

Robert Aronica, Boies Road, suggested that slowing the speed limit on Boies Road might help to prevent deer/car collisions.

### STAFF REPORTS:

Police Chief Welch stated he has also talked with NYSDEC officials and noted that other towns have programs and plans to monitor the deer population. Mr. Welch suggested that the Town and Village form a joint task force or committee to address the situation. He would like to start with the Village first and then bring it to the Town.

Councilman McCann	moved to adjourn at 7:00 p.m.	Seconded by	Action #366
Councilman Wrazen. Upon a	vote being taken: ayes – four	noes – none	Meeting
		Motion carried.	adjourned

Martha L. Librock Town Clerk