

October 12, 2021

A meeting of the Town Board of the Town of Aurora took place on Tuesday, October 12, 2021 beginning at 6:45 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:	Ronald Bennett	Deputy Town Attorney
	Donna Bodekor	Senior Center Director
	Elizabeth Cassidy	Code Enforcement Officer
	Tony Rosati	Village Trustee/Town ZBA member
	Paul Ernst	ZBA Chairman

Supervisor Bach opened the regular meeting at 6:45 p.m., immediately following the conclusion of the work session. The Board addressed agenda items in the following order:

Councilwoman Friess moved to approve the minutes of the September 27, 2021 work session and meeting. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #293 9/27/21 minutes aprvd

AUDIENCE I:

Robert Aronica, Boies Road, stated that the Town budget should include a line item to provide additional research on things such as SEQR, flag lots, etc. Mr. Aronica stated that the implications of flag lots affect other properties.

Ed and Pam Fisher, Lackawanna, NY, stated they own a flag lot on Boies Road that has 15 feet of frontage, which they said is what the Town required at that time. They are trying to sell the lot for retirement purposes and due to the moratorium, all offers are on hold. Mr. and Mrs. Fisher asked if a special exception could be made for their hardship.

NEW BUSINESS:

Councilwoman Friess moved to approve ordering and purchasing a new 2023 plow truck cab and chassis from Kenworth Northeast Group off Sourcewell contract 060920-KTC in the amount of \$119,614.00 and one Henderson plow and dump package, including salt spreader, from Henderson Products, Inc. for \$127,398.00, for a total cost of \$247,012.00. Purchase is contingent upon this item being included in and adoption of the 2023 Town Budget. Councilman Wochensky seconded the motion. Upon a vote being taken: aye – five noes – none Motion carried. Action #294 Purch of 2023 plow truck aprv contingent on 2023 budget approval

Councilwoman Jeffe moved to approve the following changes to the 2022 Tentative Budget (and remain under the tax cap by \$76,518):

- 2% increase added to stipends that previously did not receive annual increases including Web Administrator, Budget Officer, HR Stipend, Grant Stipend (all A fund appropriations)
- Increase A6772.100 Programs for Aging Director to \$49,983 from \$49,504
- Increase A1110.105 Court Clerk to \$36,068 from \$35,360 to accurately record 2% increase for new clerk hired at \$17.00 per hour
- Added RPTL 520 (received from Assessor's office) in the amount of \$8,231.40 to Summary Pages and A Fund Revenue Page

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

Action #295
Changes to
2022
Tentative
budget aprvd

Councilwoman Friess moved to approve the 2022 Tentative Budget which becomes the 2022 Preliminary Budget; seconded by Councilman Wochensky. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #296
2022
Tentative
budget aprvd
– becomes
2022 Prelim
budget

Councilman Snyder moved to set 7:00 p.m. on the 25th day of October, 2021 in the Aurora Municipal Center meeting room, 575 Oakwood Avenue, East Aurora, New York as the time, date and place to hold a public hearing on the 2022 Preliminary Operating Budget for the Town. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #297
Public hrg set
for 2022
Preliminary
budget

Councilwoman Friess moved to approve changing the Town's health insurance broker to Hartloff Benefit Solutions, LLC, 7000 Seneca Street, Elma, NY and to authorize the Supervisor to sign the Broker of Record forms to be submitted to Blue Cross Blue Shield/Highmark and Guardian. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #298
Board aprvs
new health
ins broker –
Hartloff
Benefit
Solutions LLC

Councilman Wochensky moved to authorize the Supervisor to sign the Early Voting Polling Location Lease agreement with the Erie County Board of Elections whereby the Board of Elections will hold early voting at the Aurora Municipal Center beginning October 23, 2021 and ending October 31, 2021 and will pay the Town \$900 total rental for this time period. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #299
Supv auth to
sign early
voting lease
with ECBOE
for AMC

Councilman Wochensky moved to declare a Stihl chainsaw, inventory #2399, as surplus inventory to be disposed of. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #300
Stihl
chainsaw
declared
surplus
inventory

Councilwoman Jeffe moved to approve the use of Debt Reserve funds to make a \$2,885.00 interest payment to Greene County Commercial Bank for the Glead Ave. parking lot bond that is due 10/15/2021. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #301
Use of debt
funds for
bond interest
pynt aprvd

PUBLIC HEARINGS:

At 7:01 p.m., Supervisor Bach opened the Public Hearing on the use of Federal Community Development funds in the Town of Aurora. The notice was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board as evidenced by the Affidavits of Publication and Posting. The Supervisor asked if anyone wished to comment.

Donna Bodekor, Aurora Senior Center, spoke about replacing the exterior doors at the Senior Center and converting the interior lights to LED. Hearing no further comments, Supervisor Bach closed the hearing at 7:03 p.m.

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At 7:04, Supervisor Bach opened the Public Hearing on a proposed Local Law extending the Open Development Area moratorium for an additional three months. The notice was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board as evidenced by the Affidavits of Publication and Posting. The Supervisor asked if anyone wished to comment.

Ed and Pam Fisher, Lackawanna, NY, owners of a flag lot on Boies Road asked if they could have an exception to the moratorium as they feel it is a hardship to them. They will use the proceeds of the sale of this flag lot towards their retirement.

Robert Aronica, Boies Road, spoke in favor of the three-month moratorium.

Hearing no further comments, Supervisor Bach closed the hearing at 7:12 p.m.

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At 7:13 p.m., Supervisor Bach opened the Public Hearing on a proposed Local Law that would enable the Town to opt out of allowing Retail Cannabis Dispensaries and/or On-Site Cannabis Consumption locations in the Town of Aurora outside of the Village of East Aurora. Supervisor Bach asked if anyone wished to comment.

Katherine Viger, North St., EA, stated the Town should not opt out.

Susan Gottesman, Glenridge Road, EA, stated the Town should opt in.

Sue-Ellen Galbraith, Oakwood Ave., EA, spoke in favor of opt in. Ms. Gaibraith stated it is a good idea for renewing the village.

Robert Aronica, Boies Road, EA, stated this town is not for sale, we do not need this.

Carlos Santos, Oakwood Ave., EA, spoke in favor of opt in and that people will go where the dispensaries are located and it is money in the Town's pocket.

Hearing further comments, Supervisor Bach closed the hearing at 7:21 p.m.

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UNFINISHED BUSINESS:

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

**TOWN OF AURORA
LOCAL LAW 5 - 2021**

A LOCAL LAW, TO AMEND LOCAL LAW 1-1990 KNOWN AS "THE CODES OF THE TOWN OF AURORA", ADOPTED BY THE TOWN BOARD OF THE TOWN OF AURORA ON JANUARY 22, 1990, TO ESTABLISH A MORATORIUM ON THE DEVELOPMENT OR SUBDIVISION OF LAND THAT LACKS REQUIRED PUBLIC ROAD FRONTAGE IN THE TOWN OF AURORA.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AURORA AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as "The Town of Aurora Code" adopted by the Town of Aurora on January 22, 1990, as amended, relating to the administrative, legislative and general legislation of Codes within the Town of Aurora as therein set forth.

SECTION 2. PURPOSE

The Town Board of the Town of Aurora has under review regulations in regard to development or subdivision of land that lacks required public road frontage in the Town of Aurora. It is acknowledged that Local Law No. 3-2021 previously established a three (3) month moratorium. Members of the Town Board have had numerous sessions reviewing the proposed code revisions together with support of the Town Planning Board. The Town Board of the Town of Aurora finds it prudent and necessary to enact an extension to a moratorium applicable to the development or subdivision of land that lacks required public road frontage. This moratorium

extension is intended to ensure that no approvals for such land development or subdivision be granted or permitted until this Board can complete its planning studies and has had an opportunity to consider and enact appropriate regulations and/or appropriate amendments to existing laws. It is anticipated that the required code revisions shall be under consideration by the Town Board within the time-frame of the additional three (3) month moratorium.

SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the provisions of Article 16 of the New York Town Law and Section 10 of the New York Municipal Home Rule Law.

SECTION 4. MORATORIUM AND DURATION

The Town Board of the Aurora hereby declares a three (3) month moratorium extension on the development or subdivision of land that lacks required public road frontage within the Town in accordance with the directives of Local Law 3 - 2021.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

SECTION 6. EFFECTIVE DATE

This Local Law shall become effective immediately upon the adoption by the Town of Aurora Town Board and filing with the New York Secretary of State.

Action #302
ODA 3 mo.
moratorium
extension
aprvd

Upon a roll call vote being taken:

Councilman Snyder – Aye
Councilwoman Friess – Aye
Councilwoman Jeffe – Aye
Councilman Wochensky – Aye
Supervisor Bach – Aye
ayes – five noes – none

Motion carried.

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NEW BUSINESS (continued):

Councilwoman Jeffe moved to authorize the Supervisor to sign, submit and execute contracts with the Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of the ECCDBG:

Action #303
Supv auth to
sign/submit
CDBG appl
and contracts

- 1) Improvements to the Aurora Senior Center (exterior door Replacement; LED light conversion)
- 2) Continuation of the Rural Transit Services, Inc. program

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

Motion carried.

Councilwoman Jeffe stated she would prefer not to vote on the cannabis opt out tonight. Councilwoman Friess stated the Board should discuss the issue.

Supervisor Bach stated that the opt out is not forever, but we need to do this as the Town does not have anything in the zoning code to address it and the smoking code needs to be done.

Councilwoman Friess stated that the State put out the 12/31/2021 deadline and we don't even have the information we expected from them. Ms. Friess asked why would we vote on

something when we don't know what the rules are and stated we need to look at where dispensaries would go to see if it is a good or bad location.

Councilman Snyder stated he attended a webinar held by the State on the cannabis law. Mr. Snyder stated he does not feel opting in at this time is the right thing to do, but he has no doubt that the Town will opt in at some time.

Councilman Wochensky stated he is in favor based on studies from other states, the 15-20 letters he received and tonight's speakers in favor of opting in.

Councilwoman Friess stated the regulations are not set yet, we do not have the fine print. The cannabis board was seated only three weeks ago.

Councilman Wochensky stated the concerns about lounges are real, but not so much for dispensaries as a dispensary is a store.

Councilwoman Friess stated she struggles with the urgency.

Supervisor Bach stated he is not against opting in, but opt in properly.

At this time Councilwoman Jeffe stated it makes sense to vote at this point.

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

TOWN OF AURORA

LOCAL LAW NO. 6-2021

A LOCAL LAW TO OPT-OUT OF THE RETAIL DISPENSERY LICENSE AND/OR ON-SITE CONSUMPTION LICENSE PROVISIONS OF CHAPTER 7-A OF THE CONSOLIDATED LAWS OF THE STATE OF NEW YORK

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AURORA AS FOLLOWS:

SECTION 1. TITLE.

A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4.

SECTION 2. PURPOSE AND INTENT.

The purpose of this Local Law is to enable the Town of Aurora to opt-out of the provisions relating to the Cannabis Control Board's authority to issue Retail Dispensary Licenses and/or on-site Consumption Licenses for cannabis pursuant to Article 4 of Chapter 7-A of the Consolidated Laws of the State of New York within the jurisdiction of the Town of Aurora.

SECTION 3. LOCAL OPT-OUT

The Town of Aurora hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction as provided for in Article 4 of Chapter 7-A of the Consolidated Laws of the State of New York within the jurisdiction of the Town of Aurora.

SECTION 4. PERMISSIVE REFERENDUM.

This Local Law is subject to a referendum on petition in accordance with Cannabis Law Section 131 and the procedure outlined in Municipal Home Rule Law of the State of New York Section 24.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

SECTION 6. EFFECTIVE DATE.

This Local Law shall take effect upon expiration of the time period for filing a Petition for Permissive Referendum pursuant to Municipal Home Rule Law and filing with the Secretary of State.

Action #304
Cannabis opt
out LL
adopted

Upon a roll call vote being taken:

Councilman Snyder – Aye

Councilwoman Friess – Aye

Councilwoman Jeffe – Aye

Councilman Wochensky – Nay

Supervisor Bach – Aye

ayes – four noes – one (Councilman Wochensky) Motion carried.

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The Board discussed holding a code review meeting and decided on Tuesday, October 19, 2021 at 6:00 p.m. at the Aurora Municipal Center.

Councilwoman Friess moved to approve the following 2021 Budget amendment to record the cost associated with the emergency clean-up of the Cazenovia Creek East Branch log jam between 1645 Olean and the Blakeley Road bridge as approved at the 8/23/2021 Town Board meeting:

- Add appropriation line A8745 Flood & Erosion Control
- Decrease A1990 Contingent Account by \$22,222.01
- Increase appropriation line A8745 by \$22,222.01

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

Action #305
Budget
amendment
for Caz Creek
cleanup aprvd

Councilman Wochensky moved to approve the following budget transfer to correct a Recreation budget line deficit:

From: A7180.426 Pool maintenance \$2,989.00

To: A7180.400 Aquatic Club vendors \$2,989.00

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

Action #306
Budget trans
for Rec budget
aprvd

Councilwoman Friess moved to approve the following budget transfer to prevent an overdrawn Garbage budget appropriation line:

From: SG8160.401 Garbage contractual \$1,050.00

To: SG8189.410 Recycling totes \$1,050.00

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

Action #307
Budget trans
for recycling
bins aprvd

Councilwoman Jeffe moved to approve the following budget transfers for Highway and Parks to prevent overdrawn appropriation budget lines:

From: DB5112.413 Permanent repairs – paver \$43.51

To: DB5112.433 Permanent repairs – material \$43.51

From: DB5130.432 Shop Materials \$20.27
To: DB5140.401 Brush & Weed misc. \$20.27

Action #308
Budget trans
for hwy &
parks aprvd

From: A7110.410 Parks fuel & oil \$874.66
To: A7110.107 Parks overtime labor \$874.66

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

Councilman Snyder moved to approve the following budget transfer
to cover the cost of shelving for the Building department:

Action #309
Budget trans
for building
dept aprvd

From: A3620.103 ACEO payroll \$2,419.00
To: A3620.401 Office expense \$2,419.00

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

Councilwoman Friess moved to accept the resignation of Melanie
Seiler effective October 16, 2021 (last day worked will be October 15,
2021). Councilman Snyder seconded the motion. Upon a vote being taken:
ayes – five noes – none Motion carried.

Action #310
M. Seiler
resignation
accepted

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

- Town Clerk – September 2021 report
- Recreation – September 2021 report
- Dog Control – September 2021 report
- Work requisitions – September 2021 report
- Supervisor – September 2021 report

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Councilwoman Friess attended the Erie County Sewer Board of Managers meeting and
noted that there will be infrastructure money coming in.

Councilman Wochensky spoke at length about the lack of internet service in some areas
of the Town, the cost associated with bringing internet to the Knox Road area and the talks with
Charter/Spectrum.

Supervisor Bach stated that Town has several projects in mind for using ARPA funds.
An informational meeting was held on October 5, 2021.

AUDIENCE II:

Tony Rosati, Oakwood Ave., talked about the increase in traffic on Mill Road, Beech
Road and the intersection of Mill and Route 20A. Supervisor Bach responded that a TE-9 is in
process for Mill near Beech. Highway Superintendent Gunner stated that the speed limit on
Beech was reduced.

STAFF REPORTS:

Tony Rosati reminded all that early voting begins October 23, 2021
Highway Superintendent Gunner stated they have three plow trucks ready to go.

ABSTRACT OF CLAIMS:

The Abstract of Claims dated October 12, 2021, consisting of vouchers numbered 1043 to 1109 and prepaid vouchers numbered 1110 to 1112 was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 60,499.79
Part Town	20.02
Highway/DB	6,965.53
Special Districts	<u>42,846.66</u>
Grand Total Abstract	\$110,332.00

Councilman Snyder moved to approve the 9/27/2021 Abstract of Claims, and authorize payment of same. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #311
10/12/21
Abstract of
Claims
approved.

Councilwoman Jeffe moved to adjourn at 8:10 p.m.; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #312
Meeting
adjourned

Martha L. Librock
Town Clerk