

Village of Aurora Board of Trustees March 20, 2019 Minutes

The meeting was held at the Aurora Firehouse Meeting Room at 7:00 p.m.

Present: Mayor Bonnie Bennett, Trustees Grace Bates, Matt Bianconi, Alan Ominsky, and Kit Van Orman

Others Present

Village Officials: Clerk Ann Balloni, Treasurer Deborah Brooks, Planning Board member Pat Foser, ZBA member Laura Holland, Historian Dr. Linda Schwab

Town of Ledyard Officials: Town Board members Jim Frisch and Scott Heinekamp

Inns of Aurora: General Manager Sue Edinger

Wells College: Director of Sustainability Marian Brown

Members of the Public: David Brooks, G. Alan Clugston, Margaret Flowers and Charles Poklemba

Call to Order: Mayor Bennett called the meeting to order at 7:00 p.m. and all rose for the Pledge of Allegiance

Public Hearing for Local Law #2 of 2019: To Amend Local Law #1 of 2018 to Regulate Solar Arrays in the Village of Aurora

On motion by Trustee Ominsky, seconded by Trustee Bianconi, the Village Board voted to open the Public Hearing for Local Law #2 of 2019 at 7:02 p.m.

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

SEQR: The Village Board completed Part 2 of the Full Environmental Assessment Form, noting that their role is strictly administrative and individual solar array project applications will require SEQR, Community Preservation Panel and Planning Board reviews.

On motion by Trustee Bates, seconded by Trustee Ominsky, the Village Board voted to issue a Negative Declaration, completing the State Environmental Quality Review (SEQR) for Local Law #2 of 2019.

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

Public Comment

Marian Brown: Ms. Brown explained that in consultation with Chris Carrick, from New York State Research and Development Authority (NYSERDA), several concerns were noted including:

- The definition for both small-scale and large-scale solar energy systems should be based on capacity in kilowatts, not production in kilowatt hours
- Height restrictions
- A surety bond for both the project developer and the site developer
- Landscaping/vegetative buffer specifications
- Solar arrays not permitted in the Agricultural/Residential zone

Dr. Linda Schwab: (comments attached) Dr. Schwab recommended following the Department of Interior recommendations on solar arrays for Historic Districts and referencing technical publications. Dr.

Schwab also noted that vegetative screening specified should read “natural” not “native” and “removal of trees shall be minimized” should end there. Recommending “Equivalent plantings” is confusing and subject to misinterpretation during Board review.

Dr. Schwab questioned if the allowable “20 acres” included the easement access to the solar array site which could include additional removal of trees.

G. Alan Clugston: Mr. Clugston recommended balancing Village history with adapting 21st century energy options.

On motion by Trustee Ominsky, seconded by Trustee Bates, the Village Board voted to close the Public Hearing for Local Law #2 of 2019 at 7:30 p.m.

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

Public Hearing for Local Law #1 of 2019: Waiver of the Tax Levy Limit

On motion by Trustee Van Orman, seconded by Trustee Ominsky, the Village Board voted to open the Public Hearing for Local Law #1 of 2019 at 7:31 p.m.

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

Mayor Bennett explained that the law is needed to prevent receiving penalties if the Village exceeds the Governor’s mandated 2% tax cap, which for Aurora is 1.2% because of PILOTS and other factors.

Public Comment: No comments

On motion by Trustee Bates, seconded by Trustee Bianconi, the Village Board voted to close the Public Hearing for Local Law #1 of 2019 at 7:32 p.m.

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

Changes to the Agenda: Regulating fireworks will be discussed under Old Business and the Inns of Aurora will address the Board under New Business.

Approval of Minutes: Trustee Bates requested that the February 25, 2019 minutes be amended, striking the sentence “Mayor Bennett acknowledged Free Speech rights but reminded Trustee Bates that if she is unclear about issues, she needs to clarify the facts rather than spread misinformation”. Ms. Brooks and Mayor Bennett both reminded Trustee Bates that the clerk is responsible for the minutes, not the Board members. Ms. Balloni stood by her minutes as documentation of Mayor Bennett’s correction of numerous inaccuracies in an email sent to the Village Board by a Village resident, prompted by Trustee Bates.

On motion by Trustee Ominsky, seconded by Trustee Van Orman, the Village Board voted to approve the February 25, 2019 meeting minutes.

AYES: Bennett, Bianconi, Ominsky, and Van Orman

NAYS: Bates
Motion carried 4-1.

Announcements

Mayor: Governor Cuomo's office responded to the Village's request for reinstatement of AIM funding in the State Budget. The response noted "that affected municipalities would be held harmless through additional revenue from eliminating the internet sales tax advantage."

The Finger Lakes Community law passed the State legislature and is awaiting Governor Cuomo's signature. The law bans trash incinerators such as the one proposed in Romulus, NY.

NYCOM is hosting a Local Officials Boot Camp in Syracuse on April 15

Cayuga Lake Watershed Network is hosting a presentation on Harmful Algal Blooms (HABs) on March 23 from 1:00-4:00 at the Aurora Inn.

The Army Corps of Engineers will begin this year's Hydrilla Eradication following the July 4th holiday. Mayor Bennett noted that the infestation is further south from the Wells College Boathouse and the Army Corps has emphasized minimal impact on swimmers.

Clerk: DPW assistant, Mike White, completed his Grade D-Distribution System Water Operator's Certification.

Visitor Welcome: Mayor Bennett welcomed all visitors and there were no comments.

Treasurer's Report: No report

Budget Modifications

General: \$1,530.00 From: A1990.4 Contingent Account
To: A14204 Law-Contractual

On motion by Trustee Ominsky, seconded by Trustee Van Orman, the Village Board voted to accept the Budget Modifications in the General Fund.

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

Bills

General: On motion by Trustee Ominsky, seconded by Trustee Van Orman, the Village Board voted to approve the General Fund Abstract #10 for payment.

Voucher #363-379, 381-387, and 389-392

Total: \$12,609.72

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

Water: On motion by Trustee Van Orman, seconded by Trustee Ominsky, the Village Board voted to approve the Water Fund Abstract #10 for payment.

Voucher #375, 377, 383, 387 and 388

Total: \$5,209.83

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

Sewer: On motion by Trustee Van Orman, seconded by Trustee Ominsky, the Village Board voted to approve the Sewer Fund Abstract #10 for payment.

Voucher #366-368, 377, 378, 380, 385 and 387

Total: \$3,842.25

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

Reports

Code Officer: No report

Historian (see attached): Dr. Schwab continues to work on displays for the Aurora Historical Center, respond to queries and is working on grants for Patrick Tavern.

Miscellaneous: Mayor Bennett noted that supplying the Inns of Aurora Spa project with Village water/sewer is moving forward.

Trustee Ominsky noted that changing Village streetlights to LED lighting is moving forward.

Trustee Bates reported that the Cayuga Lake Intra-Municipal Organization (IO) hired a consultant to survey municipalities on adopting State regulations.

Mayor Bennett noted that the Audit Committee is overdue in reviewing the Village finances.

Old Business

Local Law #1 of 2019: Waiver of the Tax Levy Limit

VB RESOLUTION #19-05 of 2019 ENACTING LOCAL LAW #1 OF 2019 THE WAIVER OF THE MAXIMUM REAL PROPERTY TAX LEVY LIMIT

WHEREAS, the recent enactment of Chapter 97 of the Law of 2011 placed limits on the amount of real property taxes that may be levied by or on behalf of any local government thereby place a “tax levy limit” on municipalities that is found in General Municipal Law § 3-c; and

WHEREAS, subdivision 5 of General Municipal Law § 3-c expressly authorized the Village Board of Trustees to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Village Board of Trustees for one fiscal year; and

WHEREAS, by adoption of this local law, the Village Board of Trustees hereby reserves the right to override the limit on the amount of real property taxes that may be levied by the Village of Aurora and authorized the Village Board of Trustees to adopt a budget for fiscal year 2019/2020 in excess of the “tax levy limit” as defined by General Municipal Law § 3-c; and

WHEREAS, this is a Type II action pursuant to 6 NYCRR §617.5(c) (20 & 27) and is otherwise exempt from environmental review pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, at a regular meeting of the Village Board of Trustees of the Village of Aurora, County of Cayuga, State of New York, held at the Village Hall, 456 Main Street, Aurora, New York, at 7:00 p.m. on March 20, 2019, the following members of the Village Board of Trustees being present:

BONNIE APGAR BENNETT, MAYOR
GRACE BATES
MATTHEW BIANCONI
ALAN OMINSKY
KIT VAN ORMAN

NOW THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Aurora as follows:

1. The Village Board of Trustees hereby adopts Local Law #1 of 2019.
2. The Village Board of Trustees hereby determines that the aforementioned Local Law is a Type II action as defined in 6 NYCRR §617.5(c)(20&27) and accordingly, the Village Board of Trustees expressly determines that this action is not an action that requires review pursuant to the provisions of the New York State Environmental Quality Review Action (“SEQRA”);
3. The Village Board of Trustees has properly noticed a Public Hearing on the Proposed Local Law #1 of 2019 held at Village Hall on March 20, 2019 beginning at approximately 7:00 p.m.;

Now upon the Motion of Mayor Bennett and Seconded by Trustee Ominsky, a roll-call vote is tallied by the Village Clerk as follows:

Mayor Bennett - AYE
Trustee Bates - AYE
Trustee Bianconi - AYE
Trustee Ominsky - AYE
Trustee Van Orman - AYE

At least 3 of the above-named Village Board of Trustee members having voted in the affirmative, Local Law #1 of 2019 is adopted this 20th day of March 2019.

Local Law #2 of 2019: To Amend Local Law #1 of 2018 to Regulate Solar Arrays in the Village of Aurora

The Village Board discussed the issues brought up during the Public Hearing by Ms. Brown and Dr. Schwab.

On motion by Mayor Bennett, seconded by Trustee Bates, the Village Board voted to reconsider, amend and re-introduce Local Law #2 of 2019.

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

The Village Board scheduled a work session for March 26, 2019 at 4:00 p.m. to continue to discuss regulating solar arrays in the Village.

Fireworks: Mayor Bennett again reiterated the Board's responsibility to protect the health, safety and welfare of the community, knowing that fireworks can potentially cause harm to livestock. Mayor Bennett emphasized that the goal is to regulate, not ban, fireworks given the seriousness of the issue with Ms. Flowers' sheep.

Mayor Bennett reviewed with the Trustees Village Attorney, Tom Blair's, recommendations for regulating fireworks. Mr. Blair advised a much more detailed definition of fireworks, differentiating between "dangerous" (handled by professionals) and "non-dangerous".

Ms. Flowers submitted several handouts (attached) and reviewed key points with the Board which included:

- Harmful decibel levels
- Effect on humans as well as animals
- Height restrictions
- Effect of wind
- Notification to local farmers
- Smaller displays
- Colorful displays with diminished sound
- Finales

The Village Board scheduled a work session for March 28, 2019 at 4:00 p.m. to continue to discuss regulating fireworks in the Village.

New Business

Inns of Aurora Generic Environmental Impact Statement (GEIS): Ms. Edinger submitted a chart of all the Inns properties and a list of plans for selected properties (both attached). Ms. Edinger emphasized the \$60,000.00 cost to the Inns of Aurora for the GEIS, which benefits the Village.

Mayor Bennett noted that Kathy Spencer from LaBella Associates met with herself, Mr. Blair and Planning Board chairperson Pat Bianconi, to discuss the GEIS and will be consulting with Stantec, the firm hired by the Inns to conduct the GEIS.

Trustee Bianconi requested a map designating all the Inns of Aurora properties and Ms. Edinger agreed.

Ms. Edinger reminded the Board that the Inns can only move forward with the GEIS once the Village Zoning Law Table of Uses is amended to allow conference centers in the residential zone. Once an application to convert Taylor House to a conference center is filed, the Planning Board, as Lead Agency, will declare a Positive Declaration during the State Environmental Quality Review which will trigger the GEIS. The Village and Inns of Aurora attorneys are working on a Memorandum of Understanding, so all parties are clear on the plan.

Proposed 2019/2020 Budgets (attached)

General: Mayor Bennett and Treasurer Brooks explained increases to various line items due to issues such as new Federal taxes, the minimum wage increases and higher administrative costs.

Trustee Van Orman questioned DPW employee salaries and Ms. Brooks explained that their various jobs determine the fund from which they are paid, depending on whether their job is related to General, Water or Sewer.

Water: Ms. Brooks noted an increase in Equipment due to needing to replace water shut-off valves.

Sewer: Ms. Brooks noted an increase in rates due to the continued decrease in usage in the Village and at Wells College. Mayor Bennett also noted that work that previously was handled in-house or with local help now must be contracted out.

On motion by Trustee Ominsky, seconded by Trustee Van Orman, the Village Board voted to accept the 2019/2020 Proposed Budgets and present them to the public as the 2019/2020 Tentative Budgets.

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

On motion by Mayor Bennett, seconded by Trustee Bianconi, the Village Board voted to schedule the Public Hearing for the 2019/2020 Tentative Budgets for April 3, 2019 at 5:00 p.m.

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

The Village Board added that any additional discussion needed on solar, fireworks or the Memorandum of Understanding with the Inns of Aurora may be discussed following the Budgets Public Hearing.

Truck Bids (attached): The Village Board received four bids for the 2008 Ford pick-up truck with plow that was declared surplus at their February 25, 2019 meeting. The amounts received were: \$1,001.00 from Kevin Van Orman, \$5,501.00 from Jim Chase, \$6,000.00 from Charles Poklemba and \$6,500.00 from Terry Catlin.

On motion by Trustee Ominsky, seconded by Trustee Bates, the Village Board voted to accept the \$6,500.00 bid from Terry Catlin, with the understanding that if Mr. Catlin declines, the award will go to the next highest bidder.

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

Swim Instructor Title:

Resolution #19-06: To Adopt Employee Swim Instructor Title to comply with Civil Service Mandates

WHEREAS: The Cayuga County Civil Service Commission mandates certain titles for municipal employees; and

WHEREAS: The Village complies with the Cayuga County Civil Service Commission job title descriptions; and

WHEREAS: The Village intends to hire a Water Safety Swim Instructor for the Village Summer Recreation Program;

NOW THEREFORE BE IT RESOLVED: that the Village of Aurora Board of Trustees adopt the Civil Service title of Water Safety Swimming Instructor.

First: Trustee Ominsky

Second: Trustee Van Orman

AYES: Bennett, Bates, Bianconi, Ominsky and Van Orman

NAYS: None

Carried unanimously

Mayor Bennett asked Trustee Bianconi if he will be the overseer of the Summer Swim Program and Trustee Bianconi agreed.

Adjournment: On motion by Trustee Van Orman, seconded by Trustee Ominsky, the Village Board voted to adjourn the meeting at 10:10 p.m.

AYES: Bennett, Bates, Bianconi, Ominsky, and Van Orman

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Ann Balloni

Village Clerk