

**DRAFT**

**Village of Aurora Board of Trustees October 16, 2019 Minutes**

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

**Present:** Mayor Bennett; Trustees Grace Bates, Matt Bianconi, Janet Murphy and Kit Van Orman

**Others Present**

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

**Inns of Aurora:** Jodi Bennett

**Members of the Public:** Barbara Blom (7:14), Donna & Robert Cerza, Marie Dentes, Robin Driskel, and Margaret Flowers

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

**Changes to the Agenda:** Solar discussion is added under Old Business and the Board will meet in Executive Session following the regular meeting.

**Approval of Minutes**

**August 20, 2019:** On motion by Trustee Murphy, seconded by Trustee Bianconi, the Village Board voted to approve the August 20, 2019 special meeting minutes.

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

NAYS: None

Motion carried unanimously.

**September 5, 2019:** On motion by Trustee Bates, seconded by Trustee Van Orman, the Village Board voted to clarify the September 5, 2019 special meeting minutes regarding the phrase “on the land surrounding the Village Hall/Firehouse” to read “on the land north and east of the Village Hall/Firehouse.”

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

NAYS: None

Motion carried unanimously.

On motion by Trustee Murphy, seconded by Trustee Bianconi, the Village Board voted to approve the September 5, 2019 special meeting minutes.

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

NAYS: None

Motion carried unanimously.

**September 18, 2019:** On motion by Trustee Murphy, seconded by Trustee Bianconi, the Village Board voted to approve the September 18, 2019 special meeting minutes.

AYES: Bennett, Bianconi, and Murphy

NAYS: None

ABSTAIN: Bates and Van Orman (absent for the meeting)

Motion carried unanimously.

## **Announcements**

**Mayor:** Mayor Bennett read an email (attached) that she received from a village resident requesting her to recuse herself from discussing the solar law due to a prior lawsuit filed by Mayor Bennett against Wells College. Mayor Bennett noted that the lawsuit was filed 23 years ago, was a personnel matter that was adjudicated by the courts, and she continued to have a relationship with Wells through her husband who taught there for many years. Per Mayor Bennett, there is no basis for a recusal.

The Cayuga Lake Watershed Intra-Municipal Organization is asking municipalities in the watershed to submit projects for funding consideration. The request is open to the Board members/community if anyone would like to submit a project idea.

**Visitor Welcome:** Mayor Bennett read a letter from Bob & Donna Cerza (attached) requesting that the Board consider extending sidewalks to the south end of the village. Mayor Bennett noted that there is possible grant money for waterfront revitalization as well as State highway funding, known as CHIPS. Trustee Bates suggested adding it to next month's agenda for discussion.

Mr. Cerza questioned if the Village has an infrastructure plan. Mayor Bennett replied that the idea is there but nothing formal. Trustee Murphy suggested formulating a vision with Mr. Cerza's help.

**Robin Driskel:** Ms. Driskel read a letter from Kenneth E. Larson & Diane Koester (attached) supporting Wells College proposal to install a 20-acre solar array on Wells-owned property on Poplar Ridge Road. Mr. Larson and Ms. Koester believe the Village should support Wells at this critical time by allowing use of the land for solar rather than theoretical, future development.

**Barbara Blom:** Ms. Blom read two letters (attached), one that she penned and one from Jonathan Gibraltar, President of Wells College. Ms. Blom is supportive of Wells College solar proposal and believes that the Village should quickly pass the solar law and allow the proposed array on Poplar Ridge Road. President Gibraltar's letter addresses a purported rumor that Wells is no longer pursuing installing solar panels. Ms. Blom further noted that President Gibraltar strongly requests that the Village Board make the necessary changes to the zoning law so that Wells may move forward with their solar project.

**Marie Dentes:** Ms. Dentes suggested having a town-hall meeting on solar, like the water meeting last year, for residents to weigh in on the solar law and receive current, accurate information.

Trustee Murphy added that the Board has been working very hard to form a proper Solar Law to fit the village as a whole and that the false rumors need to stop.

Trustee Bates read an email addressed to her from Joanne Baum (attached) noting that Ms. Baum is "Pro Wells solar panels".

**Pat Foser:** Ms. Foser addressed meeting procedures, noting that letters for proposed laws are usually considered during the public hearing process. Ms. Foser also referred to the Solar presentation by Barton & Loguidice consultant, Chuck Voss, and questioned why President Gibraltar was not in attendance for the presentation. Ms. Foser added that the pro solar petition circulated last spring with 100+ signatures did not represent the majority of the 253 registered voters in the village. Ms. Foser

noted that she was not approached to sign the petition and others in the room responded that they were excluded from the petition as well. Ms. Foser added that anyone can contact the Mayor or the Clerk for copies of information and to clarify issues.

Ms. Driskel questioned why a new agenda had not been posted noting the addition of the Solar Law. Clerk Balloni replied that the request for the addition of solar to the agenda was received from Trustee Bates late yesterday afternoon and she informed Trustee Bates that she could make a change to the agenda at the beginning of the meeting, as per Village Law.

Ms. Driskel and Ms. Blom complained that the Solar Law is not posted on the village website and should be made available to the public. Mayor Bennett explained that laws are introduced and available to the public once the Board has finalized them and are ready to propose. Draft versions that are still being discussed and amended are not available to the public in order to prevent circulation of incorrect versions. Once the Solar Law is introduced the Board will set a Public Hearing date for public comment and the proposed law will be available to view in the village office and posted on the website.

Ms. Driskel further complained that Minutes are not posted promptly on the website and added that she would like easier access to Village documents. Ms. Balloni suggested that if she cannot find information on the website, or is looking for a copy of a document, to contact the village office and ask for it.

### **Reports**

**Code Officer** (attached): Officer Doyle reported on recent permit activity.

**Historian** (attached): Dr. Schwab reported on the success of the Water/Ways exhibit and recent queries.

### **Old Business**

**Solar Law:** Mayor Bennett gave a synopsis on the evolution of the solar regulations. The Village adopted the State Uniform Solar Permit in 2015 to allow residents to install roof-mounted solar panels on their houses. As installation of solar arrays in the area increased, and Wells College proposed an array for their campus, the Village attorney recommended that the Village Board amend the zoning law to regulate solar by addressing ground as well as roof mounted panels, and small and large arrays. Mayor Bennett added that because the zoning law currently does not address solar arrays, they are not allowed.

Per the current draft version of the law, large arrays are only allowed in the Institutional Zone. Wells College preference is to install the 20-acre array on their land that is zoned agricultural/residential and they have requested that the Village either allow large arrays on ag/res land or re-zone the parcel as Institutional. Mayor Bennett reminded those in attendance that there is no application for any solar arrays for any Board to consider at this time.

Mayor Bennett reiterated that the Village Board must consider the entire village and the taxpayers when adopting legislation. The Village Board hired a consultant planner, Chuck Voss, from Barton & Loguidice to give a recommendation on regulating solar arrays. Mr. Voss toured the village, considered

the historic district designation, the Village Master Plan, and the current zoning law and presented his recommendation to the Village Board on August 20, 2019.

Mr. Voss recommended that Wells College consider their property along Fry Road as it is on the campus, located outside the Village in the Town of Ledyard, and the Town of Ledyard allows solar arrays with a Special Use Permit. Mr. Voss added that re-zoning the Poplar Ridge property to Institutional could be considered “spot zoning” which is not allowed under New York State law.

Mayor Bennett further explained that, per an agreement with the Inns of Aurora, the Village has a Right of First Refusal on the Wells College Poplar Ridge Road property. Mayor Bennett referred to the request by Mr. Cerza for sidewalk extension in the south end of the village and suggested that that area could be developed in the future with housing, parks, stores, etc. Mayor Bennett questioned tying up that land with a solar array for at least 25+ years.

Mayor Bennett acknowledged the disagreement between the Village Board members on the question of allowing solar arrays on the Poplar Ridge Road property. Concerns include the viability of Wells College, as well as the solar installation company, and the maintenance of the array if either entity folds. The view down Poplar Ridge Road to Cayuga Lake was also addressed.

Mayor Bennett prefers following the lead of other municipalities of siting solar arrays on former landfills and other unattractive property away from residential areas, noting that there is a former dump site on Wells campus in the Institutional Zone.

Trustees Bates and Bianconi are in favor of Wells College proposal as a way for the Village to assist Wells during a financially difficult time and to strengthen the relationship between the two entities.

Trustee Van Orman feels that the Village is agreeable to the Inns of Aurora projects and should give Wells the same consideration.

Trustee Murphy supports Mayor Bennett in that the Village is willing to allow up to a 20-acre array in the Institutional Zone and it is on Wells to figure out where to install the array within that framework, just like any other applicant.

Trustee Bianconi noted that he is prepared to meet with Wells and discuss the solar law.

On motion by Trustee Bates, seconded by Trustee Murphy, the Village Board voted to schedule a work session on solar on October 22, 2019 at 3:30 p.m.

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

NAYS: None

Motion carried unanimously.

**Fireworks:** On motion by Trustee Van Orman, seconded by Trustee Murphy, the Village Board voted to schedule a work session on fireworks on November 5, 2019 at 3:30 p.m.

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

NAYS: None

Motion carried unanimously.

### **New Business**

**Land Purchase Option:** The Village Board discussed the option to purchase land north/east of the firehouse from the Inns of Aurora for \$5,000.00. Trustee Bianconi questioned if the land is specifically the property east of the firehouse, as designated on the survey map, or if the north property is still in play, which he noted is his preference. Jodi Bennett, representing the Inns of Aurora, replied that it is not definitive but emphasized that the parcel on the north side is more attractive to the Inns of Aurora.

Mayor Bennett remarked that the increase to the tax base should be considered if the Inns of Aurora extend their enterprise to the north.

Trustee Van Orman remarked that each parcel of land should be considered for use, similar to considering the land use for Wells College.

The Village Board agreed to table the discussion to their October 22, 2019 work session.

Dr. Schwab remarked to the Board to remember that the land option purchase in question is an archeological site and would likely require a phase 1 study ahead of any potential construction projects by the Village or the Inns of Aurora.

**Delinquent Taxes:** On motion by Trustee Van Orman, seconded by Trustee Murphy, the Village Board voted to turn over the (attached) 2019 delinquent taxes to Cayuga County.

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

NAYS: None

Motion carried unanimously.

**Treasurer's Report:** On motion by Trustee Van Orman, seconded by Trustee Bianconi, the Village Board voted to accept the August and September Treasurer's Reports.

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

NAYS: None

Motion carried unanimously.

### **Budget Modifications**

\$11,622.00 From: A511 Unappropriated Fund Balance

\$3,874.00 From: A234 Firehouse Reserve Fund

\$15,496.00 To: A1620.2R Building-Repair Reserve

On motion by Trustee Bates, seconded by Trustee Bianconi, the Village Board voted to accept the Budget Modifications in the General Fund for the LED lighting in the firehouse.

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

NAYS: None

Motion carried unanimously.

### **Bills**

**General:** On motion by Trustee Murphy, seconded by Trustee Bianconi, the Village Board voted to approve the General Fund Abstract #5 for payment.

Voucher #161-167, 169, 171, 172, 176-183, 186, 187, 189-192, 194, 195, 197 and 199

Total: \$28,327.69

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

NAYS: None

Motion carried unanimously.

**Water:** On motion by Trustee Van Orman, seconded by Trustee Bianconi, the Village Board voted to approve the Water Fund Abstract #5 for payment.

Voucher #162, 168, 172-174, 176, 183, 191, and 193

Total: \$6,122.14

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

NAYS: None

Motion carried unanimously.

**Sewer:** On motion by Trustee Van Orman, seconded by Trustee Bates, the Village Board voted to approve the Sewer Fund Abstract #5 for payment.

Voucher #160, 162, 165, 168, 170-172, 175, 182, 184-186, 190, 191, and 196-198

Total: \$14,818.22

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

NAYS: None

Motion carried unanimously.

**Trust & Agency:** On motion by Trustee Murphy, seconded by Trustee Bianconi, the Village Board voted to approve the Trust & Agency Fund Abstract #5 for payment.

Voucher: #176

Total: \$110.00

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

NAYS: None

Motion carried unanimously.

**Water Improvement System:** On motion by Trustee Van Orman, seconded by Trustee Bianconi, the Village Board voted to approve the Water Improvement System Fund Abstract #5 for payment.

Voucher: #176

Total: \$483.50

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

NAYS: None

Motion carried unanimously.

Mayor Bennett informed the Board that the new clarifier unit was installed on the WWTP tank, but requires a welder to fix the shaft so the unit is not yet functioning. Additionally, we are waiting on delivery of the sewer pump.

**Executive Session:** On motion by Trustee Murphy, seconded by Trustee Bates, the Village Board voted to enter into Executive Session at 8:30 p.m. to discuss a potential litigation matter.

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

NAYS: None

Motion carried unanimously.

On motion by Mayor Bennett, seconded by Trustee Murphy, the Village Board voted to adjourn the Executive Session at 8:40 p.m.

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

NAYS: None

Motion carried unanimously.

**Adjournment:** On motion by Trustee Bianconi, seconded by Trustee Murphy, the Village Board voted to adjourn the meeting at 8:40 p.m.

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

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Ann Balloni  
Village Clerk