

July 11, 2016

A meeting of the Town Board of the Town of Aurora took place on Monday, July 11, 2016, at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris	Councilman
	Jolene M. Jeffe	Councilwoman
	Susan A. Friess	Councilwoman
	Charles D. Snyder	Councilman
	James J. Bach	Supervisor
Others Present:	Ronald Bennett	Town Attorney
	David Gunner	Highway Superintendent
	William Kramer	Code Enforcement Officer
	Donna Bodekor	Senior Center Director
	Robert Goller	Town Historian
	Kathleen Moffat	Assistant to Supervisor
	Christopher Musshafen	Aquatics/Recreation Director
	William Wheeler	GHD/Engineer

Supervisor Bach opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the Flag and a moment of silence for the police officers killed in the line of duty in Dallas, TX.

The first item on the agenda was a PUBLIC HEARING on a proposed six-month moratorium (Local Law) on commercial and residential solar projects with the exception of solar panels installed on the roof of the primary residence. The Notice of Public Hearing was published and posted as noted by the affidavits of publication and posting. Supervisor Bach opened the hearing at 7:04 p.m. and asked if anyone in the audience wished to comment.

Craig Thrasher, Mill Road – stated the moratorium is a positive step. As a firefighter, Mr. Thrasher noted that solar panels installed on the roofs of buildings can be very dangerous to firefighters when fighting fires. He stated that the East Aurora Fire Department is currently training on how to fight fires in structures with solar panels.

Al Salter, Underhill Road – agrees with the moratorium.

Lori Borowiak, South Grove Street – stated she works for NYSERDA and noted that solar energy is our future. Ms. Borowiak said that NYSERDA has model codes, policies, and fire training available to communities and left sample documents with the Board.

Roger LeBlanc, Parkdale Avenue – asked that the Board please include the fire department in its discussions for a solar panel/solar energy code for the Town.

Hearing no further comments, Supervisor Bach closed the hearing at 7:21 p.m.

\* \* \*

Supervisor Bach moved to adopt Local Law 4-2016 establishing a six-month moratorium on the use of land for commercial and private solar power projects in the Town of Aurora; seconded by Councilwoman Friess:

TOWN OF AURORA

LOCAL LAW 4 - 2016

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 USE OF LAND FOR COMMERCIAL AND PRIVATE SOLAR POWER PRIJECTS 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 Codes of the Town of Aurora” 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 regulation in regard to commercial solar power projects and private solar projects except for solar panels affixed to the primary residence within the Town of Aurora. At the present, there are no Town restrictions or regulations in regard to the use of land within the Town for commercial solar power projects or private solar power projects. The Town Board finds that the commercial use of solar power projects and private use of solar projects requires a moratorium intended to allow for regulations and/or appropriate amendments to existing laws or regulations to properly address community impacts, concerns or issues in a manner that is meaningful and consistent with the Town’s comprehensive plan.

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 Town of Aurora hereby declares that no new applications shall be issued and no new permits or approvals shall be granted by an officer, department, board or agency of the Town of Aurora with respect to the siting, location or establishment of commercial solar power projects and private residential solar power projects, except for solar panels affixed to the primary residence within the Town of Aurora, for a period of six months from the effective date of this Local Law, unless terminated by other Local Law, dully adopted.

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.

Upon a roll call vote being taken:

Councilman Harris	Aye				Action #197
Councilwoman Jeffe	Aye				Local Law 4-
Councilman Snyder	Aye				2016 adopted.
Councilwoman Friess	Aye				6-mo.
Supervisor Bach	Aye				moratorium on
		Ayes – Five	Noes – None		solar energy
			Motion carried.		projects

Councilwoman Jeffe moved to approve the minutes of the 6/21/16 Town Board work session; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #198  
6/21/16 TB wk  
sess min aprvd

Councilwoman Friess moved to approve the minutes of the 6/27/16 Town Board work session and Town Board meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #199  
6/27/16 TB wk  
sess and mtg  
min aprvd

Supervisor Bach gave a PowerPoint presentation on a proposal that encompasses the Town purchasing the Senior Center building and the old fire hall from the Village of East Aurora, selling the Southside Municipal Center and turning the fire hall into the Town Hall. Mr. Bach stated these are all proposals and that nothing is in writing yet. He noted that the steps would be to complete the sale/purchase negotiations, set a public hearing for community input and find/finalize a location for a new Town Hall.

AUDIENCE I:

Laurie Smith, Castle Hill Road – thanked the Board for the purchase proposal for the Senior Center, noting that the Senior Center averages 2000 people each month.

Kathy Frost, E. Main Street – stated she is representing the Aurora Adult Day Services and they want to be part of the conversation.

Joyce Salansky, Sweet Road – thanked the Board for keeping the Senior Center where it is.

Roger LeBlanc, Parkdale Avenue – stated he would like to see the fire hall reused, noting that many older fire halls in the Village have been repurposed.

Donna Bodekor, Senior Center Director – thanked the Board for the proposal to purchase the Senior Center building and fire hall.

UNFINISHED BUSINESS:

Supervisor Bach moved to reconsider Town Board Action #192 from the June 27, 2016 meeting. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #200  
Board to  
reconsider  
Action #192  
from 6/27/16  
meeting

Councilwoman Friess moved to rescind Town Board Action #192 from the June 27, 2016 meeting due to the Town being unable to provide the in-kind services that were proposed because of restrictions in the grant that the Town received for the project. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #201  
Board rescinds  
Action #192  
from 6/27/16  
meeting

Supervisor Bach moved to accept the estimate proposal of \$50,493.00 from Union Concrete and Construction Corp., 105 Center Road, West Seneca, NY, and authorize Union Concrete and Construction Corp. to provide material, labor and equipment to rehabilitate the twin culvert inverts at Brooklea Drive over Tannery Brook (aka: Brooklea Bridge). The project is to be completed under the provisions of Erie County Department of Public Works maintenance contract bid item E636.0103 – as Directed Bridge Maintenance and Repair Work. The contractor will be compensated for work performed under a force account (time and materials) multiplied by the contractor's 4.14 bid percentage.

Action #202  
Board  
authorizes  
Union Concrete  
& Construction  
to repair  
Brooklea  
Bridge

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

Councilman Snyder moved to receive the Aurora Mills Cluster Subdivision Preliminary Plat, to refer it to the Town Engineer for review and, if the Preliminary Plat application/documents are found by the Engineer to be complete, the Preliminary Plat will be forwarded to the Planning Board for their August meeting. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #203  
Aurora Mills  
Preliminary  
Plat referred to  
engineer and  
PB contingent  
on engineer  
findings

NEW BUSINESS:

Councilman Harris moved to approve the request from Penney Bauman and John Grochowski, 8523 Falls Road, PO West Falls, Town of Colden, to become an out-of-district water customer to Aurora Water District No. 18 and to authorize the Supervisor to sign the out-of-district water agreement. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #204  
8523 Falls  
Road, Colden  
OOD water  
customer to  
WD18

Councilwoman Jeffe moved to authorize Justice Court Action for Steven Halpin and Alexandra Beebe, 1809 Davis Road, PO West Falls, Town of Aurora, NY, in accordance with Aurora Town Code Chapter 108 – Abandoned Vehicles. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #205  
Justice Court  
action auth for  
1809 Davis  
Rd., -  
abandoned  
vehicles

Councilwoman Friess moved to table agenda item 7C – Abandoned junk vehicle (at 92 Mitchell Road) and to discuss it at the next work session. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #206  
Abandoned  
vehicle at 92  
Mitchell Rd.  
tabled

Councilwoman Jeffe moved to approve the hiring of Margaret Zagrobelny, 230 North Willow St., East Aurora, NY as a Lifeguard Part Time Seasonal at a rate of \$10.50 per hour effective July 12, 2016. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #207  
M. Zagrobelny  
hired as PT  
seasonal  
lifeguard

Councilman Snyder moved to establish the standard workday for the following elected and appointed officials as eight (8) hours and will report the officials to the New York State and Local Retirement System based on their record of activities or time keeping system records:

Town Historian	Councilman	Baseball Commissioner
Town Justice	Supervisor	Town Prosecutor

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

Action #208  
Standard work  
day  
established for  
2016 elected  
& appointed  
officials

Councilwoman Friess moved to approve a fireworks permit application from John Radford and Sky Lighters of WNY, Inc., for a fireworks display at 1150 Underhill Road on July 23, 2016 contingent upon approval and/or recommendations from the East Aurora Fire Department and notification of neighbors within 500 feet of 1150 Underhill Road. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #209  
Fire works  
permit  
approved  
contingent  
upon EA Fire  
Dept. approval  
1150 Underhill

COMMUNICATIONS - The following communications were received by the Board and filed:

- Town Clerk – June 2016 report
- Water Clerk – June 2016 report

- Town Clerk/Tax – June 2016 report
- Senior Center – June 2016 report
- Work Requisitions – June 2016 report
- Building Department – June 2016 report
- EAPD – June 2016 report
- Letter of appreciation re: fire department response

**BUSINESS FROM BOARD MEMBERS AND LIAISONS:**

Councilwoman Jeffe stated she is looking forward to moving forward with the Senior Center and Fire Hall proposals.

Councilwoman Friess thanked Donna Bodekor for encouraging the Seniors to attend tonight's meeting.

Councilman Harris said we should all thank a police officer when we see them.

Supervisor Bach thanked everyone who donated to the 2016 fireworks display and read a letter from Matt and Lois Murtha re: all the positive things going on in East Aurora.

**AUDIENCE II:**

Tom Bender, East Aurora Fire Department, stated that the Senior Center/Fire Hall proposal is a great idea. He asked that the Town be sure that egress to the baseball fields at 300 Gleed is secured for emergency access.

**STAFF REPORTS:**

Town Historian Robert Goller stated that the towns of Holland, Colden and Aurora will be celebrating their bicentennials in 2018 with a 3-town celebration. Mr. Goller welcomes any ideas that the Board or public may have for the event.

Chris Musshafen stated the pool is a big success this year due to the great weather we've been having. Revenues are ahead of last year.

**ABSTRACT OF CLAIMS**

The June 30, 2016 Prepaid Abstract of Claims, consisting of vouchers numbered 1010 to 1017, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 327.15
Enterprise/Gleed	408.03
<u>Special Districts</u>	<u>17,952.72</u>
Grand Total Abstract	\$18,687.90

The July 11, 2016 Abstract of Claims, consisting of vouchers numbered 1018 to 1127, was presented to the Board for audit and authorization of payment from the following funds:

General	\$104,675.54
Part Town	80.00
Highway	6,926.77
Enterprise/Gleed	941.86
Trust & Agency	6,903.94
<u>Special Districts</u>	<u>68,755.03</u>
Grand Total Abstract	\$188,283.14

Councilwoman Friess moved to approve the June 30, 2016 Prepaid and the July 11, 2016 Abstracts of Claims and to authorize payment of same. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #210  
6/30 &  
7/11/16  
Abstracts of  
Claims aprvd

Councilwoman Jeffe moved to adjourn at 8:15 p.m. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #211  
Board  
adjourns

Martha L. Librock  
Town Clerk