

November 12, 2019

A meeting of the Town Board of the Town of Aurora took place on Tuesday, November 12, 2019 at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris	Councilman
	Susan A. Friess	Councilwoman
	Jolene M. Jeffe	Councilwoman
	Charles D. Snyder	Councilman
	James J. Bach	Supervisor

Others Present:	Ronald Bennett	Town Attorney
	William Kramer	Code Enforcement Officer
	Shane Krieger	Chief of Police
	Tony Rosati	ZBA member
	Luke Wochensky	Councilman Elect

Supervisor Bach opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the Flag.

The first item on the agenda is a PUBLIC HEARING on Local Law Intro 3-2019, a local law that addresses the exclusion of exemption from taxation for any increase in land value attributed to a Solar Energy System. Real Property Tax Law §487 provides for this exemption for commercial solar energy systems. The notice of public hearing was published and posted as noted by the Affidavits of Publication and Posting. Supervisor Bach opened the hearing at 7:01 p.m. and asked if anyone wished to comment. Hearing no one, the Supervisor closed the hearing at 7:02 p.m.

Councilwoman Friess moved to approve the minutes of the October 28, 2019 Town Board work session and meeting; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none	Action #390 10/28/19 wk sess & mtg min aprvd
Motion carried.	

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilwoman Jeffe moved to adopt the 2020 Operating Budget for the Town of Aurora. Seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none	Action #391 2020 Budget adopted
Motion carried.	

The following Resolution was offered by Councilwoman Friess who moved its adoption and seconded by Councilman Snyder:

A RESOLUTION RELATING TO THE STATE  
ENVIRONMENTAL QUALITY REVIEW PROCESS

WHEREAS, the Town Board of the Town of Aurora is considering adopting a Local Law to exclude those provisions of Real Property Tax Law of the State of New York §487 that provides a tax exemption for any Solar Energy Systems created or placed in connection therewith from being effective within the Town; and

WHEREAS, the Town Board of the Town of Aurora is duly qualified to act as lead agency for environmental review of certain actions undertaken by local government.

NOW, THEREFORE, BE IT,

RESOLVED, that the Town Board of the Town of Aurora hereby declares itself as Lead Agency for SEQRA review purposes relating to excluding those provisions of Real Property Tax Law §487 relating to a tax exemption from being effective within the Town and hereby determines that

the proposed action is a Type II action that will result in no significant environmental impact and no further review will be undertaken.

Action #392  
SEQR for  
LL3-2019 is  
Type II

Upon a vote being taken: ayes – five      noes – none      Motion carried.  
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The following Resolution was offered by Councilwoman Friess who moved its adoption and seconded by Councilwoman Jeffe:

**RESOLUTION TO ADOPT LOCAL LAW NO. 3-2019**

WHEREAS, Local Law Intro. No. 3-2019 has been submitted amending Chapter 101 of the Zoning Code with regard to exclusion of the provisions of Real Property Tax Law §487 granting a tax exemption relating to any Solar Energy Systems, and

WHEREAS, the amendments to the Zoning Code set forth in the Local Law have been carefully considered by the Town, and

WHEREAS, Chapter 101 of the Zoning Code provides for amendments to the Zoning Code, setting forth the procedure requiring a Public Hearing, and

WHEREAS, a Public Hearing was held on November 12, 2019 permitting public comments in regard to the proposed amendments, which included amendments to the Zoning Code,

NOW, THEREFORE, be it

RESOLVED, Local Law No. 3-2019 is hereby adopted as follows and shall become effective upon filing of the Local Law with the New York Secretary of State, and be it further

RESOLVED, the Town Clerk is directed to file a copy of the Local Law with the New York State Department of State and forward a copy to General Code Publishers for the purpose of amending the Code Book of the Town of Aurora.

**TOWN OF AURORA  
LOCAL LAW NO. 3-2019**

A LOCAL LAW, TO AMEND LOCAL LAW 1-1990 KNOWN AS “THE CODES OF THE TOWN OF AURORA”, ADOPTED BY THE TOWN BOARD ON JANUARY 22, 1990 BY AMENDING CHAPTER 101, TAXATION, TO EXCLUDE THE PROVISIONS OF REAL PROPERTY TAX LAW §487 GRANTING A TAX EXEMPTION.

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

SECTION 1. LEGISLATIVE INTENT

It is the intent of this Local Law to amend Chapter 101 Taxation to exclude the provisions of Real Property Tax Law §487 that grant a tax exemption for Solar Energy Systems that would otherwise be eligible within the Town of Aurora.

SECTION 2. CHAPTER 101, TAXATION

Chapter 101 of the Code of the Town of Aurora is amended by adding Article XI excluding a tax exemption for any Solar Energy Systems, as follows:

Article XI, Property Tax Exemption, §101-35: The provisions of Real Property Tax Law §487 providing for exemption from taxation to the extent of any increase in the value thereof by

reason of the inclusion of such Solar Energy System for a period of fifteen (15) years is excluded as authorized by the enactment of this Local Law within the Town of Aurora.

**SECTION 3. EFFECTIVE DATE**

This Local Law shall take effect immediately upon adoption by the Town Board of the Town of Aurora and filing with the Secretary of State.

Action #393  
LL 3-2019 –  
exclusion of  
Solar Tax  
exemption  
adopted

Upon a roll call vote being taken:

Ayes – five     Councilman Harris – Aye  
                    Councilman Snyder – Aye  
                    Councilwoman Friess – Aye  
                    Councilwoman Jeffe – Aye  
                    Supervisor Bach – Aye

Noes – none

Duly adopted this 12<sup>th</sup> day of November 2019.

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Councilwoman Friess moved to approve payment no. 3 to Greater Niagara Mechanical, Inc., 7311 Ward Road, North Tonawanda, in the amount of \$80,821.25 for work performed at the Aurora Municipal Center through October 24, 2019. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #394  
Pymt 3 to  
Greater Niag  
Mech for  
AMC project  
aprvd

Councilman Snyder moved to approve payment no. 2/final to Foit-Albert Associates in the amount of \$7,650.00 for professional services rendered from September 28 to October 11, 2019 for the North Grove Street bridge replacement project. Funds will be disbursed from H7 Village Bridges capital fund. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #395  
Pymt 2/final  
to FoitAlbert  
for N.Grove  
bridge aprvd

At their August 12, 2019 meeting, the Town Board awarded the N. Grove culvert box bid to the low responsible bidder, Kistner Concrete Products, Inc., 5550 Hinman Road, Lockport, NY, for \$85,772.03. The bid included the precast concrete box culvert, outlet head, inlet headwall, cut-off walls, onsite supervision during day of install, site inspection prior to install, crane coordination (not crane rental) and all rigging needed for installation. Since that time, the following changes were made to the box culvert that caused the price to increase \$1,015.97:

- Reduced length of culvert (cost reduction)
- Change in span and rise (same as original)
- Increased headwall height (additional cost)
- Added concrete baffle (additional cost)
- Addition of two holes (additional cost)
- Two different piece lengths due to added holes (additional cost)

Councilwoman Friess moved to approve change order no. 1 from Kistner Concrete Products, Inc., in the amount of \$1,015.97 for the changes made to the box culvert for the North Grove Street Village bridge project.

- Original Contract    \$85,772.03
- Net change by previous change order(s)    0.00
- Amount of this Change Order (No. 1)    1,015.97
- New contract sum including this change order    \$86,788.00

Action #396  
Change order 1  
from Kistner  
Concrete for  
N.Grove box  
culvert aprvd

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

NEW BUSINESS:

Councilman Snyder moved to amend the agenda by adding Item 6C – water bill overpayment reimbursement. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #397 Item 6C added to agenda

Councilwoman Jeffe moved to approve the following 2019 Budget transfers for the DA (highway townwide) bridge fund to cover shortages :  
From: DA5120.100 \$1,992.00  
To: DA5120.433 \$1,992.00  
Action #398 2019 DA fund budget transfers aprvd

From: DA5120.413 \$1,115.00  
To: DA9030.800 \$1,115.00

Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #399 Temp Use Permit for KFSP for MMHSAA cross country race aprvd retro

Councilwoman Friess moved to retroactively approve a Temporary Use Permit for the Monsignor Martin High School Athletic Association to hold the High School Boys & Girls Cross Country All-Catholic Race on November 3, 2019 at Knox Farm State Park. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Councilwoman Jeffe moved to authorize the reimbursement of Town of Aurora water bill overpayments to those customers with a credit balance, with a letter being sent with the reimbursement check giving the recipient sixty days to cash their check. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #400 Reimb of waterbill overpymt aprvd

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

- Army Corp of Engineers letter re: Former Nike site proposed plan
- Building Department – October 2019 report
- Town Clerk – October 2019 report
- Town Clerk/Tax – October 2019 report
- Water Clerk – October 2019 report
- Supervisor – October 2019 report

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Councilwoman Friess encouraged people to attend the Army Corp of Engineers public hearing regarding the former Nike site on Willardshire Road. The hearing is on Wednesday, November 13, 2019.

Councilman Snyder represented the Town at the American Legion for their Veterans Day commemoration. Also, the roof top HVAC units were installed at the Senior Center yesterday.

Councilman Harris stated it was a good, clean election this year and wished Councilman-elect Wochensky well.

AUDIENCE II:

Debbie O'Connor, Grover Road, spoke about the recent election and complemented the Town Board on its integrity and having no personal agenda. Her suggestion on how to get more people to attend Town Board meetings was “for the Board to play politics, screw-up, etc.”.

Tony Rosati, Oakwood Avenue, commented on the Oakwood road reconstruction and the work being done on the new Aurora Municipal Center and asked if the fencing in front of the project could be moved closer to the building. Supervisor Bach stated the fencing is not blocking the sidewalk and that the contractors on the Town's project are bending over backward to accommodate us.

STAFF REPORTS: none

ABSTRACT OF CLAIMS:

The Abstract of Claims dated November 12, 2019, consisting of vouchers numbered 1477 to 1535, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 24,669.96
Part Town	500.00
Highway DB	17,425.60
Capital/AMC	80,821.25
Capital/VEA Bridges	7,650.00
Special Districts	<u>3,347.34</u>
Grand Total Abstract	\$134,414.15

Councilwoman Friess moved to approve the 11/12/19 Abstract of Claims, and authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #401  
11/12/19  
Abstract of  
Claims aprvd

Councilwoman Jeffe moved to adjourn at 7:25 p.m.; seconded by Councilman Harris. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #402  
Meeting  
adjourned

Martha L. Librock  
Town Clerk