**Village of Aurora Board of Trustees September 21, 2018 Special Meeting Minutes**

The meeting was held at the Aurora Firehouse Meeting Room at 9:00 a.m.

**Present:** Mayor Bonnie Bennett, Trustees Grace Bates, Matt Bianconi (9:05 a.m.), and Alan Ominsky

**Absent:** Trustee Kit Van Orman

**Others Present:** Village Clerk Ann Balloni and Inns of Aurora representative Roger Brown

**Call to Order:** Mayor Bennett called the meeting to order at 9:00 a.m.

**Local Law #5 of 2018 Governing the Use and Supply of Sewer (attached):**

**VILLAGE OF AURORA RESOLUTION #18-39**

**ENACTING LOCAL LAW #5 OF 2018**

Introduced by: Mayor Bennett

Seconded by: Trustee Ominsky

Dated: September 21, 2018

**WHEREAS**, the Village Board of Trustees (“Village Board”) of the Village of Aurora (“Village”) has carefully reviewed existing laws, regulations, and code(s) relating to sewer supply and governance, and has determined that it is in the best interests of the Village and its citizens to improve and enhance the Village’s ability to administer its sewer system laws and procedures; and

**WHEREAS**, as a result of the Village Board’s review, it has caused to have prepared a new local law for the purposes of providing more modern, uniform, understandable, and complete rules, regulations, procedures and understandings as to the use and management of the municipal sewer system(s), and to further clarify the requirements, usage and expectations of the sewer system both inside and outside of Village boundaries; and

**WHEREAS**, on August 30, 2018, during a special and properly convened Village Board meeting the Village Board introduced proposed Local Law #5 of 2018, entitled “Sewer Use Regulations”, to be commonly known as and referred to as the Village of Aurora “Sewer Regulations”; and

**WHEREAS**, Local Law #5 of 2018, is intended to, and shall, repeal in its entirety and replace Village Local Law #5 of 2015, relating to sewer use regulations in the Village in order to modernize and improve its laws which promote, preserve, and enhance the safety and welfare of its residents, businesses, property owners and visitors; and

**WHERAS**, each member of the Village Board of Trustees has had the opportunity to carefully review the proposed Local Law in its final form and acknowledges the same having been provided to him/her at least ten (10) days prior the date of this meeting in conformance with the mandates of Section 20 of the New York State Municipal Home Rule Law, such that each is fully advised of, and comprehends, its contents; and

**WHEREAS**, the adoption of the proposed Local Law is considered a policy making action which is identified as a “Type II” action pursuant to the New York State Environmental Quality Review Act (“SEQRA”), and is therefore exempt from environmental review under SEQRA, 6 NYCRR §617.5(c)27; and

**WHEREAS**, a duly convened and noticed public hearing having been held by the Village Board at approximately 7:00 p.m. on September 19, 2018 at the Village Office, at 456 Main Street, Aurora, New York, on proposed Local Law #5 of 2018, and proof of publication of notice of same, as required by law, has been submitted and filed, and all persons desiring to be heard in connection with said proposed Local Law having been heard; and

**WHEREAS,** the proposed action was referred to the Cayuga County GML239-l, m & n Review Committee who conducted a review of this law on September 20, 2018, and recommended enactment without change; and

**WHEREAS**, it is deemed by the Village Board to be in the public interest to enact proposed Local Law #5 of 2018:

**NOW, THEREFORE, BE IT RESOLVED,** by the Village Board as follows:

1. The Village of Aurora Board finds and determines that it has properly noticed and held a Public Hearing on the Proposed Local Law # 5 of 2018 to be held at Village Hall on September 19, 2018 beginning at approximately 7:00 p.m. and that sufficient consideration has been given to all comments (if any) received during the public hearing.
2. Local Law # 5 – 2018 (see attached), as so designated above is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

3. The Village Clerk is hereby authorized and directed to file a copy of said Local Law with the Clerk’s records and also with the Secretary of State.

The question of the foregoing Resolution was duly put to a vote and upon roll call was as follows:

Trustee Matthew Bianconi ABSENT

Trustee Kit Van Orman ABSENT

Trustee Grace Bates AYE

Trustee Alan Ominsky AYE

Mayor Bonnie Apgar Bennett AYE

Vote: Resolution carried by a vote of 3 to 0.

**Resolution 18-40: To Establish Budget for the HABS Project**

**WHEREAS:** The Village of Aurora with Wells College has entered into an agreement to install Carbon Filters at the Wells College Water Plant.

**WHEREAS**, the Village of Aurora has received a grant in the amount of $500,000.00 to purchase essential equipment from the New York Environmental Facilities Program; and

**WHEREAS**: The 2018-2019 Village of Aurora Capital Projects Budget has not provided for the purchase of said equipment and capital layout.

**THEREFORE:** The Village Board hereby authorizes the Treasurer to establish the HABS Capital Project Fund accounts: Receipts H3991 State Aid $500,000.00 and H8397.2 $500.000.00 and to execute the necessary filing and recording of all transactions.

FIRST: Mayor Bennett

SECOND: Trustee Ominsky

AYES: Bennett, Bates, Bianconi and Ominsky

NAYS: None

Carried unanimously.

**Inns of Aurora water supply agreement:**

**VILLAGE OF AURORA RESOLUTION #18-41**

**APPROVING OUTSIDE WATER SUPPLY AGREEMENT**

**WITH THE INNS OF AURORA**

Introduced by: Mayor Bennett

Seconded by: Trustee Bates

Dated: September 21, 2018

**WHEREAS,** the Village of Aurora (”Village”) owns, operates and maintains certain potable water transmission lines and related infrastructure which it operates for the purpose of supplying the Village, its inhabitants, and certain users/customers located outside the Village limits, with water (herein collectively referred to as the “Village Water System”); and

**WHEREAS**, the Village Board of Trustees (“Village Board”) has heretofore adopted Local Law #4 – 2018, entitled, “Village of Aurora Water Use Regulations” which sets forth the Village’s rules and regulations for supplying water to its residents as well as to users located outside Village boundaries; and

**WHEREAS**, Section 12 of Local Law #4 – 2018 provides that for users located outside Village boundaries to receive water services from the Village, they must enter into an agreement with the Village which agreement shall include terms and conditions, including without limitation, an agreement as to the rate(s) to be charged (as the same may be adjusted from time to time), the maximum amount of water to be used by the Outside User, and the payment of all infrastructure and capital costs; and

**WHEREAS**, the Inns of Aurora (the “Inns”) owns a certain parcel or tract of land located at 690 Sherwood Road, in the Town of Ledyard, which is outside the Village boundaries, and upon which the Inns propose to construct a commercial establishment for use as a health spa and related facilities, and has applied to the Village for permission to connect to the Village Water System; and

**WHEREAS**, the Inns have agreed to enter into a Water Supply Agreement subject to final approval as to form by legal counsel;

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. That the Village Board of Trustees hereby authorizes a contract between the Inns of Aurora and the Village of Aurora whereby the Village agrees to supply water to the property owned by the Inns of Aurora and located at 690 Sherwood Road, in the Town of Ledyard, containing the following terms:

a. The contract will have an initial term of ten (10) years with automatic renewals of five (5) years each unless the Inns notifies the Village of its intent to terminate;

b. The Inns shall be allocated 3000 gallons per day based on average daily consumption over each billing period;

c. The Inns shall pay for all water consumed at the property as measured by the meter located thereon and at a water rate that is equal to 1.5 times the rate paid by Village residents, provided that such multiplier that is applied to Outside Users such as the Inns shall remain constant for the initial term of the Agreement;

e. The Inns shall be solely responsible for the cost of any and all capital infrastructure and upgrades that may be required to connect the Inns’ property to the Village Water System; and

f. The cost of future capital improvements or upgrades to the Village Water System shall be spread upon all users of the Village Water System both inside the Village and out of district users, including the Inns, through an increase the base water rate, and that the Inns shall pay such increases in water rates in the same manner as other users.

2. That the Mayor be and the same is hereby authorized to make, execute, seal and deliver such Agreement, upon such form(s) as may be approved by counsel for the Village.

3. That the within resolution shall take effect immediately.

The question of the foregoing Resolution was duly put to a vote and upon roll call was as follows:

Trustee Matthew Bianconi AYE

Trustee Kit Van Orman ABSENT

Trustee Grace Bates AYE

Trustee Alan Ominsky AYE

Mayor Bonnie Apgar Bennett AYE

Vote: Resolution carried by a vote of 4 to 0.

**Adjournment:** On motion by Trustee Ominsky, seconded by Trustee Bianconi, the Village Board voted to adjourn the meeting at 9:15 a.m.

AYES: Bennett, Bates, Bianconi, and Ominsky

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Ann Balloni, Village Clerk