

Town of Aurelius
Approved Minutes (8/10/2017)
July 13, 2017 Meeting

Members present: Supervisor Edward Ide, Deputy Supervisor Stephanie Church, Councilor Alexander Patterson, Councilor Stanley Hoskins.

Staff Present: Planning Board Chairman Jerry Scouten, Code Officer Howard Tanner, Clerk Debbie Pinckney, Highway Superintendent Kent Walter

1. Supervisor Ide opened the meeting at 7:09 with the pledge to the flag.

2. Public Hearing – Local Law #1-2017

Supervisor Ide opened the Public Hearing at 7:09 for Local Law #1 – 2017 - A Local Law to protect the health, safety and well-being of persons and property by imposing a moratorium on development within River Road. Supervisor Ide explained to the River Road residents that were present this is for 6 months to allow the Town to have time to figure out how we can arrive at a purchase price and have proper zoning laws in place for the lots, but we don't have a firm date for when this will happen. He asked if there were any questions at this time. No one spoke. The Hearing will remain open for at least one hour and should anyone wish to comment, they may.

3. Minutes of June 8, 2017 – **Resolution #51-2017 Motion by Councilor Patterson, to approve with corrections, Second by Deputy Supervisor Church. 4/0 approved.**

Out of Agenda Order from part b. Committee Reports. Code Officer Howard Tanner has to leave for another meeting.

Howard Tanner asked the Board which report they like. He gave them his consolidated report and the one generated by Williamson Law.

Is working with Williamson Law to get the correct verbiage with regard to the potential daily fine for Orders to Remedy.

Also have approximately 15 orders to remedy which will go out to properties on River Road. He feels they are not huge enough for a problem, but he needs people to contact him so they can work on the corrections.

Also the DEC was auditing the lake shore and explained that the even though they have DEC Permits for work along the shoreline, with FEMA/Flood Plain management the Municipality should be issuing a permit also.

4. Correspondence

a. Clean Energy Communities – email from Amanda Mazzoni, Senior Planner for the Central New York Regional Planning & Development Board had heard from NYSERDA that since we have a new code officer that started before the code training program was finished, we

would have to have the new code officer start the training over since he wasn't part of the first few steps, and the main point is to train the current code officer. Discussion no action taken.

Councilor Patterson wondered if this program could assist with the heat issues the Town has in the garage area. He will reach out to Amanda and report back to the Board in August.

5. Public Forum –

Terri Glancy and Sherri Wakeham of 7075 River Road – Shared their concerns about the future with their home and vacant lots on River Road. They have 3 lots total with just one house, and asked why they have to pay ½ units of sewer and water on the two vacant lots, plus the full unit charge for water and sewer in the Town Taxes. Supervisor Ide explained that the Town is bound by the rules and regulations from the State Comptrollers' Office for what is termed "Special Districts". These are benefits for those that can be or are served and everyone must share in the cost of this district, for operation and maintenance and debt service. Everyone in your water and sewer district that has an empty lot it charged ½ a unit for debt service and those with a building on it are charged a full unit.

Mr. Glancy felt that everything that has happened thus far since the Town bought the property from Canals seems to be against the people that have homes on River Road. From the language in the Land Use Permit to the ½ unit charges for water and sewer on the vacant lots, to this Moratorium which prevents us from building. What are our rights since we don't own the land, Will you be selling us the land and if so when?

Supervisor Ide explained that the Board is working on getting the land surveyed and finding a way to maximize the opportunities so that when it's time for the Town to sell the land, you can own your lot. The NYS law is clear in the process for a municipality to sell surplus property, be it a vehicle, a machine or land. This is a unique situation because of the nature of the personal property on town owned land, there are no guidelines for us to review, and you are correct, we are moving slowly so that we can find the best way to be able to sell the land back to those that have personal property invested on it. Otherwise we could just move ahead and advertise lots for sale and sell it at auction.

Deputy Supervisor Church assured the public that the intent of the Board is to find the proper way to have the lots surveyed, appraised and sold back to you, the homeowners, this is new territory and we do not want to make a mistake hence we move slowly and carefully to find the best way make this happen. Our attorney is working to find the proper way and the best way for us to make these sales happen. Some disruptive comments about being taxpayers, and that this situation is not fair. In rebuttal Deputy Supervisor Church explained that when the Town purchased River Road, in essence it is owned by all of the taxpayers in the Town, and that it is our duty as the Board to follow the proper guidelines when selling anything town owned.

Mr. Glancy asked for an explanation about section #20 in the LUP.

"It is mutually agreed by and between the Town and Permittee that the respective parties hereto shall and they hereby do waive trial by jury in any action, proceeding or counterclaim brought by either of the parties hereto against the other on any matters whatsoever arising out of or in any way connected with this Permittee, the relationship of the Town and Permittee, Permittee's use of

or occupancy of the Permit site, and any emergency statutory or any other statutory remedy. It is further mutually agreed that in the event the Town commences any summary proceeding for possession of the Permit site, Permittee will and shall not interpose any counterclaim of whatever nature or description in any such proceeding.”

Attorney David Thurston explained that that section is to avoid unnecessary litigation that will cost thousands of dollars to the Town for a lease that in some cases is less than \$600.00. The eviction process can take many months and it is not in the Town’s best interest to have to deal with the high cost of litigation. We are trying to come up with solutions that will allow you to purchase your land.

Mr. Glancy and Mr. Spano, of 6943 River Road stated that they don’t want to give their rights.

Attorney Thurston then explained that the Town is not looking to punish everyone with the Land Use Permit, the moratorium and the debt service charges. There was only one way for the Town to be able to finance the necessary infrastructure, i.e. public water and sewer on River Road and that was to buy the property from Canals. Initially when the Joint Water and Sewer Project was first introduced, River Road was on the table, then it was off the table, and the Town moved ahead with the installation of new water lines and public sewer along the properties on the shoreline, north and south of the village and water for those on West Genesee Street. Then Canals approached the Town and asked if they were interested in purchasing the land. So in the middle of the project River Road was back on the table. Bottom line, it was the right thing to do, for the people, for the lakeshore, and for the continued health of the lake and the river. There is no benefit to the Town, the Board wants to sell the land back to you under the letter of the law and that is what we are working on.

Councilor Hoskins shared that the Town has a new Zoning and Code officer who will be reaching out to those that have “safety issues” that need to be corrected. He also stated that it was unfortunate when the State owned the land, they did not enforce their rules, and now that the Town owns the land, the goal is to enforce the laws which in turn will improve the area. Mrs. Lawrence spoke that for many years the people on River Road had it cheap, and some people did not take care of their homes, now we need to get it cleaned up. More comments from the public about when will the Town be able to sell it back to them? Supervisor Ide explained that there were 4 surveyor pins set on the parcel which identifies the boundaries that the Town purchased from Canals. Canals also provided a survey of the lots that we have shown to anyone wanting to see the map, and some of you have pointed out that the survey map is incorrect. We need to hire a surveyor, and that is also a process, we have to follow our procurement policy for professional services, once we award that contract for the survey work, we need to ensure that when the pins are set on the lots they will remain there. And after the lots are surveyed we would have to get them appraised, based on what the State calls “fair market value”, which then would allow us to declare the property surplus and sell it, preferably to those that are living on it.

Dick Farr - 6871 River Road told the public that in his opinion, the slower the Board moves to find the best way to sell us the land, the better off we are.

Supervisor Ide asked if there were any more questions with regard to River Road at this time. None.

2. Legislator Pinckney and Tracey Verrier of CCIDA were here for an update on the CMI issues.

Supervisor Ide has been working with Chris Cherry at CIDEC to research and figure out if there is a way to identify exactly why the foam is growing. It seems that the idea of installing a forced main will not correct the problem, there would still be a need for a pump station which we know isn't working as we have to pump it regularly, besides additional cost to jettison the line and at times camera it too. If this is a biological issue and a force main is installed that takes it directly to the City line that's a bad issue. And if it's a chemical issue with the flocking than the City WWTP will have the issue. From what we can gather, it seems that once you process the waste the foam forms. It was suggested we install an agitator, but what happens if you ramp it up and it still doesn't fix it. Legislator Pinckney asked if the Town has reached out to the City for their concerns. Supervisor Ide thinks there are a lot of concerns and in reality it's all about the unknown. There doesn't seem to be a clear understanding of how and why the foam occurs. I suppose you could have CMI directly jet into the city mains to see what happens, but that seems reckless.

Legislator Pinckney mentioned that he had attended a Board meeting a few months ago when CMI had hired an engineer to research the issue. According to Supervisor Ide, CMI had hired O'Brien and Gere, but it seems they were not happy with their work, and CMI has not shared the findings with the Town. Councilor Hoskins said that either the report said nothing or theorized something that they did not want to share. Dick Farr suggested the Town reach out to the Board in Waverly as he recalled there were many problems when that dairy processing plant went on line, maybe you can reach out to them for their solutions.

Legislator Pinckney asked if the town sewer line has the capacity to handle CMI and Grober's flow. Answer, based on B&L calculations there is capacity, but with the foaming issues it causes a restriction in the line. This gunk lines the inside of the pipe, the pipe size drops and then the capacity drops. And on top of that you add the foam that is in every manhole it builds up and then it cuts off the flow. That's over and above the foam at the pump station. Both CIDEC and the other company have the capability to install the agitator to mix it all up. (Supervisor Ide showed a flyer with the agitator) But this would involve a major over haul of the Pump Station, which is not a district cost. Chris Cherry from CIDEC wants to see if the foam grows up the sides of the Pump Station as that could indicate biologic, which would mean we would need to get in there to disinfectant it which could adversely affect the good bacteria at the Auburn treatment plant.

Legislator Pinckney asked how much it is costing the Town. Answer - the pumping is approximately \$4000-\$5000 a month. It has been more when there were instances of discharge that happened in error from Grober and CMI. Deputy Supervisor Church gave some background info. Before the foam issues started CMI had changed the treatment mix because they said their system was not working properly and there was an odor issue. The treatment mix fixed the odor issue, but that's when the foam issues started. Highway Superintendent Kent Walter said he was out to the pump station on Valentine's Day in 2016, that was when the foam started at the pump station, and it was in early November, 2015 that CMI started to treat in house. Which was the indication on our end that CMI could be over treating the waste. But the experts within CMI discounted that theory. Our concern is before CMI moves forward with an increase in their discharge, they must fix the foaming issues. Dairy waste water seems to be a problem.

Tracy Verrier explained their office has applied for State and Federal monies, working on a CFA Application, which we should hear about in December. The intent is to have CCIDA increase the

capacity in the IDA, to be proactive and ensure that there is room for additional development. Our plan is to get the grant, do basis engineering studies and move forward to increase capacity. Tracy Verrier asked if the Town could contribute to the cost of that study. Supervisor Ide does not believe that this should be a district cost. Deputy Supervisor Church says that currently the monies collected in that district are already stretched thin dealing with the additional costs for operation and maintenance of the Pump Station due to the foaming issues. Note, when the Town Board was approached by Steve Lynch and the County Planning with the CMI proposal, we were told about water usage but not that dairy waste is not ordinary waste.

Tracy Verrier understands that the Town can't contribute the entire match, but it would be nice to have the Town on board. Supervisor Ide explained that our Town engineer may not want to be a part of this study since there has been a lot of bashing and bad talk from CMI about B & L. Hoskins said that the problem is that we are not sure if we can believe the engineers. We were told that this system would work and it doesn't. He had heard that if you cool it that kills it but CMI says it is not practical. More discussion with some other ideas, Chris from CIDEDEC said there is another chemical that could bond with the waste to turn it into water; Stephanie mentioned a firm called Waterleau which has some specialization in dairy waste. Tracey explained that CCEDA would be sending out an RFP.

Discussion turned back to the foam issues with the pump station and the option to install an agitator. Ide feels that this is a stop gap measure. The Town will not bear the cost of this and it is now in CMI's court. But in reality there could be some additional problems, he went on to explain the pump station process where the liquid can be anywhere from 15-17 feet high and in a matter of 10-15 minutes it goes back down to 4 feet. The pumps are coming on every few minutes. This stuff isn't sitting there to age and ripen but once the foam starts to form it stays above the liquid where the pumps can't get it. We have found the foam as high as 3 feet. Depending on the structure of the foam it is only capable of going to a particular height then it will start to crush the bubbles underneath. There are no concrete facts that this can and will fix the foam issues.

Supervisor Ide asked if it would be possible for CCIDA to acquire a copy of the O'Brien and Gere report. The Town is on board for supporting the CCIDA but there has to be a guarantee that whatever is proposed will work. Ed shared information on the CIDEDEC pump. The cost is \$7000-\$8000 plus a hefty installation fee for the work to do to the wet well at the pump station, and we would also need a bigger generator. The fix is not guaranteed nor is it affordable at this time.

Tracey Verrier asked if she can count on some technical assistance from the Town Engineer as she moves forward with an upgrade to the sewer infrastructure to increase capacity at the IDA and market it for future development.

Legislator Pinckney will work toward getting everyone to the table, the Town, CMI, CCIDA and the County.

6. Committee reports

a. Assessor – Linda Wright

- Continuing education credits – Clerk explained per the Assessor she has until the end of the year to earn the required 12 credits of continuing education and she will do so.

b. Zoning & Code Enforcement – Howard Tanner - see report handled out of agenda order

c. Aurelius/Cayuga Recreation

- Harris Park Beach open and busy. Dealing with some nuisance issues
- Swim lessons going well
- Mayor had to table the CDBG Grant for this year, hopes to apply next year with the application ready to submit.

d. Highway Department – Kent Walter

- Nova chip finished
- New part time worker – Kevin Cunningham will be doing lawn maintenance and general laborer work. Currently he is weed eating around our hydrants. He's a good worker.
- Painted 46 of the 64 hydrants in District 1
- Ellis Drive – they are storing stuff in the old McQuay building and it cannot have any water around the building. There is a pipe that goes under the road, on FL Bottling.
- Recycle Building, are we looking to get prices for a new building. We are running out of storage and we need it. Recycling with the roll back is working well. Alex recalls it was \$80,000 if you follow the same footprint. We have equipment that has to stay outside. We need room. Stan doesn't think \$80,000 won't go far; you will probably need \$140000.00. Steph, figure out what you need and get a number to us so we can make a decision. Kent thinks a pole barn could do it with maybe just the recycle part insulated. Also talked about building a lean to off the Salt Storage for equipment storage. Stan reminded everyone that the electric service is in the old barn. He isn't keen on a lean too. With all the horror stories of highway garages burning up it would be nice to have a building with bay doors to accommodate a disaster. Ed, formulate your needs so we can find out what it will cost.
- The Company that we used for paving, we used the excess on the west part of the driveway.

e. Planning Board – Jerry Scouten

- Had our second work session meeting with regard to the type of zoning for River Road, I hope to share the unanimous conclusions with the Town Board in the near future. Supervisor Ide reminded Jerry that the Planning Board should take into consideration every scenario, for instance if the majority of the lots are 50 feet wide, will the Planning Board suggestions meet the criteria for a 50 x 100 lot? Jerry said they have been working on every aspect, there will have to be set backs established for both sides of the road. Jerry has reached out to the DEC and the Army Corp for a map of the lands they have control over. It's a work in progress. Discussion.

Supervisor Ide asked Attorney Thurston what happens if the surveyor identifies that one of the River Road lots shows that the dwelling is 2 feet onto the adjacent lot. How would we handle that? David explained that the surveyor would have to fix it. The Town needs to establish the existing lines as the starting point then figure out how to make the necessary adjustments.

One of the River Road permittee stated that the Town is the land owner so it's the Town that has control of the property lines. And there will be issues; you try to match up the lines based on what they have now as people built on what they thought was the lines. Councilor Hoskins asked if the Town was ready to put out an RFP for a survey. Supervisor Ide asked which account the Board would use to pay for the surveyor. And what account when it's time to hire the appraiser. Discussion to survey an empty lot, get it appraised and use that as the basis for all of the lots. Resident Chad Hayden mentioned that Greg Doan is an appraiser and his certification is one of the highest levels an appraiser can have. Maybe the thing to

do is to hire him to appraise each lot. Dick Farr spoke up that would mean that every lot could have a different value. The appraiser could take a lot that is cleaned up and give that more value than one that is wooded. More discussion with more questions that at this time there are no answers for. Again Ide explained that as a municipality, there are guidelines and we will need to have some sort of base line to establish a fair market value for the land, and maybe getting each lot appraised will give us that baseline. It is the consensus of the Board to have Attorney Thurston reach out to Attorney Hayden to come up with a plan. It was noted that the baseline we need is just for the land, not the dwelling on the lot. Attorney Thurston asked how the Town paid for the land. Ide stated the town borrowed from one of the funds the intent to pay that fund back from the LUP revenue and eventually through the sale of the lots. It was not practical to borrow the money since the lender would have issues once we started to sell the land off. Right now, the plan is to survey, appraise, establish a baseline value for the lot then come up with the best plan to sell it back to those people who have their personal property on that lot. The subject of flood plain elevations and the need for flood insurance should the buyer need to finance through a bank to purchase the property was brought up. More talk of clear title, fair market value and would there be an opportunity for some to continue to lease.

Dick Farr asked what type of setback the Planning Board is leaning toward. Scouten explained the Planning Board is looking at a 10 foot setback on new construction. Dick Farr asked about the other issues, like how high can you go? With the flood plain laws, you would have to start to build 4 feet above the high water mark and you cannot use the first floor due to the possibility of a flood.

Deputy Supervisor Church says that kind of scenario makes it advantageous to appraising them individually.

Councilor Hoskins asked brought the Board back to the subject of where do we get the money to pay the surveyor? Chad Hayden estimated \$300 a lot. Jerry Scouten mentioned that a year ago he paid \$500 a lot. More discussion and conclusions that the cost of the survey and the cost of the appraisal would be borrowed from B Fund or T.O.V and these expenses will have to be included in the sale of the lot in order to repay B. More discussion and a request that the surveyor should have to identify the flood plain lines. Bottom line, the expense could equate to \$500 per lot, one of the River Road Permittees stated he was told by surveyor Don Watkins that he shoots from Rt 90 for the elevation data.

Board asked Attorney Thurston to develop an RFP for a surveyor.

f. Town Clerk – Debbie Pinckney

- Monthly report
- Water/Sewer Adjustments – June 1 – June 30 – resolution requested. **Resolution #52-2017 Motion Patterson to accept the adjustments as presented, Second by Hoskins. 4/0 approved.**
- River Road –
 1. Clerk explained on the advice of Attorney Thurston, if the River Road resident did not sign the LUP, then payment could not be accepted. Should they continue to refuse to sign the LUP eviction proceedings will commence?
 2. Letters were sent out in early June to all those on River Road that have not yet connected to the Grinder Pump with a date of July 15th to comply. Some of the issues at this time involve the power source for the shared grinder pumps. They cannot connect if the service is on the adjacent lot is disconnected. Discussion to research how to get the panel board switched, or possibly look to NYSEG to provide the power and bill the

Town, who would in turn charge back as a special district. There are also those that can hook up but have not done so. Note, water hook up is not mandated by law, sewer hookup is. Again, legal action will be taken for those that do not comply with the local sewer law once it is established that there is a working power source. Comment by Dick Farr of 6871 River Road, why the Town would not allow the travel trailers to hook up as they do have access to the grinder pumps and they want to hook up. He says “why not get the money out of them.”

3. Clerk will work with Attorney Thurston after the 15th on the lots that are not compliant.

7. Old Business

a. CMI Waste Water meter – foaming issues at Ellis Drive Pump Station – discussion held out of agenda order. Note from Bookkeeper Martha Russell - the outstanding bill to date for pumping Ellis Drive Pump Stations is \$15,505.00.

b. State Police Barracks lease – Councilor Hoskins.

- The current request by the State involves additional construction to our building and Councilor Hoskins asked the Board what’s your pleasure? Discussion, if we don’t have our hand in what’s going on how are we sure what gets done and that it is done properly. Should we require them to provide a plan and then approve it? Deputy Supervisor Church suggested we reach out and see what it is they are looking for, and as long as they allow us to approve the plans and they will pay for the upgrades why not? Councilor Patterson mentioned the boiler issues and would that have to be addressed prior to any upgrades? It’s a white elephant system. Decision to have Councilor Hoskins and John Bouck meet with the State building supervisor and find out exactly what they have in mind for improvements. Councilor Patterson will also tag along for that meeting. Both Supervisor Ide and Deputy Supervisor Church thanked them for setting up the meeting.

c. River Road – handled out of agenda order

d. Court Security System – request to fund the balance for Syracuse Alarm Quote minus grant Herrtronics bid \$3,240.00 plus \$1,526.47 for panic system and \$25.00 per/month for time/test and monitoring Grand Total \$4766.47.

Syracuse Time & Alarm - \$5,359.87

Board wants to have more info on Syracuse alarm and is there an ongoing fee for monitoring. Deputy Supervisor Church would really like to see exactly why the more expensive quote is the better quote and asked that the details be identified and explained better. Clerk will call Syracuse Alarm and Herrtronics for a side by side comparison and to ensure that the quotes are still good since it has been almost 1 year since they were presented.

Items to address: Is the quote as written still valid?

What happens if the power goes out if there are automatic door openers?

Get a detailed explanation of each quote and what it does.

Find out if there is a monthly monitoring charge with Syracuse alarm as there is with Herrtronics.

8. New Business

- a. Municipal Solutions - Lakeshore Sewer Project Completion resolution.

Resolution #53-2017

WHEREAS, the Town of Aurelius has substantially completed construction of the Lakeshore Sewer District Improvement Project; and

WHEREAS, the Town of Aurelius has \$1,783.47 of grant funds remaining for the Lakeshore Sewer District Improvement Project which must be de-obligated; and

WHEREAS, the Town Board of the Town of Aurelius has received notice of final completion for the Lakeshore Sewer District Improvement Project; NOW, therefore be it

RESOLVED, that the Town Board of the Town of Aurelius accepts the Lakeshore Sewer District Improvement Project as complete and authorizes final payment to the contractors as well as the de-obligation of the remaining \$1,783.47 of grant funds; and be it further

RESOLVED, that the Town Board of the Town of Aurelius hereby states an operator appropriately licensed by New York State has been retained to oversee operation of the Lakeshore Sewer District.

Motion by Hoskins, Second by Patterson. 4/0 approved.

b. Certificate of Substantial Completion – Ed’s signature needed **Resolution #54-2017 Motion by Church, Second by Patterson to have Supervisor sign the certificate of completion. 4/0 approved.**

Resolution #55-2017 Motion by Church to close the public hearing at 9:35pm. Second Hoskins. 4/0 approved.

Resolution #56-2017

**TOWN OF AURELIUS
LOCAL LAW NO. 1 OF 2017**

A Local Law to protect the health, safety and well-being of persons and property by imposing a moratorium on development within the Town of Aurelius.

**SECTION 1
STATUTORY AUTHORIZATION AND PURPOSE**

Section 1.1 *Title.* This Local Law shall be known as “Town of Aurelius Moratorium on Development of Non-Conforming River Road Parcels.”

Section 1.2 *Purpose.*

- A. The Town of Aurelius has recently completed the purchase of certain real property from the New York State Canal Corporation on River Road in the Town and in the Town of Aurelius lying east of the easterly shore of the Seneca River, bordered on the north by the northerly boundary line of the Town of Aurelius and the southern boundary line of the Town of Montezuma, and bordered on the south by the northerly line of Turnpike Road in said Town of Aurelius being now known as tax map 105.00-1-21.2 on the land and tax map of Cayuga County (the real property being hereafter referred to as “River Road”).
- B. The River Road property is presently improved by numerous camps and structures under permits previously issued by the New York State Canal Corporation. The permitted lots were divided by the New York State Canal Corporation under the terms of the permits but are not separately assessed parcels in the Town, and the lots as currently configured and platted do not conform to the Town Zoning Law.
- C. It is the purpose of this Local Law to impose a one hundred eight (180) day moratorium to address present and future development within the River Road property and to allow the Town sufficient time to update the Town Zoning Law to address these non-conforming lots and future development.

Section 1.3 *Statutory Authorization.* This Local Law has been adopted pursuant to and in conformity with the Municipal Home Rule Law and the New York State Constitution.

SECTION 2 INTERPRETATION AND CONFLICT WITH OTHER LAWS

Section 2.1 *Supremacy.* This Local Law shall supersede all previous laws adopted for the purpose of regulating zoning and land use on the River Road property.

Section 2.2 *Interpretation.* In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted, rules, regulations, ordinances, or local laws, the most restrictive, or that imposing the higher standards, shall govern.

SECTION 3 DEFINITIONS

Section 3.1 *Definitions.* As used in this Local Law, the following terms have the following respective meanings:

- A. The term “Structure” shall have the meaning set forth in the Town Zoning Law.
- B. The term “Person” shall have the meaning set forth in New York General Construction Law § 37.
- C. The terms “Town Board”, “Planning Board” and “Zoning Board of Appeals” shall refer to the appropriate boards established in the Town of Aurelius pursuant to the Town Law.

- D. The term “Code Enforcement Officer” shall mean the duly appointed officer in the Town of Aurelius charged with the enforcement of the Town’s zoning and related codes.
- E. “Town” means the Town of Aurelius.

**SECTION 4
SCOPE OF MORATORIUM**

Section 4.1 *Moratorium.* During the effective period of this Local Law, the Town Board, the Town Planning Board, the Town Zoning Board of Appeals, and the Code Enforcement Officer shall not grant any land use application, special use permit, specific use permit, building permit, variance, zoning application, subdivision approval, land division, or approval of any kind which would result in the construction, establishment, development, enlargement, erection or placement of any Structure, as defined herein, including any activity associated therewith or intending to support such Structure, in or on the River Road property, and no Person shall engage in the construction, establishment, development, enlargement, erection or placement of any Structure, as defined herein, including any activity associated therewith or intending to support such Structure, in or on the River Road property, with or without approval.

Section 4.2 *Term.* This moratorium shall be in effect for a period of one hundred eighty (180) days from the effective date.

Section 4.3 *Violation.* No person, firm, association, corporation, whether public or private, partnership, or any agent, employee, or contractor therefor or any of his or its agents, employees, or subcontractors shall in any way violate or assist, solicit, request, command or aid in any violation of any of the provisions of this Local Law. Any action to establish, implement, place or construct any Structure, including the establishment, implementation, placement or construction of any activity or facility associated therewith or intended to support such violation shall be deemed a violation of the provisions of this Local Law.

**SECTION 5
PENALTIES**

Section 5.1 *Criminal Penalties.* Any person convicted of violating this Local Law shall be guilty of a violation.

Section 5.2 *Appearance Ticket.* The Code Enforcement Officer or peace officer observing a violation of this Local Law in his presence shall issue and serve an appearance ticket for such violation.

Section 5.3 *Civil Penalty.* Any person convicted of a violation of this Local Law shall be liable for a civil penalty not to exceed One Thousand and 00/100 Dollars (\$1,000.00) for each such violation.

Section 5.4 *Injunctive Relief.* Whenever a person has violated or continues to violate the provisions of this Local Law or permit or order issued hereunder, the Town Board and/or the Code Enforcement Officer, through counsel may petition any court of competent jurisdiction, in the name of the Town, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with this Local Law.

Section 5.5 *Attorneys' fees, costs.* The Town shall be entitled to recover from any person found in violation of this Local Law all attorneys' fees and other costs to the Town of ascertaining and remedying violations of this Local Law and enforcing the rights of the Town and penalties hereunder.

SECTION 6 HARDSHIP

Section 6.1 *Hardship.* In the event that any owner of real property affected by this Local Law shall suffer an unnecessary hardship because of the implementation of the letter of this Local Law, then the owner of such property may make a written application to the Town Board for a variance from strict compliance with this Local Law. Unnecessary hardship shall not mean a mere delay in being able to pursue drilling or extraction activities or to be able to apply for and receive a decision upon any permit or approval of any kind related thereto.

Section 6.2 *Hardship Application.* Applications for a variance shall be in writing and shall set forth or have attached thereto evidence of the claimed hardship. The Town Board shall schedule a public hearing on any such application within thirty (30) days of its receipt upon at least five (5) day notice by publication in the Town's official newspaper and posting on the Town Clerk's board. At said public hearing, the property owner and other interested parties shall be heard and given the opportunity to present evidence in connection with the application. The Town Board shall render a decision in writing within thirty (30) days of the public hearing.

Section 6.3 *Minimum Variance.* Any hardship use variance that is granted shall grant only the minimum variance that the Town deems necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Section 6.4 *Compliance With Other Laws.* In the event the Town grants a hardship use variance from the provisions of this Local Law to the applicant, the applicant shall be required to comply with all provisions of the Town's current (as of the effective date of this Local Law) zoning laws and other laws and regulations, together with any amendments to such law or regulations which may be enacted during the term of this Local Law.

SECTION 7 MISCELLANEOUS

Section 7.1 *Separability.* If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Town of Aurelius, by its Town Board, hereby declares that it would have enacted this Local Law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 7.2 *Headings.* Section headings are used only for convenience and have no meaning or effect.

Section 7.3 *Effective Date.* This Local Law shall become effective upon the filing of same with the Secretary of State.

Motion by Church to approve local law #1-2017 Stan, Second by Patterson. 4/0 approved.

DEC request for long term lease for the River Road Boat launch. – right back to square one. Could leave it at 33 years. The DEC is opposed to paying the debt service and the services you are consuming. They will pay the debt service in one lump sum.

But the money won't be appropriated until next year. Dave talked to them about conveying the property to them but they want to start with what they have.

Dominion Pipe Line – Attorney Thurston needs contact information as they have not responded to the LUP.

9. Executive Session – none

10. Supervisor report – February & March 2017 Resolution **#57-2017 Motion by Deputy Supervisor Church to have Supervisor Ide sign the Feb and March Supervisors report. Second by Councilor Hoskins. 4/0 approved.**

12. Transfers – none

13. Pay Bills – Abstract #7-2017 and Joint Project Bills, Abstract #156-2017 Joint Project **Resolution #58-2017 Motion by Deputy Supervisor Church to pay bills as presented, Second by Councilor Hoskins. 4/0 approved.**

Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND	\$9,420.04	\$10,824.80	\$20,244.84
B	GENERAL FUND PART TOWN	\$837.70	\$9,717.08	\$10,554.78
DB	HIGHWAYFUND PART TOWN		\$169,132.93	\$169,132.93
SL1	LIGHTING DISTRICT 1	\$264.20		\$264.20
SL2	LIGHTING DISTRICT 2	\$68.71		\$68.71
SS1	ELMHURST SEWER DISTRICT	\$2,750.84		\$2,750.84
SS2	SEWER DISTRICT 2	\$37,661.66	\$4,000.00	\$41,661.66
SS3	SEWER DISTRICT 3	\$19.05	\$503.75	\$522.80
SW1	WATER DISTRICT 1	\$16,819.73	\$7.87	\$16,827.60
SW2	WATER DISTRICT 2	\$26,694.75	\$4,010.45	\$30,705.20
SW3	WATER DISTRICT 3	\$287.15	\$4,090.44	\$4,377.59
TA	TRUST & AGENCY	\$1,659.50		\$1,659.50
	TOTAL:	\$96,483.33	\$202,287.32	\$298,770.65
HI	CC SEWER		\$56,257.04	\$56,257.04
HK	CC WATER			
	TOTAL:			\$355,027.69

14. Adjourn - **Resolution #59-2017 Motion by Councilor Hoskins to adjourn at 10:20pm. Second by Councilor Patterson. 4/0 approved.**

Next meeting is August 10, 2017 at 7:00pm.

Respectfully submitted by Clerk Debbie Pinckney