

**VILLAGE OF EAST AURORA  
VILLAGE BOARD MEETING  
August 20, 2018 -6 PM and 7 PM**

**Present:**

Trustee Lazickas (arrived at 6:56PM)  
Trustee Porter  
Trustee McCabe  
Trustee Schoeneman  
Trustee Cameron  
Mayor Peter Mercurio

**Absent:**

Trustee Sheer

**Also Present:**

Cathie Thomas, Village Administrator  
Shane Krieger, Chief of Police (arrived at 7)  
Matthew Hoeh, Superintendent of Public Works (arrived at 6:40)  
Bill Kramer, Building Inspector (arrived at 7)  
Maureen Jerackas, Clerk-Treasurer  
East Aurora Advertiser, East Aurora Bee (7)  
21 Members of the public (7)

A Motion by Trustee Cameron to enter into executive session per open meets law section 105 to meet with the attorney on a pending legal matter update, seconded by Trustee McCabe, with unanimous approval at 6:06PM

A Motion by Trustee McCabe to end the executive session, seconded by Trustee Porter, with unanimous approval at 6:57PM.

A Motion by Trustee Schoeneman to approve the village board minutes of August 6, 2018 as presented. Seconded by Trustee McCabe and carried with unanimous approval.

Trustee McCabe moved to approve the Payment of Abstract for:  
August 20, 2018: # 57282 - #57354, \$435,376.19  
Seconded by Trustee Schoeneman and unanimously carried.

**PUBLIC HEARING**

Special Use Permit application for Todd Laing for Buffalo Horse Drawn Pub Crawls

Mayor Mercurio asked Mr. Laing if he wanted to speak first and he said "no".

Margret Potter - 144 Park Place – Had a concern about people on these tours and on the bike tours yelling at residents on their properties. She asked the board to consider a route that doesn't include streets such as Oakwood Ave.

Harvey Shinarski – 123 Park Place – Likes the idea of this.

Trustee McCabe – Thinks the focus should be on the streets for the tour like Main, Riley, Elm, and Pine; and exclude streets like Oakwood because the vendors have no control over the customers.

Trustee Lazickas – wondered if being on Main Street caused more of an issue?

Mayor Mercurio – Does going through residential neighborhoods benefit our residents?

Trustee Schoeneman – asked if Main Street would cause an issue.

Police Chief - said Main Street is easier for the officers to control than on the side streets.

On a motion by Trustee Porter, seconded by Trustee McCabe the Public hearing was closed at 7:10pm

### **SPEAKERS & COMUNICATIONS (I)**

- Harvey Shymanski – 123 Park Place – Shared his concern about the Volume and noise level coming out of the park last Sunday. He submitted his statement but wanted to be clear it had nothing to do with what was going on in the park, it was completely about the volume coming from the park. He talked with the Pastor, and it was not corrected. He would like the village to ensure compliance.
- Margaret Potter - 114 Park Place – She also wanted to convey her concern over the volume of the event at the Park on August 12<sup>th</sup>. She feels it was excessive. She spoke to the pastor, who did not reduce the volume; she contacted the non emergency number 3 times and called all of the board members. The Clerk –treasurer reviewed a conversation she had with the Pastor that this was not the normal music that they would have on a Sunday. The group paid a sound engineer to run the board and that even though he reviewed the concern of volume with the band, the professionals did not work out. He said they would not be back this season and he understood the need to keep the volume down. The Pastor entered at this time and Mayor Mercurio reviewed what just happened for him and he responded with the same information he had given the clerk-treasurer adding that he did not feel he had control over the volume because of the paid engineers like the normal staff. Trustee Lazickas noted he went by and the noise was excessive that day. Trustee Porter asked about Decibel levels. The Police Chief said that there is nothing for that in the code. Trustee McCabe said decibels are hard to go by for volume. The Police Chief said normally we ask for the volume to get turned down and it happens.

### **OFFICIAL CONSIDERATIONS**

- Motion by Trustee Lazickas to approve a Temporary Use permit for the Roycroft Campus Corporation for their Antique show on Campus grounds, seconded by Trustee Cameron, with unanimous approval.
  - The Mayor Asked about the Flood Lights and Alan Lawiecki from 82 Columbia said they are six feet tall and they will be angled down at the tents.
- Motion by Trustee Porter to refer the development Plans for 17 Ernst Street – McDonalds to the Planning commission, seconded by Trustee Schoeneman with unanimous approval.
- Motion by Trustee McCabe to refer the revised development plans to the SEQR Committee for 0 and 41 Hamlin Ave and 40 Buffalo Road – Hamlin Condominium Project seconded by Trustee Lazickas with unanimous approval.
- Motion by Trustee Cameron to approve the Budget transfers as written, seconded by Trustee Porter with unanimous approval.
- Motion by Trustee Porter to approve the 9/17 Zoning Code update work session to provide 4 training credit hours to Zoning and Planning members, seconded by Trustee Lazickas with unanimous approval.

- Motion by Trustee Lazickas for the Special use permit application of Todd Laing for Buffalo Horse Drawn Pub Crawls with the restriction that only the following streets should be used during the crawl: Main, Elm, Riley, Fillmore, Pine, Hamburg, Grey, and Boies Alley, seconded by Trustee Schoeneman with unanimous approval.

#### **DEPARTMENT HEAD AND TRUSTEE REPORTS**

- Police – The Chief said they are interviewing for the 15<sup>th</sup> to replace Lieutenant Bleyle if everything goes well he will ask for approval in September.
- DPW – Done Paving Whaley, Fillmore and North Grove except the bridge. Sewer main collapse on Church Street, they are re-routing the sewer.
- Trustee McCabe – He would let Michelle review the meeting with Eco Verde. He met with the Roycroft.
- Trustee Cameron – Spoke about the tree board meeting and that Tony Rosati would be setting up a meeting with NYSEG about proactive trimming.
- Trustee Schoeneman spoke about the meeting with eco Verde with Trustee McCabe and they are looking to approach the farmers market and the Co Op about drop off points. They wanted to start with focused sites over residential at this time. Even when they go to residential they are still thinking of a drop sight ever few streets. They want to be proactive and start the trend.
- Trustee Porter – was looking for an update for when the upgrades for the Grey Street/Benderson Plaza would be complete. Liz said she would let him know when they were getting close.
- Mayor Mercurio – spoke about South Willow and Main. Wants to meet with Bill know what was in the permit and what can be done to comply with the permit.

#### **UNFINISHED BUSINESS**

- Discussion of financing options for purchase of the new ladder truck – held until next board meeting
  - The Administrator recommended that the reserve be used to bring the ladder truck under the million dollar amount because it saves a lot in processing fees. She will supply the board with exact amounts for the next meeting so a resolution to use the reserve can be done as well as the bond resolution. Trustee McCabe said he is still working to see if he can get an additional discount but agreed with using the reserve to get the bond under a million
- Motion by trustee Schoeneman to engage the engineering firm of Clark Patterson Lee to perform design and construction services for replacing the Tannery Brook Culvert behind 227 Main Street and the surrounding area seconded by trustee Porter
- Consideration to approve the agreement with the Town for development of a joint Village/Town office building - This will be held till the next meeting to have it clear what maintenance is defined as by the town. Kathy will be at the meeting at 9am and Trustee Sheer will be there for Trustee Porter with only Al abstaining.
  - The administrator stated that CPL was found to be competitive when it was reviewed by a resident that was an engineer. The resolution is for Alternative 6 and the project can be extended if need. The Mayor asked if this included fixing up the pipe and the Administrator said no it was going to cost much more than the speaker from CPL stated during the meeting because of the pumps required to do the work. CPL is to give us a solid estimate on that too.
- Consider approving agreement with the Town for the joint development of a joint Village Town office building – Held for next meeting more specifics are desired.

- Motion by Trustee Porter to set the wording for the public hearing local law change as written for section 263-14 of the village code seconded by Trustee Lazickas with unanimous approval.
  - The Public Hearing is set for September 17, 2018
- Motion by Trustee Porter reconfirmed their interest in the installation of the light at Kelly Drive and Mill road considering the new costs that developed, seconded by Trustee Schoeneman with unanimous approval.

## **NEW BUSINESS**

- Consider applying for a WIIA Grant for the Oakwood Ave Water Main Project: The replacement for the water main on Oakwood needs to be completed. The current system will not deliver the water pressure needed to meet code at the proposed joint Town/Village facility in the old fire hall. With Oakwood Ave being a long and wide street, causes for this project to be very costly, in the estimated neighborhood of \$3 million dollars. The NYS Water Infrastructure Improvement Act Grant (WIIA) would only cover roughly 25% of the project, and it would only be applicable to the water main. The entire project will include \$1.25 million for the water main replacement, leaving the Village to cover \$971,250. The grant deadline is September 7<sup>th</sup>, and in order to apply, the Village would need to get as much funding identified and set aside as possible. The Village Administrator noted that a resolution would need to be made at the next meeting for this bond.
- Donation of Elbert Hubbard statue: An artist has constructed a bronze statue of Elbert Hubbard. If the Village would agree to a prominent display and to cover shipping and display costs, the artist would be willing to donate the piece to the Village. The Board felt it would be appropriate to put the decision before the public via a public hearing, after vetting different requirements to have this completed.

## **SPEAKERS & COMMUNICATIONS (II)**

- Tony Rosati, 350 Oakwood Ave: Asked if the Zoning Code update training would be considered a public meeting, to which the Mayor and Village Administrator confirmed it to be.
- Todd Laing, 12477 Spaulding Rd., Springville: Asked if it would be acceptable for him to pick up customers at their homes if it deviates off the stipulated route. The Village Board restated Mr. Laing is to only take his outfit along the permitted streets.
- Mackenna Mercurio, 129 Center Street: Warned the Chief of Police and other attendees that Anthony Mercurio is now licensed by the State of New York to operate a motor vehicle.
- Margaret Potter, 114 Park Place: Expressed hope that the pedal pub tours will have their route modified to reflect the limitations placed upon Mr. Laing's enterprise. Ms. Potter also reviewed the timeline of her calls from the prior Sunday about the noise complaints concerning Church in the Park at Hamlin Avenue.
- Daniel Scheff, 30 Hamlin Ave: Distributed a copy of the letter to the Advertiser he wrote on behalf of the Hamlin/Fillmore Ave Neighborhood Association.

A Motion by Trustee Schoeneman to adjourn the meeting at 8:48 pm. Seconded by Trustee Porter and unanimously carried.

Respectfully submitted,

Maureen Jerackas  
Clerk-Treasurer