

**VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
October 1, 2018 – 7:00 PM**

Present:

Trustee Lazickas
Trustee Porter
Trustee Schoeneman
Trustee Cameron (arrived at 7:02 PM)
Deputy Mayor Scheer

Absent:

Trustee McCabe
Mayor Peter Mercurio

Also Present:

Cathie Thomas, Village Administrator
Shane Krieger, Chief of Police
Matthew Hoeh, Superintendent of Public Works
Robert Pierce, Village Attorney
Bill Kramer, Building Inspector
Maureen Jerackas, Clerk-Treasurer
East Aurora Advertiser,
9 Members of the public

A Motion by Trustee Porter to approve the village board minutes of September 17, 2018 and September 24, 2018 as presented. Seconded by Trustee Schoeneman and carried with unanimous approval.

Trustee Lazickas moved to approve the Payment of Abstract for:
October 1, 2018: # 57463 - #57523, \$344,393.99
Seconded by Trustee Schoeneman and unanimously carried.

PUBLIC HEARING

On a motion by Trustee Schoeneman seconded by Trustee Cameron the public hearing to consider a Special Permit Application for Julie Ciolek for the Aurora Cider House at 198 Main Street, requesting permission to establish a tasting room, selling hard cider, beer and wine for both on- and off-premises consumption was opened at 7:02pm

Dan Sheff - 30 Hamlin Ave - asked if this application was similar to the one discussed at the last meeting and the Mayor replied that they will be full servings of wine as well as tastings as well as Growlers.

Lou Daguanno -37 North Willow – asked about location and hours of operation. He is worried about the noise and lack of parking. He asked if Rite aid would be taking the overflow. It was noted that the hours were on the application at 12-10 on weekdays and 12-11 on weekends.

Joseph Spahn – 58 Buffalo – said his sister previously owned that property and the parking was for no more than 12. Trustee Cameron commented that the 25 parking spots listed are for 60 seats inside but the

outside seats are not listed on the application. It was discussed that the board may think of tabling it.

Trustee Schoeneman asked if they should ask them to resubmit.

Sheff said they were trying to renovate and the area is a mess.

Helen Witman – 30 Buffalo Rd – asked would happen when the rite aid parking lot was full. Trustee Scheer let her know they were talking about the lot behind the building.

The board would like to speak to the owners.

On a motion by Trustee Schoeneman seconded by Trustee Cameron the public hearing was closed at 7:12pm

On a motion by Trustee Lazickas seconded by Trustee Porter the public hearing to consider a Special Permit Application for Benderson Development Company for the Aurora Village Shopping Center at 123 Grey Street, requesting permission to install 10 banners on newly-installed pedestrian-scale light poles was opened at 7:12pm

The Representative for Benderson Development spoke and had drawings. He said the attempt to make the area more pedestrian friendly looking by adding 2X3 foot banners that have 8 foot clearance underneath. A total of 10 banners would be on the property and not on the road. He sighted that Niagara Falls Boulevard has them. The Banners will have tenant information on them.

Tony Rosottie – 350 Oakwood asked if they will have more banner in the future and Benderson rep stated at this time we are only asking for 10 and we know we would have to come back to the board if we ever wanted more than 10. Tony asked if this was instead of lighted signs and Benderson said no. Tony feels the existing signs are against code. Seems like the extra signs will be clutter but likes the new sidewalks. Trustee Scheer asked if they wanted more than 10 Banners and the Benderson rep stated at this time we are only asking for 10 and we know we would have to come back to the board if we ever wanted more than 10.

Joseph Spahn – 58 Buffalo – stated he wants a designated sidewalk in the plaza. The administrator reviewed the cross walk areas in the plaza. Helen Witman – 30 Buffalo Rd agreed that walking was especially a problem in the snow. Then she asked about how many more lights. The benderson rep said they are not asking for more lights only the 10 banners.

Kathy Lee – 570 Fillmore - Asked if they are sticking with 10 banners. Benderson rep stated at this time we are only asking for 10 and we know we would have to come back to the board if we ever wanted more than 10.

She asked if this is in the code. Mr. Kramer replied that they are considered special signs and they need board approval. Trustee Lazickas wanted to know how many tenants. He said 13 including mighty taco. The Benderson rep noted that not all tenants would get banners. Trustee Cameron asked about durability and the reps said they were and are made of vinyl. The administrator suggested adding to approve the plan as shown and all underlining codes must be compliant to go along with the approval. Trustees Porter and Lazickas think it looks good.

On a motion by Trustee Porter seconded by Trustee Lazickas the public hearing was closed at 7:28pm

On a motion by Trustee Cameron seconded by Trustee Porter the public hearing to consider a Local Law to Amend the Village Code adding a Section for the Senior Citizen Property Tax Exemption, including new income eligibility limits, as recently authorized by the State was opened at 7:28pm

The Administrator noted that the board has already passed this a resolution in the past they are only looking to increase the amounts. In the past this was all done via resolution but we feel that it is better to be as a local law for the future. The clerk agreed that it is easier to look up as a local law. Trustee Porter asked when others passed this law, the clerk noted that the county did on 7.26.18 per the paperwork we received from the town and would believe they did recently based on the information they sent the village.

Karen Lee – 570 Fillmore – asked what taxes that applied to reducing and it was noted that it is the village taxes. Trustee Cameron asked if we could amend this law in the future and it was noted they could following the same process as creating this amendment.

On a motion by Trustee Lazickas seconded by Trustee Porter the public hearing was closed at 7:36pm

SPEAKERS & COMMUNICATIONS (I)

- Tony Rosotti – 350 Oakwood – said he has no issue finding meeting minutes but sometimes has an issue finding Agendas. The Administrator spoke about the web site and they she has already spoken to the mayor about considering updating the web site next fiscal year. He wanted to speak about official consideration 4D about the 4 ways stop to consider multiple options.
- Helen Witman – 30 Buffalo Rd – wants a stop sign at each corner, the police chief noted that this was looked at previously with different options and should go to the next step.

OFFICIAL CONSIDERATIONS

- Motion by Trustee Lazickas set a public hearing to Consideration of an Application for a Permit for Keeping Other Than Household Pets, which permit request is from Thomas Ruhland, proposing to establish a hive of honey bees at 840 Chestnut Hill Road for November 5, 2018, seconded by Trustee Porter with unanimous approval.
- Motion by Trustee Lazickas to schedule a public hearing on November 5, 2018 to consider an amendment to a Special Permit Application for James DePerno for The General Riley House at 644 Oakwood Avenue, requesting permission to utilize a basement bar serving cocktails, with hours of operation Tuesday through Saturday from 4 to 11 p.m., seconded by Trustee Schoeneman with unanimous approval.
- Motion by Trustee Lazickas to Refer to the Historic Preservation Commission an Application for a Demolition Permit for a single family home at 687 Hilliker Court, seconded by Trustee Schoeneman with unanimous approval.
- Motion by Trustee Schoeneman to Refer to the Safety Committee a request for a four-way STOP at the intersection of Maple Road and North Street, where a two-way STOP exists for traffic on North Street., seconded by Trustee Cameron with approval, only Trustee Lazickas voting Nay.
- Motion by Trustee Lazickas to Approve a Temporary Use Permit for the East Aurora High School for their Homecoming Celebration seconded by Trustee Porter with unanimous approval.
- Motion by Trustee Cameron to TABLE the Consideration to Approve a Special Permit Application for Julie Ciolek for the Aurora Cider House at 198 Main Street, requesting permission to establish a tasting room, selling hard cider, beer and wine for both on- and off-premises consumption, seconded by Trustee Lazickas with unanimous approval to table.
- Motion by Trustee Schoeneman to Approve a Special Permit Application for Benderson Development Company for the Aurora Village Shopping Center at 123 Grey Street, requesting permission to install 10 banners on newly-installed pedestrian-scale light poles as shown with all underlining codes that must be adhered to along with the approval, seconded by Trustee Porter with unanimous approval.
- Motion by Trustee Porter to Approve an Amended Union Contract with the East Aurora Quaker Club Police Benevolent Association, with a term from June 1, 2017 through May 30, 2022, seconded by Trustee Lazickas with unanimous approval.

- Trustee Schoeneman asked for a review from the administrator. She gave the board a review of the proposed changes.
- Motion by Trustee Schoeneman to Approve an Amended Union Contract with the East Aurora Fire Control Unit (Dispatchers), with a term from June 1, 2018 through May 30, 2023, seconded by Trustee Cameron with unanimous approval.
 - The administrator gave a review of this contract's change to the board.

ADOPT LOCAL LAW No. 3 OF 2018: VILLAGE CODE 235-31 to 235-36

Trustee Lazickas, offered the following resolution and moved for its adoption:

WHEREAS, the Board of Trustees of the Village of East Aurora, New York held a public hearing on October 1, 2018 at 7:00 pm in the Council Chambers of the Municipal Building, 571 Main St, East Aurora, NY to consider the amendment to local law Section 235 Taxation of the Laws of the Village of East Aurora, and

WHEREAS, all persons were given an opportunity to speak for or against this local law;

WHEREAS, the proposed local law to be amended is as follows:

Article VI Seniors Exemption

235-31 Grant of exemption

A. Real property in the Village of East Aurora owned by one or more persons, each of whom is 65 years of age or over, or real property owned by a husband and wife, one of whom is 65 years of age or over, shall be exempt from taxation by the Village to the extent of 50% of the assessed valuation thereof. Such exemption shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed.

B. The real property tax exemption on real property owned by a husband and wife, one of whom is 65 years of age or over, once granted, shall not be rescinded by the Village solely because of the death of the older spouse, so long as the surviving spouse is at least 62 years of age.

235-32 Limitations on exemption

No exemption shall be granted:

A. If the income of the owner or the combined income of the owners of the property exceeds the sum of \$35,400.00 for the income tax year immediately preceding the date of making application for exemption.

(1) Percentage of exemption to be calculated as provided in the following schedule:

Percent of Exemption	Minimal Income	Maximum Income
50%	0.00	27,000.00
45%	27,000.01	27,999.99
40%	28,000.00	28,999.99
35%	29,000.00	29,999.99
30%	30,000.00	30,899.99
25%	30,900.00	31,799.99

20%	31,800.00	32,699.99
15%	32,700.00	33,599.99
10%	33,600.00	34,499.99
5%	34,500.00	35,399.99

(2) "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return, or if no such return was filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest dividends, total gain from sale or exchange of a capital asset, which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing the net rental income and net self-employment income, no depreciation deduction shall be allowed for the exhaustion, wear and tear, of real or personal property held for the production of income. For the purposes of this article, income shall not include veteran's disability compensation, as defined in Title 38 of the United States Code.

B. Unless the title of the property shall have been vested in the owner or all of the owners of the property for at least 24 consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of 24 consecutive months provided further, that in the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of 24 consecutive months and provided further that where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, and further provided that where a residence is sold and replaced with another within one year and is in the same assessment unit, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this section. Notwithstanding any other provision of law, where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation as provided in this article.

C. Unless the property is used exclusively for residential purposes.

D. Unless the property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property.

235-33 Notice of eligibility

The Village shall notify, or cause to be notified, each person owning residential real property in the Village of the provisions of this article. The provisions of this section may be met by a notice or legend sent on or with each tax bill to such persons reading, "You may be eligible for senior citizen tax exemption. For information, please call or write..." followed by the name, telephone number and/or address of the person or department selected by the Village to explain the provisions of this article. Failure to notify, or cause to notify, any person who is, in fact, eligible to receive the exemption provided by this article or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

235-34 Annual application required

Application for such exemption must be made by the owner, or all of the owners of the property, on forms prescribed by the State Board of Equalization and Assessment to be furnished by the Assessor appointed by the Village and shall be filed in the Assessor's office on or before the taxable status date of the Village.

235-35 Notice to applicants

At least 60 days prior to the appropriate taxable status date, the Assessor shall mail to each person who was granted exemption pursuant to this article the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to be granted. The assessing authority shall, within three days of the completion and filing of the tentative assessment roll, notify by mail any applicant who has included with his or her other application at least one self-addressed, prepaid envelope, of the approval or denial of the application; provided, however, that the assessing authority shall, upon the receipt and filing of the application, send by mail notification of receipt to any applicant who has included two of such envelopes with the application. Where an applicant is entitled to a notice of denial pursuant to this subdivision, such notice shall be on a form prescribed by the State Board of Equalization and Assessment and shall state the reasons for such denial and shall further state that the applicant may have such determination reviewed in the manner provided by law. Failure to mail any such application form and notice or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

235-36 Penalties for offenses; forfeiture

Any conviction of having made any willful false statement in the application for such exemption, shall be punishable by a fine of not more than \$100 and shall disqualify the applicant or applicants from further exemption for a period of five years.

Effective date: This amendment to local law shall take effect immediately upon filing with the Secretary of State, and shall be added to the text of the Local Laws thereafter.

NOW THEREFORE, BE IT RESOLVED, this amendment to village code section 235 is hereby adopted.

The following resolution was seconded by Trustee Schoeneman, and duly put to a roll call vote which resulted in the following:

Trustee Lazickas	Y
Trustee Porter	Y
Trustee McCabe	Absent
Trustee Schoeneman	Y
Trustee Cameron	Y
Trustee Sheer	Y
Mayor Mercurio	Absent

The Local Law was, therefore, duly adopted.

- **MOTION TO APPOINT DARLENE WILLIAMSON AS A SENIOR POLICE CLERK**

Motion by Trustee Cameron, to appoint Darlene Williamson, 5204 Glendale Avenue, Hamburg, NY 14075, to the position of Senior Police Clerk for the Village of East Aurora, effective October 15, 2018. The starting base pay rate will be \$19.75 per hour, with other employment provisions pursuant to the Rules for the Classified Civil Service for Erie County and the Village Employee Handbook in effect as of the date of hire, and as may be amended from time to time. Seconded by Trustee Lazickas was unanimously approved and carried.

- The Chief noted that Bev is leaving to return to Florida and of only 15 possible candidates they only had 8 respond, one canceled the interview and they interviewed the remaining 7. This person was a stand out. She said she is excited to come aboard.
- Motion by Trustee Porter to Approve the following wage adjustments:
 - Gretchen Rich wage change to \$19 per hour;
 - Nancy Burkhardt wage change to \$20 per hour;
 - Mary Ann Arnold wage change to \$24.62 per hour,seconded by Trustee Lazickas with unanimous approval.
- Motion by Trustee Lazickas to Approve an Amended Sexual Harassment Policy, seconded by Trustee Cameron with unanimous approval.
 - The Administrator noted that there are new rules for Sexual harassment and the policies need to contain certain information. It must be approved by October 8, 2018. There is training required that is interactive and the clerk and administrator will set it up.
- Motion by Trustee Lazickas to schedule a public hearing on October 15, 2018 on projects for the community Development Block Grant Funds., seconded by Trustee Schoeneman with unanimous approval.
 - The administrator reviewed that while there are no low mod areas in the village they funds can always be used for project such as ADA ramps in the new Oakwood project the help make the area handicap accessible. We will be requesting \$81,000 for the project. The board felt it was a good idea.
- **Resolution of the Village Board of the Village of East Aurora Requesting Special Legislation to be Approved by the State Legislature so that East Aurora Police Officer**

Dustin Waldron may be enrolled under Section 384-d of the Retirement and Social Security Law

On a motion by Trustee Schoeneman

WHEREAS, Village Police Officer Dustin Waldron is currently enrolled under Section 375-i of the Retirement and Social Security Law, that is the New York State Retirement System for Police Officers; and

WHEREAS, a change in said enrollment for Officer Waldron should occur so that he may be enrolled under Section 384-d of the Retirement and Social Security Law; and

WHEREAS, in order for this change to occur, it is required that Special Legislation be Approved by the New York State Legislature.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of East Aurora hereby requests that Special Legislation be Drafted and Approved by the State Legislature so that Village Police Officer Dustin Waldron may be enrolled under Section 384-d of the Retirement and Social Security Law.

AND, BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately. Seconded by Trustee Lazickas with unanimous approval.

DEPARTMENT HEAD AND TRUSTEE REPORTS

- Police – The Chief said the Borderland festival went well.
- DPW – Tannery Brooks project was started and no issues with the pumps
- Code – DEC storm water audit was done but the report has not been received.
- Administrator – 9am meeting with the town on the joint building and open house is now October 25th. Oakwood RFP to go out with Oct 26 at 10am due date
- Trustee Cameron – Tree board meeting was on the 20th the DPW did a nice job removing the tennis courts. The emerald ash borne was discussed and Forester Nick came in suggesting the trees be treated every 2 years. The last treatment was in 2014 and now they are being done again in 2018. The superintendent said that the stuff that was used was marked for 4 years. It was also suggested to remove bad trees and concentrate on the small amount that you could prolong the life to save on the injections.
- Trustee Porter – None
- Trustee Schoeneman - None
- Trustee Lazickas – None
- Deputy Mayor Scheer – Commented on a dead tree near Maple, The superintendent said that he has called the DOT as it is outside the right-a-way. He heard that Boarderland was great; wish music land was like that. Trash was great ACES was there so there was minimal waste. Thought that the crowd may have been better because of the cost and because it was contained. Trustee Schoeneman added that they have limited tickets.

UNFINISHED BUSINESS

NEW BUSINESS

SPEAKERS & COMUNICATIONS (II)

Karen Lee – 570 Fillmore – also spoke about injecting the emerald ash bore trees every 2 years, as well as a possible hybrid that is being worked on the might make the trees resistant. But currently because of the bugs there will be complete devastation.

Lou Daguanno -37 North Willow – asked if the damage to the trees happens quickly, he also wanted to comment that with all the bars coming up where he believes that is not making the area family friendly they need to keep 0-40 Hamlin green. He also asked if Bill could look into the area by the Dunkin Donuts that looks like the grass was run over and see about contacting the home owner to repair the area.

Tony Rosotti asked if there was anything more on the Hubbard Statue, to which Cathie said this is on our list and we will be speaking about it more.

Dan Sheff – 30 Hamlin – sent a document to the board for their review. He asked the board to read the update. He stated that the NYS Dept of Health agrees that more soil and monitoring holes need to be done as well as community airflow monitoring. He will continue to update the board.

EXECUTIVE SESSION

A motion by Trustee Porter seconded by Trustee Lazickas to enter executive session on a matter of personnel having to do with a specific person at 8:34 Pm

A motion by Trustee Lazickas seconded by Trustee Schoeneman to close the executive session on a matter of personnel having to do with a specific person at 9:07 Pm

A Motion was made by Trustee Cameron to adjourn the meeting at 9:07 pm. Seconded by Trustee Lazickas and unanimously carried.

Respectfully submitted,

Maureen Jerackas
Clerk-Treasurer