

**VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
October 15, 2018 – 7:00 PM**

Present:

Trustee Lazickas
Trustee Porter
Trustee McCabe
Trustee Schoeneman
Trustee Cameron
Deputy Mayor Scheer
Mayor Peter Mercurio

Absent:

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, East Aurora Bee
11 Members of the public

A Motion by Trustee Cameron to approve the village board minutes of October 1, 2018 as presented.
Seconded by Trustee Porter and carried with unanimous approval.

Trustee Lazickas moved to approve the Payment of Abstract for:
October 15, 2018: # 57431 - #57578, \$188,561.91
Seconded by Trustee McCabe and unanimously carried.

PUBLIC HEARING

On a motion by Trustee Schoeneman seconded by Trustee McCabe the public hearing to consider a of the proposal for the Village to apply to receive Community Development Block Grant (CDBG) funds and acceptance of comments on the proposal was opened at 7:02pm

The Village Administrator reviewed what CDBG was and the two projects that were going to be submitter which are \$81,900 for ADA ramps for the Oakwood project and secondly the Rule transit senior van service.

No additional comments from the public or the board

On a motion by Trustee Porter seconded by Trustee Cameron the public hearing was closed at 7:06pm

SPEAKERS & COMUNICATIONS (I)

- None

OFFICIAL CONSIDERATIONS

- Motion by Trustee Lazickas set a Public Hearing on November 19, 2018, to consider a Special Permit Application for Todd Stine and East Aurora Properties, to develop a 9-room Airbnb and Event Center at 649 Main Street, seconded by Trustee McCabe with unanimous approval.
- Motion by Trustee Cameron to schedule a public hearing on November 5, 2018, to consider a Temporary Use Permit Application for Abolutcare to hold a community tree lighting ceremony November 24, 2018 seconded by Trustee Lazickas with unanimous approval.
- Motion by Trustee McCabe seconded by trustee Porter to Table the Review of the Full Environmental Assessment Form (FEAF) and Determination of Significance under the State Environmental Quality Review Act (SEQRA) a Rezoning Application for 40 Buffalo Road, currently zoned Residential Commercial District (R-C) and requested to change to Group/New Townhouse Residential District (R-G-N), which the FEAF Review and Determination also includes the parcel at 0/41 Hamlin Avenue until the November 19, 2018 board meeting, was approved with a nay from Trustee Schoeneman.
 - Trustee Schoeneman did not receive notification that the applicant requested that this topic be tabled to another meeting
- Motion by Trustee Lazickas seconded by trustee McCabe to Table the Consideration to Adopt Local Law No. 4 of 2018: Rezoning the property at 40 Buffalo Road from Commercial District (R-C) to Group/New Townhouse Residential District (R-G-N) until the November 19, 2018 board meeting, was unanimously approved.
- Motion by Trustee Lazickas to Approve a Request from Matildabird, LLC, dba the Globe Hotel and Restaurant at 709-711 Main Street, for a Waiver of the 30 Day Municipal Notification for an On-Premise Liquor License serving liquor, wine, beer and cider in a restaurant, seconded by Trustee Scheer with unanimous approval.
 - Trustee Schoeneman asked if this was a standard procedure and other board members said it was standard.
- **RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN A CONTRACT WITH ERIE COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Trustee Lazickas offered the following resolution and moved for its adoption:
WHEREAS, the Village Board of the Village of East Aurora desires to enter into a contract to participate in the Erie County Community Development Block Grant (ECCDBG) program for the following projects, listed in order of their ranking of priority by the East Aurora Village Board:
1. 2019-2020 Oakwood Avenue ADA Ramps \$81,900;
WHEREAS, the Village Board of the Village of East Aurora deems it in the public interest to authorize the Mayor of the Village of East Aurora to sign, submit and execute contracts for ECCDBG-funded projects, upon approval of the ECCDBG program for the aforementioned projects.
NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of East Aurora hereby
Authorizes the Mayor of the Village of East Aurora to sign, submit and execute contracts for ECCDBG-funded projects, upon approval of ECCDBG program for the following projects, listed in order of their ranking priority:
1. 2019-2020 Oakwood Ave ADA ramps \$81,900;
BE IT FURTHER RESOLVED, that the Village Clerk–Treasurer will forward a certified copy of this resolution to the ECCDBG Erie County Consortium. The foregoing resolution was seconded by Trustee McCabe, and unanimously approved

- RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN A CONTRACT WITH ERIE COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Trustee Scheer, offered the following resolution and moved for its adoption:
 WHEREAS, the Village Board of the Village of East Aurora desires to enter into a contract to participate in the Erie County Community Development Block Grant (ECCDBG) program for the following projects, listed in order of their ranking of priority by the East Aurora Village Board:

2. 2019-2020 Rural Transit Service Van Program; and
 WHEREAS, the Village Board of the Village of East Aurora deems it in the public interest to authorize the Mayor of the Village of East Aurora to sign, submit and execute contracts for ECCDBG-funded projects, upon approval of the ECCDBG program for the aforementioned projects.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of East Aurora hereby
 Authorizes the Mayor of the Village of East Aurora to sign, submit and execute contracts for ECCDBG-funded projects, upon approval of ECCDBG program for the following projects, listed in order of their ranking priority:

2. 2019-2020 Rural Transit Service Van Program; and
 BE IT FURTHER RESOLVED, that the Village Clerk–Treasurer will forward a certified copy of this resolution to the ECCDBG Erie County Consortium. The foregoing resolution was seconded by Trustee Cameron, and unanimously approved

- Motion by Trustee Cameron to approve adjustments for the 2018-2019 budget year, seconded by Trustee McCabe with unanimous approval.

To Account	Amount	Department	Line Item	From Account	Amount	Department	Line Item
1.1320.410	\$5,000.00	Auditor	Contractual services	1.1990.0400	\$5,000.00	Contingency	Contingency
1.1325.403	\$2,000.00	Administrator	Office supplies	1.1990.0400	\$2,000.00	Contingency	Contingency
1.1325.440	\$7,000.00	Administrator	Training and travel	1.1990.0400	\$7,000.00	Contingency	Contingency
1.9025.800	\$7,800.00	Fire Incentives	Fire Incentives	1.1990.0400	\$7,800.00	Contingency	Contingency
1.9055.800	\$2,200.00	Unemployment ins	Unemployment ins	1.1990.0400	\$2,200.00	Contingency	Contingency

To Account	Amount	Department	From Account	Amount	Department	Line Item
2.8310.410	\$1,000.00	water administration	2.1990.400	\$1,000.00	Contingency	Contingency
2.8310.420	\$500.00	water administration	2.1990.400	\$500.00	Contingency	Contingency

- Motion by Trustee Schoeneman to add the Application for a special use permit for the Aurora Cider House back to the agenda, seconded by Trustee Porter with unanimous approval.
- Motion by Trustee Porter 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 with the extra stipulations (attached), seconded by Trustee Cameron, and unanimously approved.
 - Aurora Cider House Special Permit

1. Determination: The Special Permit Application, dated August 29, 2018, is hereby **APPROVED** for applicant Julie Ciolek to operate the Aurora Cider House at 198 Main Street and is declared to be a Type II Action under SEQRA.

2. Conditions: Approval is granted for the above-referenced Special Permit Application, as written, and with the following modifications and/or conditions*:

- A. The maximum allowable occupancy shall be 45 persons, including those sitting and standing;
- B. The minimum number of parking spaces to be established shall be 18;
- C. No outdoor dining is allowed nor permitted;
- D. No changes to the building exterior are permitted without Development Plan Approval;
- E. Hours of operation shall be as follows:
 - Mon., Tues., Wed. from 3 to 10 p.m.
 - Thurs., Fri., Sat., Sun. from Noon to 11 p.m.;
- F. All products sold for off-premises consumption shall be sealed.

3. Conflict with the Village Code: Should any part of the application and approval be in conflict with any segment of the underlying Village Code (i.e., Zoning, etc.), adherence shall be with the Village Code provisions.

4. Inspections: The Village shall have the right to periodically inspect the property for compliance with the Special Permit and its conditions.

5. Increase or Expansion of Use: The nature, duration and intensity of the operations which are involved in, or conducted in connection with, this Special Permit shall not be increased or expanded without the approval of the Village Board. Any increase or expansion shall be considered at a public hearing held in accordance with the application requirements and administrative procedures which have been adopted by the Village Board.

6. Expiration: This Special Permit shall expire if meaningful construction has not been commenced within one year, and has not been completed within two years, of final Special Permit approval or, if no construction is involved, if the use has not been commenced within one year of final Special Permit approval.

This Special Permit shall expire if the use, once begun, ceases operation, for any reason, for more than six consecutive months. For seasonal uses, the use will be considered ceased if there is no operation for at least 12 consecutive months.

7. Revocation: This Special Permit may be revoked by the Village Board if it is found and determined that there has been a material failure of compliance with any one of the terms, conditions, limitations or requirements imposed by the Permit. The Village Board shall hold a public hearing to consider whether or not the Special Permit grantee has violated the terms and conditions of the Special Permit. The public hearing shall be held only after the permit grantee has been notified. Notice of the violations and of the date, place and time of the public hearing shall be mailed to the Special Permit grantee by certified mail, return receipt requested, directed to the last known address of the permit grantee.

- Bill Kramer asked to have the Aurora Cider House put back on the agenda as they agreed that the application was not for outdoor dining. The parking lot can manage 18 cars and that would be 45 allowable capacity including standing room. Lenny Ciolek of 475 Transit Rd Orchard Park represented the Aurora Cider House. He stated that the changes he wanted to make that would need a site plan he is not doing at this time. It was noted that there was to be no outside music. Mr. Ciolek noted that the containers that people could take out would be sealed. The mayor asked about signage. He said they were looking into etched glass and a light hanging over the second story, it would not be internally light. The mayor asked about food. He said he planned to have things like nachos, soft pretzels, and microwave pizzas. Michelle asked what renovations they were doing and he said ADA bathrooms and the bar area. Trustee Scheer asked about a dumpster verse garbage totes. Mr. Ciolek said he would try totes first, but may need a dumpster though he noted most of the garbage would be boxes for recycling. The list of additional requirements was reviewed as noted above.

DEPARTMENT HEAD AND TRUSTEE REPORTS

- Police – New Clerk Started today.
- DPW – None
- Code – None
- Administrator – Town open house is now October 25th at 6:00PM
- Clerk -Treasurer – Made a recommendation to the board to consider passing a resolution to allow the Clerk – Treasurer to invest fund balance as well as other available funds with NYCLASS. Noting that if they took 2 million and invested it with NYCLASS for a year at the current rate the village would get a return of over \$40,000. She also said she was looking into a cash back credit card. She met with Three plus one, which was highly regarded by the Town, however the clerk – Treasurer felt that the village should get the low hanging fruit they are aware of on their own first before hiring someone to tell us what we already know. The village could consider their services later. Three plus one charges \$9,999 to give you a report to tell you how you can invest your money and have a better banking relationship, then has a fee of over \$7,000 per year on top of the report cost. The board members asked for information on NYCLASS and will consider it at the next board meeting. It was noted that the water bills are due on Wednesday. The financial statements are done and the Auditors will be asked to come review them at the November 19, 2018 board meeting.
- Trustee Lazickas – None
- Trustee McCabe - None
- Trustee Cameron – Capital meeting tomorrow, one person has resigned we will be looking for another person. Cathie will put it on the web and do a press release.
- Trustee Scheer – None
- Trustee Schoeneman - None
- Trustee Porter - Asked about the status of the joint building. Cathie said they have been meeting. The Attorney is also working with the town on the contract.
- Mayor Mercurio – 11Am on Veterans' Day the post on center Street will have a half hour ceremony and an hour movie followed by a light lunch.

UNFINISHED BUSINESS

NEW BUSINESS

SPEAKERS & COMMUNICATIONS (II)

Joseph Spahn – 58 Buffalo Rd. – Congratulated the Admin and Clerk Treasurer that they have come in and saved the village a lot of money.

Tony Rosotti noted that he thought for the Bank on their special use permit that where it says 15 people/ square foot it should be the opposite. He noted on October 30,2018 at the senior center they will be doing things for the candidates.

Laura Gill – 184 Maple Rd. Asked about the safety committee and it was noted that they have yet to have their meeting but would be meeting before the next board meeting.

Dan Sheff – 30 Hamlin – He wanted it noted that the Hamlin group was there and the developer was not. He submitted a document that had previously been sent to the board. He believed that the developer only spoke to one resident and no one else having to do with his ideas to change his plans. They will be at the next meeting when the topic is discussed again.

A Motion was made by Trustee Cameron to adjourn the meeting at 7:57 pm. Seconded by Trustee Lazickas and unanimously carried.

Respectfully submitted,

Maureen Jerackas
Clerk-Treasurer