

**VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
November 5, 2018 – 7:00 PM**

Present:

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

Absent:

Trustee Scheer

Also Present:

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

A Motion by Trustee Lazickas to approve the village board minutes of October 15, 2018 as presented.
Seconded by Trustee McCabe and carried with unanimous approval.

Trustee Porter moved to approve the Payment of Abstract for:
October 15, 2018: # 57431 - #57662, \$206,849.59
Seconded by Trustee Cameron and unanimously carried.

Proclamation from the Mayor in Recognition of the Service to the Village - Lowell Dewey

PUBLIC HEARING

- On a motion by Trustee Schoeneman seconded by Trustee Porter the public hearing to consider 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 was opened at 7:06pm
 - No comments from the public or the board.
- On a motion by Trustee Lazickas seconded by Trustee Schoeneman the public hearing was closed at 7:07pm

- On a motion by Trustee Lazickas seconded by Trustee McCabe the public hearing to consider an Application for a 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. was opened at 7:07pm
 - No comments from the public or the board.
- On a motion by Trustee Cameron seconded by Trustee Porter the public hearing was closed at 7:08pm

SPEAKERS & COMUNICATIONS (I)

- Ray Seaburns – 34 Park Place East Aurora – speaking as a representative from ACES (Aurorans for Climate and Energy Sense) and for the Electric Vehicle Charging Station. He noted he wanted to work with whoever is best for the village. He said a single charger is \$4,000 with a \$4,000 grant or a double charger for \$6,000 with and \$8,000 grant. Neither included installation. Doing this will give the Village paints to reach a 10,000 grant. They would like to re-establish a committee including Cathie, Matt and a board rep. The Grants are through NYSEKDA. The village must own the location they want to put it in so we receive credit. It was talked about putting them in a place where the person could patronize our shops when charging. It was said that depending on the car a full charge can be 4-9 hours and a top off could be as short as 30 min. The grant limit for chargers was said to be \$200,000. If anyone has questions on this they should e-mail Cathie and she will get the answers from the vendor.

OFFICIAL CONSIDERATIONS

- Motion by Trustee Lazickas, to approve 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, seconded by Trustee Schoeneman with unanimous approval.
- Motion by Trustee Lazickas to approve 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 McCabe with unanimous approval.

The Village Attorney and Code Enforcement Officer should advise the Village Board on any required SEQRA determination, prior to considering approval of a Special Permit Application or an amendment to a previously approved Special Permit.

An Application of a Request to Amend a Special Permit, dated September 13, 2018, is hereby

APPROVED for applicant James DePerno, to operate the Elm Street Bakery/

General Riley House, at 644 Oakwood Avenue/72 Elm Street.

Said Approval is determined to be a Type II Action under SEQRA.

If approved, the following additional language should be part of the approval:

Approval is Granted for the above-referenced Amendment to a Special Permit Application, as written, and as it relates to the original Special Permit previously approved by the Village Board on December 21, 2015, as specified on the issued permit, and with the following modifications and/or conditions*:

No additional conditions

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.

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

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.

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.

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.

- Hours from 4pm-11pm were verified by the applicant
- Motion by Trustee Porter seconded by trustee Cameron to Approve a Temporary Use Permit Application for Abolutcare to hold a community tree lighting ceremony November 24, 2018, was unanimously approved.

- Motion by Trustee Lazickas Approve an Amended Contract for the Fire Emergency Medical Services Control Joint Services Agreement to add the Town of Sardinia as a partner to the agreement, seconded by Trustee Scheer with unanimous approval.

Fire – Emergency Medical Service Control Joint Service Agreement Amendment

The following agreement is entered into the 26th day of November, 2018, among the Towns of Aurora, Elma, Holland, Marilla and Wales and the Village of East Aurora, municipal corporations existing under the laws of the State of New York and located in Erie County, New York (hereinafter referred to as “Participating Municipalities”) and the Village of East Aurora.

WHEREAS, there is an existing agreement, dated March 3, 1977, detailing the terms and conditions under which the Participating Municipalities, including fire companies, departments, and districts within those municipal boundaries, are provided dispatch services from the Village of East Aurora; and

WHEREAS, the Town of Sardinia, including the Chaffee-Sardinia Volunteer Fire Company, has requested to be added as a partner and Participating Municipality to the existing agreement and has requested that beginning January 1, 2019, that the Village of East Aurora shall provide dispatch services for the Town of Sardinia; and

WHEREAS, the Town Boards of the Towns of Aurora, Elma, Holland, Marilla and Wales and the East Aurora Village Board must consent to the Town of Sardinia being added as a partner and Participating Municipality in order to receive dispatch services from the Village of East Aurora, under all the same terms and conditions of the March 3, 1977 agreement, and as may be amended from time to time; and

WHEREAS, the fiscal impact for the Participating Municipalities shall be that the Town of Sardinia shall make payments in accordance with Section 9 – Expenses of Operation, Section 10 – Approval of Expenses, and Section 11 – Allocation of Cost, as detailed in the March 3, 1977 agreement, where all applicable expenses shall now be shared among seven Participating Municipalities, instead of the current six Participating Municipalities.

NOW, THEREFORE BE IT RESOLVED, that the Participating Municipalities hereby Approve an Amendment to the Fire – Emergency Medical Services Control Joint Service Agreement, for the Town of Sardinia to be added as a partner and Participating Municipality to receive dispatch services from the Village of East Aurora, under all the same terms and conditions of the March 3, 1977 agreement.

- Motion by Trustee Porter to Referral to Planning Commission: Development Plan for 227 Main Street, replace shed and cooler, seconded by Trustee Lazickas with unanimous approval.

- Return of Unpaid 2018-2019 Village Taxes

Trustee Schoeneman offered the following resolution and moved for its adoption:

WHEREAS the Board of Trustees of the Village of East Aurora levied real property taxes against all assessable real property in the Village to meet local government requirements for the 2018-2019 fiscal year, and

WHEREAS the Village Clerk Treasurer of the Village of East Aurora has submitted a list of unpaid Village taxes for said year after continued servicing actions, and

WHEREAS the Village of East Aurora desires the Erie County Department of Real Property Tax Services to enforce the collection of delinquent Village taxes,

NOW THEREFORE BE IT RESOLVED that the attached list of delinquent real property taxes, representing forty five (45) parcels and totaling \$69,834.62, be submitted to the Erie County Department of Real Property Tax Services for relevy and subsequent reimbursement to the Village of East Aurora.

The foregoing resolution was seconded by Trustee Porter and unanimously carried.

- **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-e of the Retirement and Social Security Law**

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-e 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-e of the Retirement and Social Security Law.

AND, BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

The foregoing resolution was duly made by Trustee Cameron and seconded by Trustee McCabe and unanimously carried and approved on November 5, 2018.

- Motion by Trustee Schoeneman to TABLE until 11.19.18 the Consideration to Authorize the Mayor to Sign an Agreement with the Town of Aurora for the creation and sharing of municipal offices at 575 and 587 Oakwood Avenue, seconded by Trustee Porter with unanimous approval.

- Motion by Trustee Porter to Approve a Temporary Use Permit – Greater East Aurora Chamber of Commerce Annual Carolcade to be held Saturday, December 15, 2018 from 6:30 pm – 8 pm, seconded by Trustee Cameron with unanimous approval.

- **Permission to sign Agreement to Invest with NYCLASS**

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (“Section 119-o” empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts boards of cooperative educational services, counties, cities, town and villages] and districts to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis;

WHEREAS, the Village of East Aurora wishes to invest certain of its available investments funds in cooperation with other corporations and/or districts pursuant to a municipal cooperation agreement;

WHEREAS, the Village of East Aurora wishes to assure the safety and liquidity of its funds;

Now, therefore, it is hereby resolved as follows:

The Village Clerk - Treasurer is hereby authorized to execute and deliver the Cooperative Investment Agreement in the name of and on behalf of the Village of East Aurora.

The foregoing resolution was duly made by Trustee Schoeneman and seconded by Trustee Lazickas and unanimously carried and approved on November 5, 2018.

- **RESOLUTION DESIGNATING POLLING PLACE AND HOURS POLLS ARE OPEN**

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

WHEREAS, the next General Election for officers in the Village of East Aurora, New York, will be held on Tuesday, March 19, 2019 and

WHEREAS, Section 15-104 (3) (b) of the Election Law of the State of New York states that the Village Board of Trustees must designate by Resolution the polling place in each election district, and the hours during which polls are open.

NOW, THEREFORE, BE IT RESOLVED:

- 1) That the one (1) polling place in the Village of East Aurora will be in the Village Hall, 571 Main Street, corner of Main and Paine Streets, East Aurora, New York; and
- 2) Polls will be open for the General Village Election to be held on Tuesday, March 19, 2019 between the hours of 12 noon and 9:00 pm.

The foregoing resolution was duly seconded by Trustee Cameron and unanimously adopted.

DEPARTMENT HEAD AND TRUSTEE REPORTS

- DPW – Picking up leaves
- Code – None
- Administrator – The quick repair to the culvert came in at only \$20,000 and it was proposed to be \$50,000. She is applying for a grant for the rain barrel program to give to residents near tannery brook area if we get the funds they will be used for education and purchase of the rain barrels that will be kept at the DPW.
- Clerk -Treasurer – working on changing our credit cards to a cash back card program
- Trustee Lazickas – None
- Trustee McCabe – Get out and vote
- Trustee Cameron – Capital Committee report she will do later
- Trustee Scheer – abs
- Trustee Schoeneman - Get out and vote
- Trustee Porter - Get out and vote
- 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.
- Police – Halloween went well; some residents stated they were down 200 kids from last year.

UNFINISHED BUSINESS

- The Chief of Police gave the report for the Safety Committee which recommended that an additional stop sign not be added. It has been found that if a stop sign is put in that residents feel is not needed, they tend not to stop and then the police are spending time monitoring the intersection as people run the stop sign. The sign will give the pedestrians a false sense of security. The next street over there is an all-way stop and a crossing guard during school. Trustee Lazickas and Trustee McCabe said they support the committee. The mayor addresses Lora and Andrew Gill of 184 Maple Rd to see if they read the report. The administrator gave them a report. They talked about a need for sidewalks and thought this could be a compromise. The all-way stop was not their first choice. They asked about a cross walk. The chief said they were not asked to look at that but he would not recommend a crosswalk there as people may not follow it.
- Trustee Cameron reported that the capital committee met twice and read a report put together that summarizes the group's findings, noting that if all the 3 main projects were Bond at once the tax impact would be a 15% increase just for those projects. The committee did not recommend that. The committee noted that the priority was Tannery Brooks (need), then Oakwood (need), and then Hamlin Park (it would be nice). It was noted that the Hamlin Park master Plan has still not been completed and that is recommended to get completed. Also considering if smaller projects at the park could be done first. The administrator is going to set up Municipal solutions to come to a work session on 11.19.18 at 6PM. The administrator also spoke about the bond Rating and the need to keep our fund balance up for the good bond rating we have. The administrator and Clerk – Treasurer had a Moody's review last week and we will be keeping our bond rating. The mayor said we need to think long term and this board wants to do what needs to be done. The Administrator added many project have been put off that we will need to do in the near future. The report noted that the Water fund owes money to the general fund and it needs to be paid back. The mayor asked when the money needs to be paid back by, the clerk – treasurer noted that it was supposed to be paid back in a year, but that didn't happen so we need to make a plan to pay it back with interest.

NEW BUSINESS

- Mayor Mercurio announced the following appointment amendment to carry out the remainder of the 1 year current term:

A. Board Liaison Historic Preservation Commission – Michelle Schoeneman

- Mayor Mercurio made a motion
THAT Trustees Steve Lazickas, is appointed as Board of Trustees Members to the Capital Committee for the remainder of a one-year (1) term to expire on April 1, 2019; and
Said appointments are pursuant to Village Code Chapter 9, and was unanimously approved by the board.

SPEAKERS & COMUNICATIONS (II)

None

A Motion was made by Trustee Schoeneman to adjourn the meeting at 8:27 pm. Seconded by Trustee Cameron and unanimously carried.

Respectfully submitted,

Maureen Jerackas
Clerk-Treasurer