

**VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
January 7, 2019 – 7:00 PM**

Present:

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

Absent:

Trustee Lazickas

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
5 Members of the public

A Motion by Trustee Scheer to approve the village board minutes of December 17, 2018 as presented with an amendment to the first resolution adding in that Trustee Schoeneman made the motion and Trustee Scheer seconded the motion. Seconded by Trustee Porter and carried with unanimous approval.

Trustee Cameron moved to approve the Payment of Abstract for:
January 7, 2019: # 57890 - #57962, \$118,657.22
Seconded by Trustee Schoeneman and unanimously carried.

PUBLIC HEARING

None

SPEAKERS & COMUNICATIONS (I)

None

OFFICIAL CONSIDERATIONS

- RESOLUTION OF THE VILLAGE OF EAST AURORA OF A DETERMINATION OF NON-SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT IN THE MATTER OF THE APPLICATION FOR DEVELOPMENT PLAN AND REGARDING RENOVATIONS, ADDITIONS, IMPROVEMENTS TO AN EXISTING BUILDING LOCATED AT 227 MAIN STREET IN THE VILLAGE OF EAST AURORA, NEW YORK

WHEREAS, the applicant has filed Part I of the Short Environmental Assessment Form with this Board, a copy of which is included by reference and made a part hereof, relating to the proposed project at 227 Main Street, East Aurora, New York wherein the applicant proposes to the construction of 10' x 35' structure replacing a presently approved storage shed, concrete pad and walk-in cooler by the addition of 3 exterior walls with a pitched roof attached to the rear of the existing building operating under the business name '**Mikey Dees**' as shown on development plan application in accordance with the architectural plans proposed and submitted with said application; and

WHEREAS, the Erie County Division of Planning after carefully and fully reviewing a description of the proposed project, along with application, including the Development Plan attached thereto, with any and all amendments and modifications, as submitted by the Village Clerk Treasurer, replied in writing it had "No recommendation; proposed action has been reviewed and determined to be of local concern"; and

WHEREAS, the Village Board held a public hearing which was properly noticed to the public wherein the project was discussed,

WHEREAS, the Village Planning Commission after carefully and fully reviewing the application, including the Site/Development plan attached thereto, with any and all amendments and modifications, and considering comments and documentation presented for and against the project; and

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Part I of the Short Environmental Assessment form submitted by applicant including the Development Plan attached thereto, and the above-referenced amendments and modifications; and

WHEREAS, the SEQRA Intake Committee carefully and fully considered the discussions, comments and documentation presented for and against the project reflected in the minutes and attachments thereto of the Village Board meetings; and the minutes of the Village Planning Commission meetings with comments and recommendation, with conditions thereto, and the reply of Erie County Division of Planning; and

WHEREAS, the Village SEQRA Intake Committee after their review of the above prepared a draft Part II of the Short Environmental Assessment Form with a recommendation of the issuance of the Negative Declaration of environmental significance for submission to, and consideration by, the Village board; and

WHEREAS, the Village Board of Trustees upon taking an independent hard look and reasoned evaluation of the above-referenced information, comments and written documentation, including, but not limited to, Part I of the Short Environmental Assessment Form; comments and recommendations of the Planning Commission, the site/development plan and Special Permit; reply of Erie County Division of Planning; minutes of the Village Board meeting and public hearing wherein the project was discussed; and the recommendation of the SEQRA Intake Committee and that Committee's completed Part II and Part II a of the Short Environmental Assessment Form concerning the potential environmental impact of the project; all of which are incorporated by reference herein; and

WHEREAS, the Village Board, upon carefully and fully reviewing all the information, comments and written documentation in regard to the project, made a finding that there are no significant environmental impacts,

NOW, THEREFORE, be it

RESOLVED, that the Village Board of East Aurora as lead agency has determined that the proposed action described in the Short Environmental Assessment Form, submitted by the applicant, for the renovations, modifications and construction of an attached 10' x 35' storage structure to the rear of an existing building located at 227 Main Street, East Aurora, New York, filed with the Village, included and incorporated by reference herein, will not have a significant environmental impact and a Draft Environmental Impact Statement will not be required nor prepared.

The following resolution was made by Trustee Cameron, and seconded by Trustee McCabe and unanimously approved.

- The mayor asked about a previous issue with the Cooler. Bill said it had to be moved during construction. The Mayor said he would hate to have him do this work and then tear it down with the culvert. Bill said it should not be a problem on the west end of the building but he will talk with them about it. Bill is comfortable moving forward.
- RESOLUTION OF THE VILLAGE OF EAST AURORA APPROVING THE DEVELOPMENT PLAN REGARDING THE RENOVATIONS, ADDITIONS, IMPROVEMENTS, AND CONSTRUCTION OF AN ATTACHED 10' X 35' STORAGE STRUCTURE TO THE REAR OF AN EXISTING BUILDING LOCATED AT 227 MAIN STREET IN THE VILLAGE OF EAST AURORA

WHEREAS, AN APPLICATION HAS BEEN SUBMITTED FOR Development Plan approval at the above referenced property, and

WHEREAS, the Planning Board of the Village of East Aurora having considered the application and submitted a recommendation for approval to the Village Board, with any stated conditions to that recommendation; and

WHEREAS, the Village's SEQRA Intake Committee considered the application and reviewed Part 1 of the Short Environmental Assessment Form submitted by the applicant and completed Part 2 and Part 3 thereof on behalf of the Village, and it was the

determination of the SEQRA Committee that the proposed development plan would have no significant environmental impact; and

WHEREAS, the Village Board held a public hearing and meetings all of which were properly noticed to the public and reviewed and considered further the comments and all written materials submitted by the applicant and all other information and recommendations before the Board; including minutes of prior Village Board meetings, and minutes of the Village Planning Commission whereat the development plan was discussed, along with recommendations of approval by Planning Commission; reply of Erie County Division of Planning and recommendation of the SEQRA Intake Committee; and

WHEREAS, the Village Board received and considered the application for Development Plan Application with regards the above referenced renovations, additions, improvements and conversion, and any and all amendments thereof for the use of presently empty space in the existing building at 649 Main Street; and

WHEREAS, The Village Board, as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA) has separately considered the environmental impacts of the project and issued a Negative Declaration of environmental significance.

NOW, THEREFORE, be it

RESOLVED, by the Village Board as follows:

1. The recommendations of the Planning Board; and the Findings of Fact of the SEQRA Intake Committee; and the site/development plan including the above referenced improvement rendering filed with the Village; special permit application; all information included in the minutes taken in relation to the above mentioned Village Board meetings, and the reply from the Erie County Division of Planning are attached and incorporated herein by reference.
2. The resolution of the Village Board, acting as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), and upon the determination said application for Development Plan approval is an unlisted action, after considering the environmental impacts of the project and the issuance of a Negative Declaration of non significance is attached and incorporated herein by reference.
3. Approval is granted for the Development Plan Application made by Michael D. Joseph, the owner of the property located at 227 Main Street, East Aurora, operating a business thereon known as '**Mikey Dees**' Restaurant and Catering to construct an attached storage structure to rear of the existing building at that location, as written and submitted.

Should any part of the application and Development Plan 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 Village Code, the Development Plan and its conditions.

The nature, duration and intensity of the operations which are involved in, or conducted in connection with, this Development Plan 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 Development Plan approval shall expire if meaningful construction has not been commenced within one year, and has not been completed within two years, of final Development Plan approval or, if no construction is involved, if the use has not been commenced within one year of final Development Plan approval.

This Development Plan approval 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 Development Plan approval 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 approved Development Plan. Revocation may also occur in the event of Village Code violations occurring at the property. The Village Board shall hold a public hearing to consider whether or not the grantee who received Development Plan approval has violated the terms and conditions of the Development Plan or if any Village Code violations have occurred. The public hearing shall be held only after the grantee has been notified. Notice of the violations and of the date, place and time of the public hearing shall be mailed to the grantee by certified mail, return receipt requested, directed to the last known address of the grantee.

The following resolution was made by Trustee Schoeneman, and seconded by Trustee Porter and unanimously approved

- Motion by Trustee Scheer, to advertise for bids for a new solid waste collection contract, was seconded by Trustee Cameron, was unanimously approved.
- Motion by Trustee McCabe, to authorize the Mayor to sign the agreement with the Town of Aurora for sharing municipal facilities at 571 Main Street and 575-587 Oakwood Avenue, was seconded by Trustee Cameron and unanimously approved.
 - Trustee Cameron thanked everyone for putting all of the hard work into this agreement. Mayor Mercurio seconded that comment. The administrator reviewed some of the changes in the document mostly typos. It was also noted that the term of the contract is 1.1.2019 and the Village attorney said it was OK to Retro the agreement. It was noted renovations rules for police are in accordance with the current contract at the time of the renovation. Also it said we may have our own IT and Phone or we may have an agreement to share.
- **PERMISSION TO SIGN – INSURANCE**

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

WHEREAS, the Village of East Aurora received quotes on the Village's Firefighter's Cancer insurance; and

WHEREAS, the Village of East Aurora asked for Quotes from their current insurance agent; and

WHEREAS, the Village of East Aurora received quotes from other insurance agents; and

WHEREAS, the lower quote that will meet the needs of the village was with VFIS through The Evans Agency.; and

NOW, BE IT RESOLVED, Mayor Peter Mercurio or the Village Administrator is authorized to sign the agreement for VFIS through the Evans Agency.

The foregoing resolution was seconded by Trustee Cameron, and carried.

- It was noted by the Administrator we currently have 29 firefighters at \$137 each for \$3973 and we will need to make a budget adjustment in the future because it was not budgeted for last year.

• **RESOLUTION DESIGNATING VILLAGE DEPOSITORIES**

Trustee Schoeneman offered the following resolution and moved for its adoption:
WHEREAS, the Board of Trustees has determined that Village Law Article 4, § 412(3)(2) requires the designation of banks or trust companies for the deposit of all village monies;

BE IT RESOLVED, that the Board of Trustees designates the following institution(s) as depositories of all moneys received by the Village Treasurer, Clerk, and receiver of taxes:

**Bank of Holland, Holland NY
NYCLASS, Hopewell Junction NY
M&T Bank, East Aurora, NY**

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

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

Trustee Porter 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.

- **DECLARE SURPLUS PROPERTY**

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

BE IT RESOLVED, the Department of Public Works has a 2013 Ford Escape (vehicle number 501) for surplus property and is due to be traded in for the purchase of a new vehicle in the next 90 days.

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

- The Mayor asked about the new vehicle and the superintendent said that the new vehicle was going to be a 2019 Ford F150 most of the money for the new vehicle is in the budget however the remainder would come from other lines in his budget.
- Motion by Trustee Porter, to advertise for bids for the sale of the old ladder truck, was seconded by Trustee Scheer, was unanimously approved.

DEPARTMENT HEAD AND TRUSTEE REPORTS

- Police – Sardinia is up and running – no transmission problems and everything is running smoothly.
- DPW – Ernest Place signs are up. Tree issues with the wind storm. Guys out most of the day. Mayor said they did a good job.
- Code – None
- Administrator – Report has been sent to the board Trustee McCabe said it was a good report. The Administrator said she will do the report quarterly.
- Clerk -Treasurer – The mayor asked about the training and organizations that were in the packet this period. The Clerk-Treasurer said that she took elections training with the Deputy Clerk Treasurer and we took it together in the office so we only needed to pay one fee. Also the renewal for an organization I belong to needed to be renewed. OPEN which is the Organization of Public Employment Negotiators, and she finds this organization to be a great resource when needed.
- Trustee McCabe –Complimented the Administrator on her review. Spoke about New Years Eve and the wind. Thinks we should have mandatory totes when we put together our bid. Trustee McCabe said they garbage all over the place happens all the time. The mayor brought up resident toes and rodent control and dumpsters. Trustee McCabe wants to know who is cleaning up the garbage. Trustee Scheer said he loves his tote. Trustee Scheer will contact the Chamber to see if

there is anything that they will do to help. Silly Hayes of Hallow rd Colden said they just dump he totes in the back of the truck.

- Trustee Cameron – None
- Trustee Scheer – Zombie Homes we should have a more aggressive approach. The code officer stated that we do not have many real Zombie properties. Zombie properties are bank owned, not privately owned. He asked about doing something about the private owners. The Code enforcement officer said he went to training and there is a data base kept by a NYC school. It was discussed that many people are interested in flipping the houses. The Village attorney said people have even called him.
- Trustee Schoeneman – None
- Trustee Porter – Wanted to talk about partial payments, he spoke to the clerk Treasurer. She said that she looked up the legal information and contacted some people and sent the data to the Village attorney to review the documents she sent him. The clerk Treasurer said if the attorney agrees the board should be able to pass a resolution and she would recommend the payments should be any amount at any timeline, but still need to follow the late fee schedule.
- Mayor Mercurio – Went to the New Years Eve ball drop and it was very nice. Someone asked the mayor about making no parking opposite the poles. The Police Chief and Superintendent discussed that it would be difficult to sign the area that way.

UNFINISHED BUSINESS

- The board talked about how they would divide up the zoning ordinances so they could review them better. It was decided that Trustees will receive the segment assigned
 - Porter – 1
 - Schoeneman – 2
 - Scheer – 3
 - Cameron -4
 - Mayor Mercurio – 5
 - McCabe – 6
 - Lazickas – 7
 - If anyone has questions they are to contact Cathie. The meeting is Jan 28 at 6pm. Cathie will send this to the zoning code committee. The mayor noted we want to get this right. A resident previously noticed and issue and it has since been resolved. It is better to know of an issue now.

NEW BUSINESS

- The request for Verizon to add a generator to the top of village hall to serve the existing tower is currently with the village Attorney for review. This was just to notice the board of a coming topic.

SPEAKERS & COMUNICATIONS (II)

- Tony Rosati – 350 Oakwood – The tree at 349 Oakwood is dead at the center, but the tree is still alive. Thinks this should be looked at as a whole. High winds could take it down and put it into the street. Matt Stated that if a tree was questionable it should go to the tree board, if it is a clear hazard then he can take it down. Matt will follow up on this tree. The mayor asked the Superintendent where the utility lines ran and about what happened on East Main when the water line froze. The superintendent noted the east main was different because the lines were shallow and it froze past that line that year.

ADJOURNMENT

A Motion was made by Trustee McCabe to adjourn the meeting at 8:25 pm. Seconded by Trustee Porter and unanimously carried.

Respectfully submitted,

Maureen Jerackas
Clerk-Treasurer