

**VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
February 19, 2019 – 7:00 PM**

Present:

Trustee Lazickas
Trustee Porter
Trustee McCabe
Trustee Cameron
Mayor Peter Mercurio

Absent:

Trustee Schoeneman
Trustee Scheer

Also Present:

Cathie Thomas, Village Administrator
Matthew Hoeh, Superintendent of Public Works
Robert Pierce, Village Attorney (arrived at 7:08 PM)
Liz Cassidy, Building Inspector
Maureen Jerackas, Clerk-Treasurer
East Aurora Bee, East Aurora Advertiser
16 Members of the public

A Motion by Trustee Lazickas to approve the village board minutes of February 4, 2019 as presented seconded by Trustee Cameron and carried with unanimous approval.

Trustee Cameron moved to approve the Payment of Abstract for:
February 19, 2019: #58076 to -#58117; \$96363.90
Seconded by Trustee Porter and unanimously carried.

PUBLIC HEARING

- A Motion by Trustee Lazickas to open a public hearing at 7:02PM to Consideration of a Special Use Permit for 711 Main Street, for ownership change of the property and changing the business name to “The Globe”, along with other changes to the existing Special Use Permit, seconded by Trustee McCabe and carried with unanimous approval.
 - Molly Flynn – Owner of the Globe (former Tony Rome’s), will be working with the former owners for the next 6 months. At this time they are not planning on making many changes, other than the sign which was already done. Same size and style just name change. They are also adding Vegan and vegetarian options.
 - No comments from the public
 - Trustee Lazickas said thank you for cleaning things up

- Mayor Mercurio asked about outdoor music. The owner replied that she was not applying for that at this time, she didn't want to battle with the music from the toy store at this time.

A Motion by Trustee Porter to close the public hearing at 7:04PM seconded by Trustee Lazickas and carried with unanimous approval.

SPEAKERS & COMUNICATIONS (I)

Phil – 395 Linden Ave – He lives at the corner of Linden and Spring Street. Street is really in need of repair; He gets millings on his land and cleans them up. Trustee Lazickas said he went and looked at it and agreed. The Superintendent said he would go look at it.

Rob Goller – Village Historian – By the circle there is a street Ernst Place named for Private Ryan Ernst. It never had a street sign, he asked and one was put up. It is very short only 4 houses. A relative of Private Ernst came in and saw

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 AMENDMENT TO SPECIAL PERMIT REGARDING SETTING FORTH A CHANGE OF OWNERSHIP AND NAME OOF RESTAURANT/COMMERCIAL BUSINESS LOCATED IN AN EXISTING BUILDING LOCATED AT 711 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 an amendment to a Special recording setting forth a change in ownership of a Restaurant/Commercial Business located at 711 Main Street, East Aurora, New York to reflect the new owner, Mary Flynn, and the new name of the business, “The Globe” as written and submitted, in the Application to prior Special Permit by the Board.

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

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Part I of the Short Environmental Assessment form submitted by applicant for an amendment to Special Permit previously granted; and

WHEREAS, the SEQRA Intake Committee carefully and fully considered the discussions, comments and documentation presented for and against the amendment of Special Permit reflected in the minutes and attachments thereto of the Village Board meetings; 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; the application for amendment to Special Permit; minutes of the Village Board meeting and public hearing wherein the proposal 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 an amendment to Special Permit regards setting forth a change in ownership and name of a Restaurant/Commercial business located in an existing building at 711 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 foregoing resolution was made by Trustee Porter seconded by Trustee Lazickas and unanimously approved.

- RESOLUTION OF THE VILLAGE OF EAST AURORA APPROVING THE APPLICATION TO SPECIAL PERMIT REGARDING SETTING FORTH A CHANGE OF OWNERSHIP AND NAME OF A RESTAURANT/COMMERCIAL BUSINESS LOCATED IN AN EXISTING BUILDING LOCATED AT 711 MAIN STREET IN THE VILLAGE OF EAST AURORA

WHEREAS, an application has been filed for an approval of an amendment to a special permit 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 amendment for a special permit was discussed, along with recommendations of approval by Planning Commission; and recommendation of the SEQRA Intake Committee; and

WHEREAS, the Village Board received and considered the application for an amendment to special permit with regards the above referenced change of ownership and name of a restaurant/commercial business at 711 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 above referenced filed amendment to special permit application; all information included in the minutes taken in relation to the above mentioned Village Board meetings 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 an amendment to special permit 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 Application to amend the Special Permit to operate the Restaurant/Commercial Business at 711 Main Street, East Aurora, New York reflecting the change in ownership to Mary Flynn and the change in the business name to **"The Globe"**; as written and submitted.

Should any part of the application for amendment to special permit 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 foregoing resolution was made by Trustee Cameron seconded by Trustee Porter and unanimously approved.

- 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 PLANS WITH REGARDS THE REMOVAL OF AN EXISTING PARKING LOT AND TENNIS/BASKETBALL COURTS AND THE RELOCATION/INSTALLATION OF A REPLACEMENT PARKING LOT ON THE PROPERTY LOCATED AT 1235 WARREN DRIVE IN THE VILLAGE OF EAST AURORA, NEW YORK; AND FURTHER WITH REGARDS THE CREATION OF A TWO LOT MINOR SUBDIVISION ON SAID PROPERTY LOACTED AT 1235 WARREN DRIVE.

WHEREAS, the applicant has filed Part I of the Short Environmental Assessment Forms with this Board, copies of which are included by reference and made a part hereof, related to the proposed actions at 1235 Warren Drive, East Aurora, New York wherein the applicant proposed to remove existing parking lot and tennis courts and relocate the parking lot to another area on the property at 1235 Warren Drive and the applicant further proposes to create a two lot minor subdivision on the property at 1235 Warren Drive, those actions including the removal and restoration of existing parking lot in another location on property; removal and restoration of existing tennis/basketball courts; installation of one light standard or relocated parking lot; installation of new public sidewalk along Warren Drive and installation of proposed landscaping and site plan; as well as creation of two lot minor all of which are shown, and in accordance with survey, legal description to reflect the proposed subdivision as well as materials required under Village Code, as shown on Development Plan Application and as proposed by detailed architectural plans submitted with application by Nussbaumer & Clark, Inc; 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 Forms 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 removal and relocation of existing parking lot and creation of two lot subdivision located at 1235 Warren Drive, 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 foregoing resolution was made by Trustee Lazickas seconded by Trustee McCabe and unanimously approved.

- The Administrator noted that records were checks and while there were previous discussions there were not resolutions restricting dividing the lot.

- RESOLUTION OF THE VILLAGE OF EAST AURORA APPROVING THE DEVELOPMENT PLAN REGARDING THE CREATION OF A TWO LOT MINOR SUBDIVISION ON THE PROPERTY LOCATED AT 1235 WARREN DRIVE 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; and recommendation of the SEQRA Intake Committee; and

WHEREAS, the Village Board received and considered the application for approval of the Plan Application with regards the above referenced creation of a two lot minor subdivision on property located at 1235 Warren Drive, East Aurora; 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, 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 Tenney Brook Community Association to create a two lot minor subdivision on the property located at 1235 Warren Drive, East Aurora, New York.

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 on the approved subdivision 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 approved action has not been commenced within one year of final Development Plan approval.

This Development Plan approval shall expire if the approved action, once begun, ceases relocation/installation, for any reason, for more than six 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 foregoing resolution was made by Trustee Cameron seconded by Trustee Porter and unanimously approved.

- RESOLUTION OF THE VILLAGE OF EAST AURORA APPROVING THE DEVELOPMENT PLAN REGARDING THE REMOVAL OF EXISTING PARKING LOT AND TENNIS/BASKETBALL COURTS AND THE RELOCATION/INSTALLATION OF A REPLACEMENT PARKING LOT ON THE PROPERTY LOCATED AT 1235 WARREN DRIVE 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 approval of the Plan Application with regards the above referenced removal of existing parking lot and tennis/basketball courts and the relocation/installation of a replacement parking lot on property located at 1235 Warren Drive, East Aurora,

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 Tenney Brook Community Association to remove existing parking lot and tennis/basketball courts and the relocation /installation of a replacement parking lot on the property located at 1235 Warren Drive, East Aurora, New York.

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 removal and relocation 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 approved action has not been commenced within one year of final Development Plan approval.

This Development Plan approval shall expire if the approved action, once begun, ceases relocation/installation, for any reason, for more than six 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 foregoing resolution was made by Trustee Lazickas seconded by Trustee McCabe and unanimously approved.

- Motion by Trustee McCabe, to grant a request for a Temporary Use Permit for the East Aurora Farmers' Market to operate on Wednesdays and Saturdays, from May 3 through November 27, from 7 a.m. to 1 p.m., in the plaza parking lot at 127 Grey Street, was seconded by Trustee Cameron, was unanimously approved.
- Motion by Trustee Lazickas, to grant a request for a Temporary Use Permit for the Rotary Club's Bunny Hop 5K Race, was seconded by Trustee Porter, was unanimously approved.
 - It was noted that there were over 1,000 runners. The only up and down hill 5K in the area
- Motion by Trustee Lazickas, to hold a public hearing on March 18, 2019 for a Permit to keep bees at 49 Kelder Court – 2 hives, was seconded by Trustee McCabe, was unanimously approved.
- **PERMISSION – EAST AURORA FIRE DEPT**
 - Trustee Porter offered the following resolution and moved for its adoption:
Permission is hereby granted to the East Aurora Fire Department to drive the winners of a Literacy Contest to school in Fire Trucks owned by the Village and operated by qualified East Aurora Fire Department personnel. The trucks will be out of service during those times. Congratulations to the winners!
 - The foregoing resolution was seconded by Trustee Cameron, and **CARRIED**.
 - The Mayor noted that the truck would be out of service and the kids will ride inside the truck.
- The board discussed considering a Memorandum of Understanding (MOU) with Erie County for partnering with the Village for sanitary sewer line improvements on Oakwood Avenue. It was noted that they asked us to front the money for 60-90 days. The Village Clerk Treasurer noted that EC Sewer is normally very timely in their payment. The board would like interest included in the agreement. The village asked to have the Administrator get something written up and they will consider the document
- **A BOND RESOLUTION, DATED FEBRUARY 19, 2019, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE REPLACEMENT AND/OR RECONSTRUCTION OF A CULVERT IN THE VICINITY OF TANNERY BROOK AND OAKWOOD AVENUE IN THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$2,375,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,375,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND**

ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

WHEREAS, the Village Board of Trustees of the Village of East Aurora, in the County of Erie, New York (the "Village") desires to undertake a capital improvements project for the replacement and/or reconstruction of a culvert in the Village.

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

The Village is hereby authorized to undertake a certain capital improvements project, such work to generally consist of (but not be limited to) the replacement and/or reconstruction of a culvert in the vicinity of Tannery Brook and Oakwood Avenue in the Village, as well as other improvements as more fully identified in (or contemplated by) a preliminary engineering report prepared by Clark Patterson Lee, including all preliminary work and necessary equipment, materials, and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$2,375,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$2,375,000, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 3 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 30 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or

charges, there will annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Village of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 12. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

The foregoing resolution was made by Trustee Porter seconded by Trustee Lazickas and duly put to vote on a roll call, which resulted as follows:

- Trustee Lazickas -Y**
- Trustee Porter- Y**
- Trustee McCabe - Y**
- Trustee Schoeneman - Abs**
- Trustee Cameron - Y**
- Trustee Scheer - Abs**
- Mayor Mercurio –Y**

- **A BOND RESOLUTION, DATED FEBRUARY 19, 2019, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA, ERIE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE RECONSTRUCTION AND/OR REPLACEMENT OF STORM CATCH BASINS AND STORM PIPING ON OAKWOOD AVENUE IN THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$900,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$900,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.**

WHEREAS, the Village Board of Trustees of the Village of East Aurora, in the County of Erie, New York (the “Village”) desires to undertake a capital improvements project for the reconstruction and/or replacement of storm catch basins and storm piping on Oakwood Avenue in the Village.

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

SECTION 1. The Village is hereby authorized to undertake a certain capital improvements project, such work to generally consist of (but not be limited to) the reconstruction and/or replacement of storm catch basins and storm piping on Oakwood Avenue in the Village, as well as other improvements as more fully identified in (or contemplated by) a preliminary engineering report prepared by Clark Patterson Lee, including all preliminary work and necessary equipment, materials, and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$900,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$900,000, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 3 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 30 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Village of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with

such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 12. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

* * * * *

The foregoing resolution was made by Trustee Cameron seconded by Trustee McCabe and duly put to vote on a roll call, which resulted as follows:

- Trustee Lazickas -Y
- Trustee Porter- Y
- Trustee McCabe - Y
- Trustee Schoeneman - Abs
- Trustee Cameron - Y
- Trustee Scheer - Abs
- Mayor Mercurio –Y

- **A BOND RESOLUTION, DATED FEBRUARY 19, 2019, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA, ERIE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT (PRIMARILY ALONG OAKWOOD AVENUE IN THE VILLAGE) AT AN ESTIMATED MAXIMUM COST OF \$2,350,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,350,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.**

WHEREAS, the Village Board of Trustees of the Village of East Aurora, in the County of Erie, New York (the “Village”) desires to undertake capital improvements project primarily along Oakwood Avenue in the Village;

NOW THEREFORE,

BE IT RESOLVED, by the Board (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

SECTION 1. The Village is hereby authorized to undertake a capital improvements project generally consisting of the reconstruction of and construction of improvements to Oakwood Avenue in the Village including, but not limited to, improvements to the sidewalks and handicapped access ramps at each intersection, as well as other improvements as more fully identified in (or

contemplated by) a preliminary engineering report prepared by Clark Patterson Lee, including all preliminary work and necessary equipment, materials and site work and any preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$2,350,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$2,350,000 hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 20(c) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of

the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Village of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

* * * * *

The foregoing resolution was made by Trustee Cameron seconded by Trustee Lazickas and duly put to vote on a roll call, which resulted as follows:

- Trustee Lazickas -Y**
- Trustee Porter- Y**
- Trustee McCabe - Y**
- Trustee Schoeneman - Abs**
- Trustee Cameron - Y**
- Trustee Scheer - Abs**
- Mayor Mercurio –Y**

DEPARTMENT HEAD AND TRUSTEE REPORTS

- Police – Has candidate for the open position
- DPW – None
- Code – None
- Administrator – PESH inspection, has everything complete. Finished work place violence policy deficiency with the committee made of Department heads, Union reps and Nancy. Police has one item to fix on their PESH audit. Trash bids opened on Valentine’s Day. Modern and Waste Management put in BIDs. A change is possible. Insurance proposals are in we have 3 and are reviewing them. The joint building is out to bid. Thursday she has a speaking engagement with the Chamber. Completed logics training for the budget with the clerk – treasurer. Met with Matt for his budget and he put together a great

report. Asked the mayor and board how they would like their meetings, still on Saturday or something else. Started DPW contract Negotiations.

- Clerk -Treasurer – Logics Payroll training plus all the things the Administrator listed
- Trustee McCabe –None
- Trustee Cameron – None
- Trustee Scheer – Abs
- Trustee Schoeneman – Abs
- Trustee Porter – None
- Trustee Lazickas – None
- Mayor Mercurio – None

SPEAKERS & COMUNICATIONS (II)

- Tony Rosoti – 350 Oakwood – he asked about the Oakwood project. He asked who will serve as the liaison. It will be Cathie and Matt. Notices will be given out for when the water is shut off, updates will be on the web site, and requirements will be in the bid specifications.
- Saxon Deck – Tannery Association – Thank You!.. and wanted to thank the administrator for all the good work she did on this project.
- Jim Deck – Rotary – asked about electronics recycling. They want to do an event and the Sun King cannot find a market
- Ray Perot – 128 Meadow – Knows the Tannery Brooks association was approved but had concern over a light in the parking. Saxon said that it would be angled down and will just light up the parking location. He asked if the flooding would be fixed. Saxon said it will be the new property owner's issue.

EXECUTIVE SESSION

- On a motion by Trustee Porter Seconded by Trustee Cameron an Executive Session was opened at 7:42 pm in order to discuss contract negotiations.
- On a motion by Trustee Cameron, seconded by Trustee Lazickas the executive session was closed at 8:14pm.

ADJOURNMENT

A Motion was made by Trustee Porter to adjourn the meeting at 8:15 pm. Seconded by Trustee Cameron and unanimously carried.

Respectfully submitted,

Maureen Jerackas
Clerk-Treasurer