

**VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
March 4, 2019 – 7:00 PM**

Present:

Trustee Lazickas
Trustee Porter
Trustee McCabe
Trustee Schoeneman (arrived at 7:02pm)
Trustee Cameron
Trustee Scheer
Mayor Peter Mercurio

Absent:

Also Present:

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

A Motion by Trustee Lazickas to approve the village board minutes of February 19, 2019 as presented seconded by Trustee Porter and carried with unanimous approval.

Trustee McCabe moved to approve the Payment of Abstract for:
March 4, 2019: #58119-58176; \$180,446.07
Seconded by Trustee Cameron and unanimously carried.

PUBLIC HEARING

- A Motion by Trustee Porter to open a public hearing at 7:01PM to Consideration of a Local Law for the Village of East Aurora to override the State Tax Cap, seconded by Trustee McCabe and carried with unanimous approval.
 - Trustees complemented Trustee Porter on the idea.A Motion by Trustee Cameron to close the public hearing at 7:02PM seconded by Trustee McCabe and carried with unanimous approval.
- A Motion by Trustee Lazickas to open a public hearing at 7:02PM to Consideration a Local Law to permit the Village of East Aurora to accept partial payments for Village property taxes, seconded by Trustee Porter and carried with unanimous approval.
 - No comments

A Motion by Trustee Porter to close the public hearing at 7:03PM seconded by Trustee McCabe and carried with unanimous approval.

SPEAKERS & COMMUNICATIONS (I)

Tony Rosati – 350 Oakwood – He had concern about the GIS contract because he had concern where Tannery brook fell on the mapping. He has called Wendel about this and did not receive and answer. The Village Administrator and Mayor reviewed that the village is looking to use the count GIS after the zoning change. Mr. Rosati said he contacted them as well. The administrator asked Code enforcement to look into the situation

OFFICIAL CONSIDERATIONS

- **ADOPT LOCAL LAW #1 OF 2019 – TAX CAP OVERRIDE**

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

WHEREAS, the Board of Trustees of the Village of East Aurora, New York held a public hearing on March 4, 2019, at 7:00 pm in the Council Chambers of the Municipal Building, 571 Main St, East Aurora, NY to consider the adoption of a local law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c.

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

NOW THEREFORE, BE IT RESOLVED, this local law is hereby adopted.

If adopted, the proposed local law shall read as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of East Aurora to adopt a budget for the fiscal year commencing June 1, 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Board of Trustees of the Village of East Aurora, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in

its application to the person, individual, form or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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

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

- **ADOPT LOCAL LAW #2 OF 2019 – VILLAGE CODE 235-37 to 235-38**
PARTIAL PAYMENTS

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

WHEREAS, the Board of Trustees of the Village of East Aurora, New York held a public hearing on March 4, 2019, at 7:00 pm in the Council Chambers of the Municipal Building, 571 Main St, East Aurora, NY to consider the adoption of a local law authorizing Partial Tax Payments established as Part of Erie county Tax Act.

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

NOW THEREFORE, BE IT RESOLVED, this local law is hereby adopted.
If adopted, the proposed local law shall read as follows:

Article VI Partial Payments

§ 235-37**Definitions.**

As used in this article, the following terms shall have the meanings indicated:

CURRENT FISCAL YEAR TAXES: The total amount of all Village of East Aurora taxes due and unpaid within the fiscal year for which such taxes are to be levied.

§ 235-38**Authorization.**

Partial payments of current fiscal year Village taxes are authorized by this article and by § 1434 of the New York Real Property Tax Law and the Erie County Tax Act.

A. Notwithstanding the provisions of any other general, special or local law, rule or regulation to the contrary, the Mayor and Board of Trustees authorize and enact an article providing for partial payments of current fiscal year taxes. Current year taxes in the Village of East Aurora may be paid, without interest or penalty, on or before the first day of July next succeeding the levy of such taxes.

B. Alternatively, at the option of the taxpayer, taxes may be paid in whatever incremental amount the taxpayer shall elect to pay same. Notwithstanding the provisions of any other general, special or local law, rule or regulation to the contrary, the Treasurer is authorized to accept partial payments.

C. Each such partial payment shall be applied first against any unpaid current Village tax penalties, miscellaneous charges, RPTL 520 adjustments accrued thereon and then on any unpaid current year fiscal year taxes.

D. Any unpaid taxes paid after the first day of July shall be subject to the following penalties (penalties are for 2011-2012 tax collection period). Check with Clerk/Treasurer's office for penalty dates:

(1) If paid between July 2 and August 1: 7.5%.

(2) If paid between August 2 and August 31: 9%.

(3) If paid between September 1 and September 30: 10.5%.

(4) If paid between October 1 and October 31: 12%.

E.

On November 1, all unpaid Village taxes shall be returned to the County of Erie and shall be subject to applicable interest and penalties as determined by the Erie County Tax Act. No payment, either partial or full payment, shall be accepted by the Treasurer after said date.

This local law shall take effect immediately upon filing with the Secretary of State.

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

Trustee Lazickas -Y

Trustee Porter-Y

Trustee McCabe-Y

Trustee Schoeneman-Y

Trustee Cameron-Y

Trustee Scheer-Y

Mayor Mercurio-Y

- A Motion by Trustee Lazickas, to give Permission for the Mayor to sign a contract renewal with Wendel for GIS Services for \$3,000 for June 2018-May2019., was seconded by Trustee Cameron, was unanimously approved.

DEPARTMENT HEAD AND TRUSTEE REPORTS

- Police – Has candidate for the open position to go before the board for a vote
- DPW – Flag pole is still broken at the village hall and there is a part on order.

- Code – None
- Administrator – working on the Budget it needs to be filed with the clerk on the 20th. Looking to schedule budget meetings with the board. 9am to noon on Sat March 9 and March 16. The fire Chief will set something up before a board meeting. Working on trash and Insurance referrals for next meeting
- Clerk -Treasurer – found a climate smart communities grant that could possibly be used to pay half of the Tannery brook project, BUT we would have to hold off on doing the project for a year and amounts could go up. The grant could be worth it. The board would like to see about doing the grant.
- Trustee McCabe –None
- Trustee Cameron – Sat in on the Aces meeting, they talked about putting it in front of the board to make themselves an official committee of the village. She reported that the items that can be recycled have changed which the group was discussing. The Administrator noted that their will possibly notices that will go out with the new contract that we will have in June. She went to the Stilt grass meeting and reported that while it is still in our zone, it is not that bad in areas and volunteers were able to remove it by hand. Oakwood cemetery, Legends and Majors has some. She dropped off her letter for the time capsule and addressed it to the youngest Trustee. Others discussed dropping off their letters and what they put in them.
- Trustee Scheer – None
- Trustee Schoeneman – Sorry she was late, She commented on some people writing their letters in red ink. The thought the time capsule was a great idea.
- Trustee Porter – Wants to meet with Pete, Cathie, and Matt about Hamlin Park. He wants to talk about who is responsible for what in the deal with the town. Mayor spoke about the work that was already done due to safety issues and priorities.
- Trustee Lazickas – None
- Mayor Mercurio – The Historical society has a Dinner. Rob did a variety of characters. Rob is very proactive. Music fest has handed in docs and Cathie is to try to set up a meeting with them. It was discussed that more people come than buy the tickets and we are actually looking at 15,000 people. Safety concerns at the rink were discussed and how restrictions could possibly be imposed. The Chief said that tailgating is hard to control. The possibility of restricting open container law was discussed. It was asked if they could restrict that for one day.

SPEAKERS & COMMUNICATIONS (II)

- none

ADJOURNMENT

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

Respectfully submitted,

Maureen Jerackas
Clerk-Treasurer