

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

Present:

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

Absent:

Trustee McCabe

Also Present:

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

Mayor presented Certificates of Appreciation to a group on young ladies that took pride in our community by cleaning up trash.

A Motion by Trustee Scheer to approve the village board minutes of January 22, 2018 as presented seconded by Trustee Porter and carried with only Trustee Lazickas Abstaining.

Trustee Cameron moved to approve the Payment of Abstract for:

February 4, 2019: #58034-58070 \$82,583.70

Seconded by Trustee Schoeneman and unanimously carried.

PUBLIC HEARING

A Motion by Trustee Lazickas to open a public hearing at 7:04PM to Consideration of a proposal from the Tannery Brook Community Association to create a two-lot minor subdivision seconded by Trustee Porter and carried with unanimous approval.

Andy from Nussbaumer & Clarke – representing Saxton and the association came with a map to show off where they planned to make the changes and to have a single family lot to sell off.

The administrator noted that in the packet is to subdivide the lot and there will be another meeting to address the remainder of the project. The administrator asked if they knew when the area was developed. Saxon said in the early 60's. The administrator wants to verify what was

in the original site plan. The administrator notes that there may be an open space requirement. Saxon said she has already looked into it and believed there is no restriction. The Administrator and the Code officer will verify.

A Motion by Trustee Porter to close the public hearing at 7:08PM seconded by Trustee Scheer and carried with unanimous approval.

SPEAKERS & COMUNICATIONS (I)

The Clerk- Treasurer noted that the next meeting of the East Aurora Village Board will be on Tuesday, February 19th

OFFICIAL CONSIDERATIONS

- **VILLAGE OF EAST AURORA SEQRA DETERMINATION FOR 2019 TANNERY BROOK CULVERT REPLACEMENT PROJECT**

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

WHEREAS, the Village of East Aurora Village Board (the “Board”) has considered the impact to the environment of the following Scope of Work to be completed on the 2019 Tannery Brook Culvert Replacement Project in the Village of East Aurora;

- Work includes, but not limited to the removal and replacement of the culvert that carries Tannery Brook between South Willow Street and Oakwood Avenue, the existing culvert will be removed in its entirety and replaced with a concrete box culvert. The alignment will also be adjusted within the right of way to ensure proper flow. The length of project is approximately 1,500 linear feet.

WHEREAS, the Board has reviewed the Scope of Work set forth above as one Proposed Action, and has further consulted with its Engineer and legal counsel with respect to the potential for environmental impacts resulting from the Proposed Action,

WHEREAS, the Board has reviewed the Proposed Action with respect to the Type II criteria set forth in 6 NYCRR. Part 617 of the Environmental Conservation Law, Article 8 (“SEQRA”) and concluded that the work involves:

- Maintenance or reconstruction involving no substantial changes in an existing facility, structure or infrastructure (6 NYCRR §617.5(c)(1));
- Replacement, rehabilitation or reconstruction of infrastructure or facility, in kind, on the same site, including upgrading buildings and sewer infrastructure (6 NYCRR §617.5(c)(2));
- street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities (6 NYCRR §617.5(c)(5));

THEREFORE, BE IT RESOLVED, by the Board as follows:

1. The Proposed Action, individually and cumulatively, does not constitute substantial changes to the existing facilities or infrastructure and involves routine activities required for proper operation and maintenance of the Village Stormwater Management system, and, therefore, does not exceed the thresholds for a Type II Action established under 6 N.Y.C.R.R. Part 617.

2. The Board hereby determines the Proposed Action is a Type II action in accordance with SEQRA regulations.

3. No further review of the Proposed Action is required under SEQRA.

4. This resolution shall be effective immediately.

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

- **VILLAGE OF EAST AURORA SEQRA DETERMINATION FOR 2019 OAKWOOD AVENUE ROAD RECONSTRUCTION PROJECT**

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

WHEREAS, the Village of East Aurora Village Board (the “Board”) has considered the impact to the environment of the following Scope of Work to be completed on the 2019 Oakwood Avenue Road Reconstruction Project in the Village of East Aurora;

Work includes, but not limited to the roadway reconstruction of Oakwood Avenue, including the complete removal of existing pavement and replacing with full depth pavement section, new concrete curb, gutters, waterline, storm sewer and roadside treatment improvements. The length of project is approximately 5,500 linear feet.

WHEREAS, the Board has reviewed the Scope of Work set forth above as one Proposed Action, and has further consulted with its Engineer and legal counsel with respect to the potential for environmental impacts resulting from the Proposed Action,

WHEREAS, the Board has reviewed the Proposed Action with respect to the Type II criteria set forth in 6 NYCRR. Part 617 of the Environmental Conservation Law, Article 8 (“SEQRA”) and concluded that the work involves:

Maintenance or reconstruction involving no substantial changes in an existing facility, structure or infrastructure (6 NYCRR §617.5(c)(1));

Replacement, rehabilitation or reconstruction of infrastructure or facility, in kind, on the same site, including upgrading buildings and sewer infrastructure (6 NYCRR §617.5(c)(2));

Repaving of existing highways not involving the addition of new travel lanes (6 NYCRR §617.5(c)(4));

street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities (6 NYCRR §617.5(c)(5));

THEREFORE, BE IT RESOLVED, by the Board as follows:

The Proposed Action, individually and cumulatively, does not constitute substantial changes to the existing facilities or infrastructure and involves routine activities required for proper operation and maintenance of the Village Sewer System, and, therefore, does not exceed the thresholds for a Type II Action established under 6 N.Y.C.R.R. Part 617.

The Board hereby determines the Proposed Action is a Type II action in accordance with SEQRA regulations.

No further review of the Proposed Action is required under SEQRA.

The foregoing resolution was seconded by Trustee Lazickas, and unanimously approved.

- **A BOND RESOLUTION, DATED FEBRUARY 4, 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 Lazickas seconded by Trustee Cameron and duly put to vote on a roll call, which resulted as follows:

Trustee Lazickas -Y

Trustee Porter- Y

Trustee McCabe - Abs

Trustee Schoeneman - Y

Trustee Cameron - Y

Trustee Scheer - Y

Mayor Mercurio –Y

- **A BOND RESOLUTION, DATED FEBRUARY 4, 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 Lazickas seconded by Trustee Schoeneman and duly put to vote on a roll call, which resulted as follows:

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

- **A BOND RESOLUTION, DATED FEBRUARY 4, 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 Scheer and duly put to vote on a roll call, which resulted as follows:

Trustee Lazickas -Y

Trustee Porter- Y

Trustee McCabe - Abs

Trustee Schoeneman - Y

Trustee Cameron - Y

Trustee Scheer - Y

Mayor Mercurio –Y

- Trustee Schoeneman asked if these were the updated estimates. The administrator said yes. The engineer went back and updated the estimates. Trustee Porter questioned the amount for Tannery Brooks and Trustee Lazickas reminded him of the different options that were proposed to select from and each had a different cost. It was also noted this was a less expensive option that did not require the village to acquire property.
- Attorney John Alessi explained that this is the max amount we can borrow. These resolutions needed a roll call vote with 60% approval. He also reviewed the Bond verse BAN options. The administrator added that we already approved the bond resolution for the water lines.
- Trustee Porter asked about the Grant for the waterlines. The administrator said we did not get that grant but we would keep trying. The mayor asked if our per capita effects or ability to obtain grants and the administrator said yes.

- The administrator also brought up the topic of Bonds verse BANs in doing Oakwood in a two phase project. She also noted that the county wanted to do an MOA with the village to do the sanitary sewers while we are doing our project so the roads only need to torn up once.
- Trustee Porter asked if it would add to the cost of the project stopping and starting it again. The administrator said yes that adds to projects but this is to do two sections one half at a time.
- Trustee Porter asked if the village would be able to float the money for 6-9 months. The Clerk said we can if we do not spend our fund balance. Erie county also pays us timely
- Discussion of requests for parking overnight for area residents and tenants in the public Village-owned lot on Millard Fillmore
- AMEND EMPLOYEE HANDBOOK

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

BE IT RESOLVED, to amend the Village of East Aurora Employee Handbook, replacing the current language in Section 502 and replacing it with the following:

507 Emergency Situations

Closing Procedures: In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the Village Mayor and/or Village Administrator may authorize the closing of non-emergency operations, or, if extraordinary weather conditions or other emergencies develop during a workday, the Village Mayor and /or Village Administrator may direct that certain employees who perform non-essential services leave work. The extent of any such release from job duties shall be at the sole discretion of the Village and may be applied to certain departments or certain employees only as so determined by the Village.

Compensation: Pay for FLSA-exempt employees will not be affected by an emergency closing. Pay for FLSA non-exempt employees will be in accordance with the provisions below:

☐ **During Work:** An employee who is directed by the Village Mayor and/or Village Administrator to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime.

☐ **Prior to Reporting to Work:** If a determination is made to close operations prior to the start of a workday, the Village Mayor and/or Village Administrator will initiate notification to all affected employees. An employee who is directed not to report to work due to an emergency closing will be paid for the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime."

The foregoing resolution was seconded by Trustee Lazickas, and unanimously approved.

- The mayor noted before the vote that this would retro to before the storm we just had. It was noted that it was a state of emergency and currently we get paid if we work part day but do not get paid if it is called out prior. This way it will depend on the mayor/administrator's direction to the staff.
 - The mayor also appreciated the work that went into getting payroll done early so everyone was paid on-time.
- Motion by Trustee Schoeneman to table Temporary Use Permit for the East Aurora Farmers' Market to operate in the parking lot of the commercial plaza on Gray Street from 7 a.m. to 1 p.m. on every Saturday from May 3 through November 27, 2019, was seconded by Trustee Porter and unanimously approved.
 - Need to clarify if it was for Wednesday's too.
- Motion by Trustee Lazickas, to grant a request for a Waiver of the 30-Day Municipality Notification for an On-Premise Liquor License serving Liquor, Wine, Beer and Cider in a Tavern for the Elm Street Bakery at 644 Oakwood Avenue, was seconded by Trustee Porter, was unanimously approved.

DEPARTMENT HEAD AND TRUSTEE REPORTS

- Police – None
- DPW – Snow last week and we are watching the Brook for issues.
- Code – Sending out letters to those who do not clear their sidewalks.
- Administrator – She has a lot going on very busy.
- Clerk -Treasurer – We are going live with the new payroll system. The trainer for this module was a pleasure. Rob Goller from the Town was in the audience and said they have had this software for payroll for 3-4 Years.
- Trustee McCabe –Abs
- Trustee Cameron – None
- Trustee Scheer – Great job DPW with the Plowing
- Trustee Schoeneman – Went to the ACES (Auroran's for Climate and energy sense) meeting and spoke about all the good work they have done to remove Styrofoam from the village.
- Trustee Porter – None
- Trustee Lazickas – Echoed Trustee Scheer about the good plowing.
- Mayor Mercurio – Also agreed that the DPW did a great job with the snow. The administrator noted that there was water breaks in the cold weather and that is hard work in the cold. The mayor noted the fire department had a full crew during the storm on hand all day Wednesday and Thursday. The Mayor spoke about the fire department installation dinner and they had a 100 club and some of the firefighters had over 300 calls.

SPEAKERS & COMUNICATIONS (II)

- Tony Rosoti – 350 Oakwood – he asked about the Oakwood project. It was noted by the administrator that we were not going down as far as the bridge. The superintendent noted that the bridge would be the responsibility of the town. Tony asked if he should go complain to the Town.

The administrator noted that the village has sent them a letter. The Village attorney noted it would be up to the town completely.

- Rob Goller – Village and Town Historian – For the bicentennial he is doing a time capsule. He is asking everyone to write a letter to their counterparts. All residents can write letters to the people who live in their house or if they are a boy scout to another boy scout. All letters are due March 1st at Noon to the Town Hall. It is asked that the letters be handwritten. It will be kept in the case in the hallway at the shared village hall.
- Trustee Lazickas said people looking for a higher level trade school let him know, he can help with a \$2,000.00 grant possibility.

EXECUTIVE SESSION

- On a motion by Trustee Lazickas Seconded by Trustee Porter an Executive Session was opened at 8:13 Pm in order to discuss contract negotiations.
- On a motion by Trustee Lazickas, seconded by Trustee Cameron the executive session was closed.

ADJOURNMENT

A Motion was made by Trustee Schoeneman to adjourn the meeting at 8:58 pm. Seconded by Trustee Porter and carried being only opposed by Trustee Lazickas.

Respectfully submitted,

Maureen Jerackas
Clerk-Treasurer