

**VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
JANUARY 17, 2023 –7:00 PM**

Present:

Mayor Mercurio
Trustee Scheer
Trustee Cameron
Trustee Viger
Trustee Kimmel-Hurt

Absent:

Trustee Flynn
Trustee Lazickas

Also Present:

Cathie Thomas, Village Administrator
Elizabeth Cassidy, Code Enforcement Officer
Chris Trapp, Village Attorney
Bob Pierce, Deputy Village Attorney
Shane Krieger, Police Chief
Matthew Hoeh, DPW Superintendent
Maureen Jerackas, Clerk Treasurer
Jessica Taneff, Village Deputy Clerk
15 Members of the public
East Aurora Advertiser

A Motion by Trustee Kimmel-Hurt, to approve the Village Board minutes for December 19, 2022, seconded by Trustee Cameron and carried by unanimous approval.

Trustee Scheer moved to approve the payment of Abstract 12/20/22 for Voucher Nos. 63024 and 63025 for a total of \$1,401,927.86, seconded by Trustee Kimmel-Hurt and carried by unanimous approval.

Trustee Viger moved to approve the payment of Abstract for 1/3/23 for Voucher Nos. 63021-63063 for a total of \$138,660.37, seconded by Trustee Kimmel-Hurt and carried by unanimous approval.

Trustee Cameron moved to approve the payment of Abstract for 1/17/23 for Voucher Nos. 63064 - 63120 for a total of \$61,213.03, seconded by Trustee Kimmel-Hurt and carried by unanimous approval.

SPEAKERS & COMMUNICATIONS (I)-None

PUBLIC HEARINGS

- A Motion by Trustee Scheer, to open the Public Hearing at 7:04 pm to Consider a Local Law to Exceed the Tax Cap, seconded by Trustee and carried with unanimous approval.
 - Do it every year and covers in case we exceed the Tax Cap or for any errors.
 - Dave Peltan-128 Church St-hates his tax bills and they go up every year with inflation which he understands, but it goes up every year. It is hard for retired citizens and those on a fixed income. Hopefully the Village can get by without going over the tax cap.

A Motion by Trustee Kimmel-Hurt to close the public hearing at 7:06 pm, seconded by Trustee Viger and carried with unanimous approval.

- A Motion by Trustee Kimmel-Hurt, to open the Public Hearing at 7:06 pm, to Consider a Local Law to Amend Village Code Section 285-31.7-F –Drive-through facilities, seconded by Trustee Cameron and carried with unanimous approval.
 - The Administrator said this came to her attention with NYCOM training. The presenter had mentioned the licensees would be eligible to have a drive through for part of their business. The Village is not big proponents of drive-through's in the Village and we only have them for pharmacies and banks.

A Motion by Trustee Kimmel-Hurt to close the public hearing at 7:08 pm, seconded by Trustee Viger and carried with unanimous approval.

- A Motion by Trustee Kimmel-Hurt, to open the Public Hearing at 7:09 pm to Consider a Local Law to Amend Village Code Section 285-60.7 – Terms and words defined, seconded by Trustee Cameron and carried with unanimous approval.
 - The Administrator said this has to do with definition in the code that is like the code in the Town of Aurora. It has come to light that the code includes adult entertainment if “male and female impersonators” were eliminated from the code. The Village will mirror the Town Code if the Board so chooses.
 - Dave Peltan-128 Church St- sent an email last week with two attached items. One was a memo from NYS on regulations for adult entertainment and the other was from Pennsylvania. Some of the arguments for changing the code are ill-advised. It is currently enforceable. Drag shows are currently legal but now in the Town they are unregulated. Changing the code will open a pandora's box. ***
 - Margaret Potter- Park Place- supports the change for the elimination of wording to mirror the Town code. Also, to recognize the 21st century, we do not need to exclude this type of expression. Strongly recommend making the change.

A Motion by Trustee Cameron to close the public hearing at 7:16 pm, seconded by Trustee Scheer and carried with unanimous approval.

- A Motion by Trustee Kimmel-Hurt, to open the Public Hearing at 7:16 pm to Consider a Local Law to Amend Sections of Village Code Chapter 9 – Capital Program, seconded by Trustee Viger and carried with unanimous approval.

- The Capital Committee went through the law and they found the timeline did not work for when the budget is approved. This will now change the timeline and since the original plan was written a long time ago, the dollar amounts were not correct, so the amount was increased.

A Motion by Trustee Kimmel-Hurt to close the public hearing at 7:18 pm, seconded by Trustee Scheer and carried with unanimous approval.

OFFICIAL CONSIDERATIONS

- **Resolution of the East Aurora Village Board Acknowledging a Project the Town of Aurora Intends to Construct to Replace the One-Lane Structure Over Tannery Brook on East Fillmore Avenue with a New Two-Lane Structure, with Village Participation in the Project to Include Replacement of an Existing Waterline**

WHEREAS, the Aurora Town Highway Superintendent informed the Village Board that the Town has obtained grant funding from the State to replace the one-lane structure over Tannery Brook on East Fillmore Avenue with a new two-lane structure and that the Town plans to undertake this project in the construction season of 2023; and

WHEREAS, the Aurora Town Highway Superintendent informed the Village Board that one other component of this project could include the replacement of an existing waterline on East Fillmore Avenue, of which the Village would be responsible for funding this one added component; and

WHEREAS, the Town has provided the Village with an estimate from a professional engineer for the cost of the waterline replacement, which estimate is a total of \$60,000 with 15% contingency included.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board hereby acknowledges that the Town shall proceed with their project to replace the one-lane structure over Tannery Brook on East Fillmore Avenue with a new two-lane structure, and the Village shall join with the Town for the project to replace the existing waterline on East Fillmore Avenue, with the following conditions:

- 1) The Town shall pay all engineering expenses for all components of the project.
- 2) When the bids are received, the engineer for the Town shall calculate from the unit prices submitted the total separate amounts for the various components of the project: (1) the structure over Tannery Brook and (2) the waterline replacement.
- 3) The Village agrees that they shall participate with the Town in the structure replacement project over Tannery Brook and fund the cost of the portion of the project that is the waterline replacement on East Fillmore Avenue, provided that the cost for the segment of the waterline replacement does not exceed \$70,000. In the event, however, that the bids from contractors for the segment of the waterline replacement exceeds \$70,000, then the Village shall have the option to discontinue participation in this project concerning the component of the waterline replacement.
- 4) The Town shall ensure that all post-construction conditions on private properties adjoining the project shall be the same as pre-construction, including drainage impacts and connections from private structures to public utilities.

5) The Village shall have no obligation to pay any amounts over the original bid submitted for that part of the project that is the waterline replacement that may arise as a result of change orders, or any other factors, during construction of the project. Should any change orders be proposed for any part of the waterline replacement that is the responsibility of the Village, the Town shall notify the Village in writing, in advance, along with providing all supporting documentation. The Village shall review said documentation and decide and inform the Town, in writing, if the Village approves of, and is willing to pay the added costs for, said change orders.

6) The Town shall pay all invoices due on the project. For any invoices paid by the Town for amounts that are the responsibility of the Village, the Town shall provide all pertinent documentation to the Village so that the Village may reimburse the Town through the normal voucher payment process. Requests the Town makes to the Village for reimbursements, and payments made to the Town by the Village, shall be within the 2023-24 fiscal year of the Village, from June 1, 2023 through May 31, 2024.

7) Approval of this Resolution is subject to the execution of a written agreement between the Village and Town, which agreement shall contain the above conditions and any other terms and conditions that the Village and Town may jointly approve, including, but not limited to:

- the Village retaining the right to perform inspections on work as it progresses and at its conclusion;
- that maintenance bonds shall be issued to the Village for the waterline replacement;
- the Town's understanding that all costs related to the expense for relocating the utility pole shall be borne by the utility company;
- the Town shall inform the Village of all trees to be removed for the project, which information shall be reviewed by the Village Tree Board. Post-construction, the Village shall have the option to plant new replacement trees in areas where it was necessary to remove existing trees.

Trustee Kimmel-Hurt made a motion to approve the foregoing resolution, which was seconded by Trustee Cameron, with unanimous approval.

- Trustee Kimmel-Hurt said they've heard the resident wishes to keep the single lane bridge. She is not interested in realigning the road or adding sidewalks in support to the bridge project. They have heard from those that will be impacted from this change. Trustee Viger is in agreement and felt this would have been beneficial for the Town to come to the Board before applying for the grant. Trustee Cameron said it puts the Board in an impossible situation, which would make the Board have to rush through the decision and the budget. Trustee Scheer doesn't like the added cost and agrees with the other Trustees. The Board would have liked to have had this discussion before the Town applied for the Grant.
- The DPW Superintendent said there is a 4" water main that runs to the west of the bridge. Now is the perfect time to replace it with an 8" valve so that in the future, waterlines can be tied in easier. The cost of 60k sounds like a high side estimate, but is reasonable.

- **RESOLUTION**

January 17, 2023

Adopt Local Law 1 of 2023 – Tax Cap Override

Trustee Viger, 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 January 17, 2023, at 7:00 pm in the Council Chambers of the Municipal Building, 585 Oakwood Ave, 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, 2023 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, 2023 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 Kimmel-Hurt, and duly put to a roll call vote which resulted in the following:

Trustee Cameron-aye

Trustee Viger-aye

Trustee Kimmel-Hurt-aye

Trustee Scheer-aye

Mayor Mercurio-aye

- **Resolution of the East Aurora Village Board of a Determination of Non-Significance pursuant to the State Environmental Quality Review Act in the matter of a Local Law Amending Village Code Section 285 – Zoning, Amending Section 285-31.7 – Drive-through facilities**

WHEREAS, Parts 1, 2 and 3 of the Short Environmental Assessment Form has been filed with this Board, a copy of which is included by reference and made a part hereof, relating to a Local Law Amending Village Code Section 285-31.7 – Drive-through facilities; and

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Parts 1, 2 and 3 of the Short Environmental Assessment form referenced above; and

WHEREAS, the Village SEQRA Intake Committee, after review of the above, recommends the Village Board issue a Negative Declaration of Environmental Significance; and

WHEREAS, the Village Board, upon carefully and fully reviewing all the information in regard to the proposed Local Law 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 filed with the Village, included and incorporated by reference herein, is classified as an Unlisted Action and therefore issues a Negative Declaration, that adoption of this Local Law will not have a significant environmental impact and a Draft Environmental Impact Statement will not be required nor prepared. The foregoing resolution was duly made by Trustee Viger and seconded by Trustee Scheer and carried on January 17, 2023.

- **RESOLUTION** **January 17, 2023**

AN ORDINANCE ADOPTING LOCAL LAW No. 2 of 2023:

Trustee Kimmel-Hurt, offered the following resolution and moved for its adoption:

A Local Law Amending Village Code Section 285.31.7 – Drive-through facilities (items shown as stricken are deleted or shown as underlined are new)

§ 285-31.7. Drive-through facilities.

...

F. Drive-through establishments operated in conjunction with any restaurant, eating place, food service operation or beverage or liquor store or cannabis operation, including retail dispensaries, are not permitted.

BE IT FURTHER RESOLVED, that this Resolution enacting Local Law No. 2 shall take effect immediately and Local Law No. 2 of 2023 shall take effect immediately upon filing with the Secretary of State, and shall be added to the text of the Local Laws of the Village of East Aurora thereafter.

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

Trustee Cameron-aye

Trustee Viger-aye

Trustee Kimmel-Hurt-aye
Trustee Scheer-aye
Mayor Mercurio-aye

- **Resolution of the East Aurora Village Board of a Determination of Non-Significance pursuant to the State Environmental Quality Review Act in the matter of a Local Law Amending Village Code Section 285 – Zoning, Amending Section 285-60.7 – Terms and words defined**

WHEREAS, Parts 1, 2 and 3 of the Short Environmental Assessment Form has been filed with this Board, a copy of which is included by reference and made a part hereof, relating to a Local Law Amending Village Code Section 285-60.7 – Terms and words defined; and

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Parts 1, 2 and 3 of the Short Environmental Assessment form referenced above; and

WHEREAS, the Village SEQRA Intake Committee, after review of the above, recommends the Village Board issue a Negative Declaration of Environmental Significance; and

WHEREAS, the Village Board, upon carefully and fully reviewing all the information in regard to the proposed Local Law 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 filed with the Village, included and incorporated by reference herein, is classified as an Unlisted Action and therefore issues a Negative Declaration, that adoption of this Local Law will not have a significant environmental impact and a Draft Environmental Impact Statement will not be required nor prepared. The foregoing resolution was duly made by Trustee Cameron and seconded by Trustee Kimmel-Hurt and carried on January 17, 2023.

- **RESOLUTION** **January 17, 2023**
AN ORDINANCE ADOPTING LOCAL LAW No. 3 of 2023:

Trustee Kimmel-Hurt, offered the following resolution and moved for its adoption:

A Local Law Amending Village Code Section 285.60.7 – Terms and words defined (items shown as stricken are deleted or shown as underlined are new)

§ 285-60.7. Terms and words defined.

For the purpose of this chapter, certain terms or words used herein shall be interpreted or defined as follows:

ADULT ENTERTAINMENT ESTABLISHMENT

A public or private establishment, whether licensed or not to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators, or similar entertainment.

BE IT FURTHER RESOLVED, that this Resolution enacting Local Law No. 3 shall take effect immediately and Local Law No. 3 of 2023 shall take effect immediately upon

filing with the Secretary of State, and shall be added to the text of the Local Laws of the Village of East Aurora thereafter.

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

Trustee Cameron-aye

Trustee Viger-aye

Trustee Kimmel-Hurt-aye

Trustee Scheer-aye

Mayor Mercurio-aye

- The Board agrees they should be in alignment with the Town.

• **RESOLUTION**

January 17, 2023

ADOPT LOCAL LAW #4 OF 2023 – Capital Program

Trustee Cameron, 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 January 17, 2023, at 7:00 pm in the Council Chambers of the Municipal Building, 585 Oakwood Ave, East Aurora, NY to consider the adoption of a local law amending the Capital Program section of Village Law.

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:

Chapter 9 Capital Program

[HISTORY: Adopted by the Board of Trustees of the Village of East Aurora 2-20-1967 by L.L. No. 1-1967 (Ch. 6 of the 1972 Code). Amendments noted where applicable.]

§ 9-1 Planning and execution of a capital program.

The Village of East Aurora shall undertake the planning and execution of a capital program in accordance with the following provisions.

§ 9-2 Capital program to be plan of proposed capital projects.

A capital program shall be a plan of capital projects proposed to be undertaken during a six-year period, the estimated cost thereof and the proposed method of financing.

§ 9-3 Capital Expenditures Committee created.

[Amended 8-28-1972 by L.L. No. 3-1972; 1-5-1987 by L.L. No. 3-1987]

A Capital Expenditures Committee is hereby created consisting of the following members: two Village Trustees who shall be appointed to the said Committee by the Mayor at the Annual Meeting of the Board of Trustees to serve for a term of one official Village year; one member of the Planning Commission of the Village of East Aurora appointed to said Committee by the said Planning Commission to serve for a term of one official Village year; and three residents of the Village of East Aurora, hereinafter called "resident members," who shall be appointed to said Committee by the Mayor at the Annual Meeting of the Board of Trustees, to serve for a term of three official Village years, except that the respective terms of the resident members of the Committee first appointed thereto shall be for one, two and three official Village years, or fractions thereof, from the time of their appointment. The successors to the said resident members shall be appointed for a term of three official Village years from and after expiration of the term of their respective predecessors on the said Committee. The Mayor shall

designate one of the Village Trustees so appointed to the said Committee to be the Chairman thereof.

§ 9-4 Function of Committee.

The Capital Expenditures Committee shall assist the Board of Trustees in the planning and execution of the said capital program by receiving from department heads, and other officials, civic groups and interested individuals, written or oral suggestions for capital projects to be undertaken by the Village, reviewing the said suggestions, evaluating the said suggestions in terms of the needs of the Village and developing annually a proposed capital program which will list the recommended capital projects in order of priority based on relative urgency and merit, state the estimated cost of each project and state the proposed method or methods of financing each recommended project.

§ 9-5 Submission of capital program: information required.

The Capital Expenditures Committee shall transmit its annual proposed six-year capital program to the Village Clerk-Treasurer by not later than the first day of March. The Village Clerk-Treasurer or the budget officer shall prepare the said capital program and shall submit it to the Board of Trustees with the tentative budget. The said capital program shall be arranged in such manner as to indicate the order of priority and state for each project:

- A. A description of the proposed project and the estimated total cost thereof.
- B. The proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds; the amount, if any, estimated to be received from the federal and/or state governments; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued.
- C. An estimate of the effect, if any, upon operating costs of the municipal corporation within each of the three fiscal years following completion of the project.
- D. Nothing herein shall prohibit the Village Board or any Trustee from recommending any capital improvement or program at any time regardless of any review by the Capital Expenditures Committee.

§ 9-6 Capital project defined.

[Amended 7-25-1967 by L.L. No. 2-1967; 12-4-1972 by L.L. No. 6-1972]

The term "capital project" as used in this chapter shall mean:

- A. Any physical betterment or improvement, which could including include, but is not limited to furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired; or
- B. Any Preliminary studies or surveys relating to any physical betterment or improvement; or
- C. Land or rights in land; or
- D. Any combination of Subsections A, B or C, provided such physical betterment or improvement, including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired, or any preliminary studies or surveys relating to any physical betterment or improvement, or land or rights in land or combination thereof has a period of probable usefulness as established in § 11.00 of the Local Finance Law of five years or more and has a value of more than \$100,000.

A capital project shall be established for any such capital asset as defined in this section.

§ 9-7 Amount included in tentative budget.

The Village Clerk-Treasurer, or other officer charged with the preparation of the tentative budget, shall include in the tentative budget the amount proposed for the proposed capital program to be financed by direct budgetary appropriation during the fiscal year to which such tentative budget pertains.

§ 9-8 Summary of financial requirements in budget message.

There shall be included in the budget message, if any, a general summary of the financial requirements for the capital program for the fiscal year to which the budget message related. Additional comments and recommendations of any other board, officer or agency may also be included in the budget message.

§ 9-9 Adoption of program after review and revisions.

The Board of Trustees shall adopt the capital program after review and revisions, if any. This approval shall take place as soon as possible after the Capital plan is turned into the clerk-treasurer on or about January 1, each year. The capital plan will be used to help guide the development of the budget. The public hearing for the Budget will allow for resident comments on how the capital plan is affecting the year's budget and spending. The provisions of any law relating to a public hearing on the tentative budget shall apply to the capital program. The capital program, after the required hearing, shall be adopted at the same time as the tentative budget is adopted by the affirmative vote of a majority of the total membership of the Board of Trustees. In the event that the Board of Trustees shall fail to adopt a capital program on or before the first day of Marchay, the proposed capital program, with such changes, alterations and revisions as shall have been made by resolution of the Board of Trustees, shall constitute the capital program of the Village of East Aurora for the ensuing six-year period. Nothing herein shall prohibit the Board of Trustees from modifying such plan from time to time as may be expedient.

§ 9-10 Amendments, additions, modifications.

At any time after the adoption of the capital program, the Board of Trustees by a majority vote of the total membership may amend the capital program by adding, modifying or abandoning the capital projects or by modifying the methods of financing. No capital project shall be authorized or undertaken unless it is included in the capital program as adopted or amended.

§ 9-11 Copy of program transmitted to Capital Expenditures Committee.

A copy of the adopted capital program and any amendment or revision of said capital program shall be transmitted to the Capital Expenditures Committee within two weeks after its adoption, amendment or revision, as the case may be.

§ 9-12 Preparation of parts of program.

In preparing its annual proposed six-year capital program to be transmitted to the Village Clerk-Treasurer in accordance with § 9-5 of this chapter, the Capital Expenditures Committee shall concern itself primarily with the preparation of a new last, or sixth, year portion thereof to be added to the second through sixth year portion of the preceding capital program as adopted and amended as provided herein, which portion shall become the first through fifth year portion of the new proposed six-year capital program; provided, however, that the said Capital Expenditures Committee may submit proposed changes in the said carried over portion of the preceding capital program, together with written reasons for said proposed changes, for the consideration of the Board of Trustees.

Effective date

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

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

Trustee Cameron-aye

Trustee Viger-aye

Trustee Kimmel-Hurt-aye

Trustee Scheer-aye

Mayor Mercurio-aye

- A motion by Trustee Kimmel-Hurt, to Approve a Temporary Use Permit for the Aurora Players for Free Summer Outdoor Performances in Hamlin Park, seconded by Trustee Viger and unanimously approved.
- A motion by Trustee Kimmel-Hurt, to Refer to the Planning Commission on February 7, 2023 for a Special use Permit for Aurora Cider House -Lenny Ciolek -198 Main Street, seconded by Trustee Scheer and unanimously approved.
- A motion by Trustee Cameron, to Refer to the Planning Commission on February 7, 2023, for a Special use Permit for Bar at Main and Hamlin -Andrew Miller and Joseph Morcelle -198 Main Street, seconded by Trustee Kimmel-Hurt and unanimously approved.
- A motion by Trustee Cameron, to Advertise for Bids for Improvements to the Culvert Structure behind 227 Main Street, seconded by Trustee Scheer and unanimously approved.
- A motion by Trustee Kimmel-Hurt, for the 2022-2023 Budget

Budget Transfers	2022-23				
FROM			TO		
A.5.1620.0200	Buildings-Equipment	\$ 300.00	A.5.1620.0470	Buildings-Dept Supplies	\$ 300.00
A.5.3120.0470	Police-Department Supplies	\$ 716.00	A.5.3120.0230	Police-Department Equipt.	\$ 716.00
A.5.3120.0470	Police-Department Supplies	\$ 1,600.00	A.5.3120.0460	Police-Department Vehicle Maintenance	\$ 1,600.00
A.5.3420.0130	Police and Fire-PT and Temp.	\$ 5,000.00	A.5.3420.0140	Police and Fire-OT	\$ 5,000.00
A.5.1990.0400	Contingency	\$ 35,000.00	A.5.7140.0420	Playground-Maint and Repairs	\$35,000.00
A.5.7140.0421	Caz Creek	\$ 500.00	A.5.7140.0431	Playground-Electric	\$ 500.00
A.5.5142.0470	Salt	\$ 15,000.00	A.5.1640.0450	Central Garage Gas oil and grease	\$15,000.00
A.5.5142.0470	Salt	\$ 20,000.00	A.5.1640.0460	Central Garage - Vehicle maintainece	\$ 20,000.00
F.5.1380.0410	Fiscal Agent Fee-Adv and Counsel	\$ 2,500.00	F.5.8340.0470	Transmission and Distro.-Supplies and Mater.	\$ 2,500.00
F.5.1990.0400	Contingency	\$ 15,000.00	F.5.8340.0470	TRANSN & DIST- SUPPLIES & MATERIALS	\$15,000.00

seconded by Trustee Cameron and unanimously approved.

- A motion by Trustee Kimmel-Hurt, to Appoint Part-Time Public Safety Dispatcher Stephen Rozler to start January 18, 2023, seconded by Trustee Viger, and unanimously approved.
 - Chief Krieger said Mr. Rozler is a FT dispatcher in the Town of Lancaster. He will be learning the job here in East Aurora but all signs point to him being an excellent candidate.

- A motion by Trustee Cameron, to Appoint Dave Simeone to the Planning Commission to finish a term to expire the first Monday in April 2025, seconded by Trustee Scheer, and unanimously approved.

- **RESOLUTION**

January 17, 2023

DECLARE SURPLUS PROPERTY

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

WHEREAS, the Fire Department has hose that is more than 20 years old

WHEREAS, Fire Hose needs to be replaced after 20 years per NFPA

WHEREAS, the Fire Department believes the hose has no resale value

WHEREAS, the Fire Department has donated Hose to Outlining farms for Irrigation

NOW, BE IT RESOLVED, the Fire Department hose that is more than 20 years old is declared surplus property and it can be donated to outlining farms for irrigation hose.

The foregoing resolution was seconded by Trustee Kimmel-Hurt, and unanimously approved.

SPEAKERS & COMMUNICATIONS (II)

- Deroda Johnson-898 East Fillmore- is asking if they are considering sidewalks in front of their homes. The Mayor said this is a Town project and since the Village did not vote yes for this project, the Town is not authorized to put in a sidewalk.
- Tim Stroth-360 Center St- wanted to clarify about the road realignment. He requested the Village Safety Board take a look at this and that the road should be realigned to make it proper. Without sidewalks the road will be exacerbated.

DEPARTMENT HEAD AND TRUSTEE REPORTS

- Police Chief – Going to be putting up two old patrol cars in the next few weeks. The County is offering the test in the next few weeks for dispatcher. They should be ok with the PT Dispatchers for the meantime. Will be meeting with the Clerk Treasurer this week regarding the budget.
- DPW Superintendent – DPW staff is in process of rehabbing the restrooms near the football field at Hamlin Park.
- CEO – None
- Clerk-Treasurer – met with the Police Chief and put together a policy for Code Red. They are waiting for access to Code Red so they can write more detail regarding using Code Red. Hopes to have it for the next meeting. Working with Dept. heads this week regarding the budget.
- Village Administrator – Just had recent training. Went to Disaster Land, and the annual Hodgson-Ross labor employee training
- Trustee Cameron – Reminder that the Budget Work Sessions are open to the public.
- Trustee Kimmel-Hurt – none
- Trustee Viger – None
- Trustee Scheer – Encourage for residents to come to the Budget meeting to see how the Board goes through line by line to watch how we spend our money.

- Mayor Mercurio – None

ADJOURNMENT

A Motion was made by Trustee Cameron to adjourn the meeting at 7:58 pm. Seconded by Trustee Kimmel-Hurt and unanimously carried.

Respectfully submitted,

Jessica Taneff
Deputy Clerk

1. Dear EA Village Board,

I want to add my voice to the vast majority of our community to change the antiquated language in the Village code. I urge you to pay no heed to those opposed to this policy. Our Village has a small band of people who are quite literally opposed to everything. It would be just as easy to imagine this crowd agreeing with the change with phrases like 'if you don't like it, don't go', "this is a private company on their private land, operating in private and government should keep their hands off", "this is big government telling individuals what they can and can't do", and, of course, "freedom". The truth is the current code is undefinable, and if it is undefinable, it is also unenforceable, and therefore needs to be changed. First, you need to determine the gender of the performer, which requires significant infringement on personal rights, which they typically support. Second, you need to define what it means to dress as the opposite sex. Is it wearing a dress, like men going back to Shakespeare have done? Make up, like any man on TV or in a musical? Heels, how high? The anti-group has not addressed any of these issues. This group also likes to reference Jesus and the Old Testament. So let's go there. Jesus wore a tunic, otherwise known as a dress, as did all men, and women, at the time. Women did not start wearing pants, by then men's wear, in large numbers until the 1950s, yet most of the women opposed to this change are presently wearing pants, including the minister's wife at the Town Board meeting, who also broke 1 Timothy 2:12. The truth is those opposed are neither seeking to return to the past, nor move to the future. They're just against. Likewise, EA is becoming a more diverse, tolerant and welcoming Village and we should be embracing these changes. Every homeowner in EA is richer today because of those moving here. And people are coming for the great schools and young, dynamic, and tolerant Village culture. The current language must change.

Thank you.

Eric Carlson Main Street, EA Village