

VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
April 21, 2025 - 7:00 PM

Present:

Trustee Lazickas
Trustee Cameron
Trustee Viger
Trustee Rabey
Trustee Scheer
Mayor Mercurio

Absent:

Trustee Flynn

Also Present:

Maureen Jerackas, Clerk-Treasurer
Shane Krieger, Village Administrator
Patrick Welch, Police Chief
Chris Trapp, Village Attorney
Jeff Stoll, General Foreman
Rich Miga, Code Enforcement
Aaron Denz, Fire Chief

31 Members of the public

A Motion by Trustee Cameron to approve the Village Board minutes for April 7, 2025, seconded by Trustee Rabey and carried with unanimous approval.

Trustee Lazickas moved to approve the payment of Abstract for April 21, 2025 with a total of \$33,887.93 seconded by Trustee Scheer and carried by unanimous approval.

SPEAKERS AND COMMUNICATIONS (I)

- Jared- Village Arborist, along with Meryl, did an assessment in Hamlin Park and found 25-26 trees that need to be removed, and they are additional high risk. He stated there is a list that is specific about what needs to be done. Mayor Mercurio asked if there was a ranking, and Jarod replied that there was. He stated that all trees are tagged, numbered and assessed. He spoke about the assessments and that they are good for a year. Mayor Mercurio noted that General Crew Chief Stoll is already working on the pruning and will need to call someone in for the branches higher than the bucket truck. He stated that a maintenance plan is in place now. Trustee Cameron asked about snag tree and Jarod stated that they are a one by one review and that he can't decide the risk and that the Board would need to decide on it.
- Nancy Smith- 195 Sycamore- She expressed that she sees continued momentum and would like a moratorium on unnecessary tree trimming. Mayor Mercurio spoke with Governor Hochul's office about this. Mrs. Smith submitted a tree trimming box hand out.
- Jennifer Brazil- 115 Blackhill Road- She asked if the Village Tree Board can see the assessment, General Crew Chief Stoll will send it over. She expressed concerns over another tree trimming company helping O'Connell, General Crew Chief Stoll said that he has already been in contact with the foreman.
- Michelle Biella- 370 South Park Place- She expressed her concerns over the tree trimming and referred to a petition.

- Greg Perkins- Firefighter- He is not against the celebration but has concern for safety and has over 20 years of experience. He said the EMT's are overwhelmed with the amount of people, excessive drinking and number of venues. He stated that East Aurora officers are the best but are few in numbers and the East Aurora Fire Department are overwhelmed. He expressed concerns over a social media post made by Chris Welch about the Heart of Music Festival that did not give corrected information and with comments that called the Village Board Members idiots.
- Dennis McCarthy- 299 Main Street- EA Firefighter and EMT- He stated that he is against the Heart of Music Festival and spoke about safety and security issues. The fire department is not against community events but said this is a huge dangerous event. He said social media over this event are dividing the residents and are getting people harassed. He said that the stipulations from the Village Board are not going to help.

PUBLIC HEARINGS

- A Motion by Trustee Cameron, to open the Public Hearing at 7:32pm to Consider a Local Law to Amend Section §249-28 of Village Code East Aurora's No Parking in certain places: North Street South from Whaley Avenue to Maple Street and North from Maple Street west to dead end, second by Trustee Rabey and carried with unanimous approval.
 - Trustee Lazickas asked for Clarification, Clerk-Treasurer Jerackas reviewed the areas set to be changed. Police Chief Welch explained that the safety committee reviewed the parking situation and that this was the best resolution. Mayor Mercurio was concerned about the speed of traffic, Police Chief Welch said that with the stop signs, it shouldn't be a problem. Mayor Mercurio asked if this will become a frequent request for other streets, Police Chief Welch said that he does not know what people will ask for but this is an unusual situation.

A Motion by Trustee Viger to close the public hearing at 7:37pm, seconded by Trustee Lazickas and carried with unanimous approval.

- A Motion by Trustee Lazickas, to Consider the Village's Annual MS4 Report to open the Public Hearing at 7:37pm, second by Trustee Rabey and carried with unanimous approval.
 - Water Foreman Halt reviewed what this report was and said that it is the same as last year.
- A Motion by Trustee Cameron to close the public hearing at 7:38 pm, seconded by Trustee Lazickas and carried with unanimous approval.

OFFICIAL CONSIDERATIONS

- A motion by Trustee Lazickas to **Approve a Local Law to Amend Section §249-28 of Village Code East Aurora's No Parking in certain places: North Street South from Whaley Avenue to Maple Street and North from Maple Street west to dead end** was seconded by Trustee Scheer and unanimously approved by roll call
 - Trustee Lazickas- Aye
 - Trustee Cameron- Aye
 - Trustee Viger- Aye
 - Trustee Rabey- Aye
 - Trustee Scheer- Aye
 - Trustee Flynn- Absent
 - Mayor Mercurio- Aye
- A motion by Trustee Cameron to Permission for the Mayor to sign the Village's MS-4 report was seconded by Trustee Rabey and unanimously approved.

- I Mayor Pete Mercurio Appoint Stacey Blatner to the Hamlin Park Committee for a 1-year term to end the first Monday in April 2026 and unanimously approved.
- A motion by Trustee Rabey to Approve a Temporary Use Permit for Jerrica Hinman Hometown Market EA 641 Oakwood and 72 Elm Street various dates 9am-1PM was seconded by Trustee Viger and unanimously approved.
- A motion by Trustee Lazickas, to Approve a Temporary Use Permit for the Town of Aurora Backyard Bash concert series Thursdays July 10-August 28 4PM to 9PM, seconded by Trustee Scheer, and unanimously approved.
 - Trustee Scheer asked if the bathrooms would still be inside the building, and it was confirmed.
- A motion by Trustee Cameron, to Approve a Temporary Use Permit for East Aurora Art Society Susan Somerville for a Fine Art Exhibit and Sale June 28th & 29th from 10am-5pm contingent on receipt of certificate of insurance at the Clerk Treasurer's office, seconded by Trustee Lazickas, and unanimously approved.
- A motion by Trustee Rabey, Approve Temporary Use Permit for 42 North Brewing Company John Cimperman Bands in the beer garden 6.20.25, 8.8.25, 9.11.25 from 7pm-10pm, seconded by Trustee Lazickas, and unanimously approved.
 - John Cimperman stated that the Alley will not need to be closed
- A motion by Trustee Lazickas, to Set a Public hearing May 19, 2025 to consider an application from Rachel and Willam Denz 863 Lawrence Ave for a permit to keep other than household pets, for 6 hens, seconded by Trustee Cameron, and unanimously approved.
 - Mayor Mercurio asked about the new process, Clerk Treasurer Jerackas said that she explained the process to the applicant, but they chose to move forward with the public hearing because she was missing signatures with people away.
- A motion by Trustee Lazickas, to Set a public hearing May 19, 2025 to discuss a Site Plan application from Jim Bammel of Bammel Architects, PC, architect for Bank of Holland at 250 Quaker Road. The request is to construct an addition and alteration to the north side facade of the building that faces Quaker Road for an externally illuminated sign, seconded by Trustee Viger, and unanimously approved.
- A motion by Trustee Scheer, to Set a public hearing May 19, 2025 to discuss the idea of a bait and shoot program to control the deer population in the Village, seconded by Trustee Viger, and unanimously approved.
- A motion by Trustee Viger, to Refer to Planning Commission May 6th, 2025, a special use permit for an accessory building on an Open Space (OS) zoned lot adjacent to 816 Warren Drive, submitted by owner East Aurora Forest Company, LLC, Hiram Rhoads member, seconded by Trustee Cameron, and unanimously approved.
- A motion by Trustee Lazickas, to Permission to advertise the bid for the roof repair at the DPW once the bid documents are ready, seconded by Trustee Rabey, and unanimously approved.
 - Clerk-Treasurer Jerackas explained the need for the roof repair after the lower roof had an emergency repair needed and the engineers assessed.
- A motion by Trustee Viger, to Approve the following new members of the East Aurora Fire Department, Shawn Cecula & Andrew Mocny, seconded by Trustee Rabey and unanimously approved.

- A motion by Trustee Lazickas, to Schedule a Public Hearing on May 19th, 2025 for 293 Center Street, Melissa and Mark Ramsey – permit to maintain 3 dogs, seconded by Trustee Scheer, and unanimously approved.
- A motion by Trustee Cameron, to Approve Budget Adjustments for the 2024/25 fiscal year, seconded by Trustee Lazickas, and unanimously approved.

Budget Transfers	2024-2025				
FROM			TO		
A.5.1640.0450	Central Garage-Gas, Oil, Greas	\$ 570.00	A.5.1490.0420	Public Works Admin- Maint & Repairs	\$ 570.00
A.5.1640.0450	Central Garage-Gas, Oil, Greas	\$ 7.00	A.5.1490.0440	Public Works Admin- Training, Travel & Dues	\$ 7.00
A.5.1640.0450	Central Garage-Gas, Oil, Greas	\$ 7,000.00	A.5.1640.0140	Central Garage- Overtime	\$ 7,000.00
A.5.1640.0450	Central Garage-Gas, Oil, Greas	\$ 60.00	A.5.1640.0440	Central Garage- Training, Travel & Dues	\$ 60.00
A.5.1640.0110	Central Garage-Salary & Wage	\$ 4,500.00	A.5.5110.0140	Street Maint- Overtime	\$ 4,500.00
A.5.1640.0110	Central Garage-Salary & Wage	\$ 900.00	A.5.5110.0125	Street Maint- Longevity	\$ 900.00
A.5.3640.0410	Disaster Prep- Hazmat Contrac	\$ 564.00	A.5.4540.0410	Ambulance Serv- American Medical	\$ 564.00
A.5.9060.0805	Health & Medical Insur	\$ 3,878.20	A.5.1620.0110	Buildings- Salaries & Wages	\$ 3,878.20

• **MODIFY 2024/2025 BUDGET**

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

BE IT RESOLVED, the Clerk – Treasurer is hereby authorized to modify the 2024/2025 Budget in the following manner:

Revenue - Unclassified 4.2770 - \$ 10,198.67

Expenditures – Central Garage maintenance & repair 5-1640.0460 - \$10,198.67

Insurance claim plow truck 505-21

Revenue – Appropriated Fund balance - \$ 55,000

Expenditures – Police Department Supplies 5-3120.0470 - \$55,000

Grant for Tasers

The following resolution was seconded by Trustee Scheer and unanimously approved

- A Motion by Trustee Lazickas, to award the auction amounts from Auctions International, as follows:

LOT#1: Year 2022 Ford Explorer Police VIN# 9084 to DCMO-2 in the amount of \$14,800.

LOT#2: Year 2021 Ford Explorer Police VIN# 2625 to PartsCars in the amount of \$9,200.

Lot#3 (6 Chainsaws) (1) Stihl MS 200T (3) Homelite Super 2 models (1) Stihl 019T (1) Husqvarna 35 to Murph32 in the amount of \$260.

Lot#4 (6 Chainsaws) (1) Husqvarna Professional (1) Husqvarna 266 XP5 (1) Husqvarna 288 XP Homelite XP-1130 (1) Stihl 090AV (1) Poulan 4000 Professional to Murph32 in the amount of \$640.

Lot#5 Year 1995 Ford L8000 Dump Truck VIN# 2527 to mofito in the amount of \$2025.

Lot#6 (1) One Way 11' Plow and (1) Steel 11' Wing Blade to who in the amount of \$30.

Lot#7 (1) John Deere Lawn Mower, Model #JS20, 20" cut, (2) Husqvarna Lawn Mowers, Model #65021CHV, 21" cut, (1) Ariens Snow Blower, Model #524, 24" path to Pathetyk in the amount of \$55.

Lot#8 (1) Sefac Air Jack, (1) Snap- On Ya717 Jack, (1) Norco Wheel Dolly, (1) Napa Fleet Jack, (1) Engine Stand, (1) Unbranded 2 Ton Jack (1) Unbranded Floor Jack. to Magoffinbob in the amount of \$155.

Lot#9 (1) Homelite 3" Trash Pump to who in the amount of \$70. seconded by Trustee Viger and unanimously approved.

OLD BUSINESS

- Construction of the Town Judicial Courts- Clerk Treasurer Jerackas explained to the Village Board the project the Town was proposing to remodel the 2nd floor of 571 Main Street. She noted Chief Welch Administrator Krieger noted a door to the police department would need to be secure. She asked if anyone had any objections. Village Board is good with changes that the Town is proposing.
- Hamlin Park- Memorial Plaque, sport court usage- The donor plaque is adjusting the wording and still needs time to get source documents. Mayor Mercurio noted that the Village Board needs to fact check and Trustee Lazickas is working on it. Trustee Scheer would like Pickleball removed from Hamlin Park and he suggested shuffleboard or bocce ball. Master's tennis was also suggested. Mayor Mercurio noted more badminton and maybe outside the exercise area. Trustee Scheer expressed that he does not want pickleball. Mayor Mercurio noted that the soundproof pads can come down. Trustee Viger suggested a public hearing, Trustee Cameron and Trustee Scheer agreed. A public discussion will be held May 19, 2025
- Heart of Music Festival- Trustee Rabey requested to hear from the emergency services on where they were at with extra support. Mayor Mercurio reviewed where we are currently at with the application and requirements. Police Chief Welch stated that he spoke with the NYS Police and they verbally agreed to send officers and he also has two town police forces that he is negotiating with currently. Trustee Rabey asked about the cost associated with that, Police Chief Welch stated that he is negotiating with the towns and NYS Police have stated that they will do it in kind. Trustee Rabey asked if that will help with the level of safety, Police Chief Welch stated that our police force is down by 25% so this will help and also help with making arrests. Trustee Rabey asked if this would make it easier to do a 1pm-9pm. Trustee Rabey and Police Chief Welch discussed having a central location for the event to run later than what was agreed upon. Mayor Mercurio asked Police Chief Welch if he set a hard line on a time for safety, Police Chief said he would like 8pm end unless a central location was given. Fire Chief Denz asked Mayor Mercurio if he could go over all the information that they talked about, Mayor Mercurio explained the current situation. The Village Board is aware coverage will be tight and Fire Chief Denz said that they aren't able to get additional ambulances from the departments. He stated that he will get more first responders from other agencies and stated that AMR cannot guarantee more coverage. Fire Chief Denz said that the Part 18 paperwork that is filed by the applicant gives the event a dedicated ambulance and a mobile health unit. Ryan Sheedy with the Heart of Music Festival stated that a paramedic can fill in for a physician. Village Attorney Chris Trapp read the law and disagrees with Ryan. Fire chief Denz is concerned about that situation. Mayor Mercurio stated that they are trying to more support from the county. Police Chief Welch spoke about the social media posts from the Heart of Music Festival and the lack of support from them in regard to informing the public about the safety concerns, but instead saying negative things about the board. Trustee Lazickas asked if the Village Board is moving the time of the event to 9pm, the Village Board members discussed when the event should end, when the bars should have to close and Police Chief Welch's suggestion about moving the last hour to a centralized location. Trustee Viger said that she will support the recommendations from the department heads, she still supports the 8pm ending time unless they move it to the rink for the last hour. She noted that they asked for the application early and it was not given early so the Village Board had less time to review. Trustee Scheer said if they do everything they promise and it worked out. Trustee Viger stated that she enjoys the event during the day but it gets bad at night. Trustee Cameron noted that after 8pm is a problem but is ok with it going until 9pm if it's at the rink. Mayor Mercurio noted that the troopers are coming in. Trustee Lazickas noted late ticket sales. Village Administrator Krieger noted that if the bars are still open, you can't move all the police. Trustee Lazickas made a motion to change the time from 1pm to 9pm with bars closing at 10pm but all other restrictions are staying the same. Police Chief Welch stated that he was only OK with extending the time if they moved the last hour to the rink not just extending the event, there are safety concerns with just extending the event. He said the closing time needs to stay the same. Trustee Viger said that was not what the Police Chief suggested and noted that the application did not get submitted early enough to deal with the issues.

- Trustee Lazickas made a motion to approve changes to the Heart of Music Festival permit hours from 1pm-9pm with bars closing at 10pm and all other restrictions staying the same, seconded by Trustee Scheer with 4 Ayes and 2 Nays (Viger, Cameron).

SPEAKERS AND COMMUNICATIONS (II)

- Tony Rosati- 461 Griggs Place- He expressed concerns over the tree evaluations, Mayor Mercurio noted that Mr. Rosati asked for this from NYSEG years ago. Mayor Mercurio asked General Crew Chief Stoll if something can be done, he said that he was looking at street trees and evaluating maintenance.
- Kim Haltman-407 Prospect- She came for the Heart of Music Festival decision but asked about Pickleball. She wants to keep pickleball in Hamlin Park and asked about the noise measurement. Trustee Lazickas has said that the noise has been a problem, which is why they are discussing changing them.
- Sam Jaworski- 33 Center St- He spoke about emergency medical techs in NY State and how hard it is to keep people in that position. He stated that he is proud of our EMS team in East Aurora but there are serious safety concerns about this event with it being hard to staff and pulling ambulances from residents. He wanted his concerns to be heard.
- Dennis McCarthy- 299 Main St- He expressed his displeasure with the decision of the Village Board Members who voted yes to the Heart of Music Festival

Department Head and Trustee Reports

Police Chief – He said the Bunny Hop went well.

Fire Chief- He stated that the fire department and ones they work with have expressed where they stand.

General Crew Chief – He stated that the DPW started hot patching and getting the GIS started for the trees. He said he is working with Scott Warning for the electric to the park bathrooms. He said that the trees have been delivered from NYSEG.

Code Enforcement – None

Village Administrator-He stated Erie County internet will be coming here in the future and will meet with the Village before anything happens

Clerk Treasurer- She said that the fiscal stress scores came out and the Village financial score remained very low. She is very happy with that.

Trustee Viger- She stated that we should respect our emergency services and not put any more stress on them.

Trustee Rabey- He asked about the event and when part 18 will be approved because it's a requirement. The discussion was about venues backing out if they have an agreement. He wants a list of beneficiaries from the Heart of Music Fest and believes that the fire department should be on the application. He is also asking for the event to stop being tone deaf and writing things on social media that are negative.

Trustee Scheer- He agrees with Trustee Rabey about the negative social media and said the event organizers to work hard to keep it safe. He thanked the Fire Department for the Easter Bunny parade.

Trustee Cameron – She also thanked the Fire Department for the Easter Bunny. She said she hopes the Heart of Music goes well and thanked the emergency personnel.

Trustee Lazickas- He said that he attended a tree seminar and learned a lot. Trustee Lazickas asked for a moratorium on tree trimming.

- Trustee Lazickas made a motion to set a public hearing on May 19, 2025 for a moratorium on non-emergency tree trimming of Village trees, seconded by Trustee Rabey and unanimously approved.
- Trustee Lazickas made a motion to have a public communication session May 19, 2025 to discuss ideas for the sports courts at the park.

Mayor Mercurio- He stated that he appreciates all the people coming out about the Heart of Music Festival and that everyone cares. He stated that he hopes the event organizers will keep it safe.

EXECUTIVE SESSION-

- A motion by Trustee Lazickas to open an executive session at 8:55pm regarding Benderson litigation, seconded by Trustee Cameron, and unanimously approved.

A motion by Trustee Lazickas to close the executive session at 9:21pm, seconded by Trustee Rabey and unanimously approved.

ADJOURNMENT

A Motion was made by Trustee Viger to adjourn the meeting at 9:21pm. Seconded by Trustee Lazickas and unanimously carried.

Respectfully submitted,

Maureen Jerackas
Village Clerk-Treasurer