

**AGENDA**  
**Village Board of East Aurora**  
**May 18, 2020 Regular Meeting at 7 p.m.**

**1. CALL MEETING TO ORDER**

- A. Pledge of Allegiance
- B. Roll Call
- C. Approval of Minutes of Village Board Meeting for May 4, 2020
- D. Approval of Payment of Abstract(s): Voucher Nos. 59741 through 59779 for a total of \$45,467.71

**2. SPEAKERS & COMMUNICATIONS (I)**

**3. PUBLIC HEARINGS**

- A. Consideration of property at 649 Main Street, known as The Bank, represented by Todd Stine, requesting approval of a revised site/development plan (*continued*)
- B. Consideration of a Local Law to amend Chapter 180 of Village Code, Peddlers and Solicitors, to add a section with regulations specific to mobile food vendors, aka food trucks (*new*)
- C. Village Annual MS4 Storm Water Management Report (*new*)

**4. OFFICIAL CONSIDERATIONS**

- A. Consideration to Approve a revised development plan for 649 Main Street, known as The Bank, represented by applicant Todd Stine
- B. Consideration to approve a Local Law to amend Chapter 180 of Village Code, Peddlers and Solicitors, to add a section with regulations specific to mobile food vendors, aka food trucks
- C. Consideration to Approve the Mayor to sign the Village Annual MS4 Storm Water Management Report
- D. Consideration of a Permit Application for Keeping Other Than Household Pets, for Shaun and Kelly Canaski at 789 Warren Drive to keep chickens on the property; set a public hearing on June 15<sup>th</sup>
- E. Consideration of a request from the Tree Board for modification of the Village's Tree Maintenance Policy
- F. Consideration to Approve an Agreement with Robert Pierce, Esq. to serve as Village Attorney as an independent contractor, and to approve the Mayor's Appointment of Christopher Trapp as Deputy Village Attorney
- G. Consideration to Appoint the Americans with Disabilities Act (ADA) Coordinator, term ending April 5, 2021
- H. Consideration to Award the Contract for installation of a new phone system to
- I. Consideration to Award the Contract for development and design of a new Village website to

**5. DEPARTMENT HEAD REPORTS**

**6. SPEAKERS & COMMUNICATIONS (II)**

**7. ADJOURNMENT**

**VILLAGE OF EAST AURORA  
VILLAGE BOARD MEETING  
May 4, 2020 –7:00 PM**

**Present:**

Trustee Lazickas  
Trustee Kimmel-Hurt  
Trustee Cameron  
Trustee Porter  
Trustee Schoeneman  
Trustee Scheer  
Mayor Mercurio

**Also Present:**

Shane Krieger, Chief of Police  
Maureen Jerackas, Clerk-Treasurer  
Robert Pierce, Village Attorney  
Cathie Thomas, Village Administrator  
Matthew Hoeh, Superintendent of Public Works  
William Kramer, Building Inspector  
0 Members of the public

A Motion by Trustee Porter to approve the Village Board minutes of April 20, 2020 with one change to a comment Trustee Cameron made, seconded by Trustee Scheer and carried with unanimous approval.

Trustee Schoeneman moved to approve the Payment of Abstract(s) for:  
Voucher Nos. Nos. 59685 through 59739 for a total of \$415,797.84  
Seconded by Trustee Kimmel-Hurt and unanimously carried.

**PUBLIC HEARINGS-CONTINUED**

- A Motion by Trustee Schoeneman to open a public hearing at 7:02PM on March 16th, for a Request for the property at 64 South Willow be approved as an Airbnb, was seconded by Trustee Kimmel-Hurt and carried with unanimous approval.
  - Paula Zagrobelny spoke at the Zoom meeting about her application. Paula told the Board she has an upper and lower with two separate entrances. She would like to have an Airbnb to provide hospitality during the summer with the festivals that partake in the Village. Paula said she will make sure all renters are reputable renters. She does not allow animals, or children unless they are of friends or relatives. She also does not allow alcohol on the premises. There is also parking for up to four cars in her driveway. Trustee Schoeneman asked Paula how she was going to screen

the renters. Paula responded she will use Airbnb and another home share website. On these websites there are criteria to see how the renter has been with other renters. Airbnb is also based on rating someone with the star system, which ranges from a 1 star to 5-star reputable renter. Trustee Porter asked Paula if she will live on site. Paula responded that she lives on site 100% of the time.

On a Motion by Trustee Schoeneman to close the public hearing at 7:14PM, was seconded by Trustee Porter and carried with unanimous approval.

- A Motion by Trustee Lazickas to open a public hearing at 7:06PM on March 16th, for a Request for the property at 263 Olean Road be approved as an Airbnb, was seconded by Trustee Cameron and carried with unanimous approval.
  - No new comments, and no negative comments. Trustee Porter asked if Laura White lived on site and CEO Kramer responded she did.

On a Motion by Trustee Schoeneman to close the public hearing at 7:16PM, was seconded by Trustee Cameron and carried with unanimous approval.

- A Motion by Trustee Cameron to open a public hearing at 7:38 PM on April 20th, for the Property at 522 South Street, owned by Mary Snyder, requesting to be approved as an Airbnb, was seconded by Trustee Lazickas and carried with unanimous approval.
  - Mary Snyder-522 South St.-Mary is looking to rent out the one extra bedroom in her house, after Covid ends when she feels safe to do so. Trustee Schoeneman asked Mary how she will screen applicants. Mary said Airbnb does background checks on the applicants and there are long email chains and reviews from other people who have had the applicants in their Airbnbs. Mary also noted there is a 1-5 star with a comment about the guest from prior hosts. Trustee Porter asked if Mary lives on site, and Mary responded that she does. The Mayor asked Mary about her application from February where she was asking for a 30-day rent. Mary responded that she originally wanted to rent out the whole house during the summertime for 30 days and not be there, but now is not looking to necessarily do that. Mary would still like to have the 30-day rental as an option for the future. CEO Kramer responded and said if she rents the house for 30 days or more, that would take it out of being a BnB, which would consider it legal, and she would not need Village Board approval for that. Trustee Kimmel-Hurt asked CEO Kramer if Mary is considering renting out one bedroom, is there a requirement for a separate form of egress. CEO Kramer said no, if the two occupants were separate, that would require legal egress, but it is no difference from her having a relative stay over and having one form of egress from the bedroom. Trustee Cameron asked about the parking situation. Mary responded her driveway is a singly wide driveway that can fit 3 cars. There would also be off street parking.

On a Motion by Trustee Lazickas to close the public hearing at 7:23PM, was seconded by Trustee Porter and carried with unanimous approval.

- A Motion by Trustee Lazickas to open a public hearing at 7:07PM for a Request for a revised Site Plan Approval for The Bank at 649 Main Street, was seconded by Trustee Schoeneman and carried with unanimous approval. The Public hearing remains open.
  - Sue Steinwachs-925 Luther Rd.- Sue addressed her letter that was read at the last Public Hearing and asked if anything has changed from the April 8th proposed revision. The Administrator said the rooftop outside space has been

eliminated from the proposal. The Administrator has spoken to the DOJ, and since the rooftop has been eliminated, this means an elevator is not required for this development. There is a handicap accessible room and restroom on the main floor and there are other hotel rooms downstairs along with space upstairs for events. Sue asked if the overflow seating upstairs is correct. The Administrator said she would check with the developer on that question.

- A Motion by Trustee Schoeneman to open a public hearing at 7:39 PM on April 20th, for Consideration of changes to the Village Zoning Ordinance, was seconded by Trustee Kimmel-Hurt and carried with unanimous approval.
  - The Clerk-Treasurer read an email from the Planning Commission Chair, Karen Lee. The Administrator said she met with CEO Kramer and CEO Cassidy to review the Zoning Code and the proposed changes include all the small changes, there are no large changes. The Board is being asked to make a decision to either send minor changes to the Planning Commission with their recommendations sent back to the Board. Or it could skip going to the Planning Commission and go straight to the Board.
- On a Motion by Trustee Lazickas to close the public hearing at 7:33PM, was seconded by Trustee Cameron and carried with unanimous approval.
  - Trustee Kimmel-Hurt commented on the definition of “minor” and feels striking it from the code would make for consistency. Trustee Kimmel-Hurt asked about the two versions of ZBA appointments they’re received and asked which one is current. The Administrator said what is in the current code does not go along with state law. She told the Board they would be making a proposal on what mirrors the state law. Lastly Trustee Kimmel-Hurt referred to section 44.6 (n) Prohibited Signs and asked about the flag signs around the Village. CEO Kramer commented and said these signs have never been permitted but it has just been hard to keep track of them and prohibited.

## **OFFICIAL CONSIDERATIONS**

- A Motion by Trustee Porter, to Approve a Special Use Permit for 64 South Willow Street, owned by Paula Zagrobelny, to operate an Airbnb, seconded by Trustee Scheer with 6 ayes and 1 nay by Trustee Schoeneman, was approved.
  - Trustee Schoeneman commented that she has concerns for the residents who want to know their neighbors. She feels this would spoil residential neighborhoods. Trustee Scheer said he has been to places where Airbnb turns housing undesirable. He also knows Paula and trusts she will do a good job, but he understands the danger of losing that neighborhood feel. Trustee Porter commented that he was relieved to hear homeowners would be living on site. Trustee Kimmel-Hurt asked how many current Airbnb’s there are. CEO Kramer said they currently have two and those approved for Airbnb’s have come in for Special Use Permits prior to this code change.
- A Motion by Trustee Kimmel-Hurt, to Approve a Special Use Permit for 263 Olean Road, owned by Laura Whit, to operate an Airbnb, seconded by Trustee Kimmel-Hurt with 6 ayes and 1 nay by Trustee Schoeneman, was approved.

- A Motion by Trustee Porter, to Approve a Special Use Permit for 522 South Street, owned by Mary Snyder, to operate an Airbnb seconded by Trustee Scheer with 6 ayes and 1 nay by Trustee Schoeneman, was approved.
- **RESOLUTION- ADOPT LOCAL LAW No. 2 OF 2020: AMENDING VILLAGE CODE SECTION 285 - ZONING**

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

Insert changed items for Section 285, as notated.

**BE IT RESOLVED**, that this Resolution enacting Local Law No. 2 of 2020 shall take effect immediately and 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 Kimmel-Hurt, and duly put to a roll call vote which resulted in the following:

Trustee Lazickas- aye  
Trustee Porter- aye  
Trustee Kimmel-Hurt- aye  
Trustee Schoeneman- aye  
Trustee Cameron- aye  
Trustee Scheer- aye  
Mayor Mercurio- aye

The Local Law was approved

\*\*see attachments

- The Administrator said they are approving minor changes which eliminates section 51.5(B) so it would avoid allowing minor changes to not go before the Planning Commission before the Board votes on a decision.
- Discussion of new, proposed agreement for ambulance service with AMR
  - The Administrator spoke to the Board about a new proposal for an AMR contract.
- A Motion by Trustee Schoeneman, to change the date for the Public Hearing for a Local Law to amend Chapter 180 of Village Code, Peddlers and Solicitors to May 18, seconded by Trustee Cameron and carried with unanimous approval.
  - The Clerk Treasurer reviewed the steps on what happens after a Public Hearing has been scheduled.
- A Motion by Trustee Porter, to set a Public Hearing for MS-4 Stormwater Management for May 18, seconded by Trustee Kimmel-Hurt and carried with unanimous approval.
- A Motion by Trustee Lazickas, to Approve Temporary Use Permits for the Town of Aurora: Summer Recreation Program June 29 to August 14 and Final Production for Summer Theater Program July 17 to August 7, Fridays 4 to 8 p.m., seconded by Trustee Kimmel-Hurt and carried with unanimous approval.

- **RESOLUTION**

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

WHEREAS, the Federal government recently enacted the Coronavirus Aid, Relief and Economic Security (CARES) Act to address the economic fallout from the coronavirus pandemic in the United States; and

WHEREAS, Section 601 of the CARES Act (P.L. 116-136) provides a \$150 billion fund for states, tribal governments, and units of local government with a population in excess of 500,000 people; and

WHEREAS, less than one-half of one percent of municipalities in the entire United States meet this population threshold and are thus ineligible to receive direct funding from the federal government; and

WHEREAS, of the 933 towns in New York, 931 are not eligible for direct federal funding under the CARES Act, including the 3 Cities, 25 Towns and 16 Villages and also including the Village of East Aurora; and

WHEREAS, Towns, Cities and Villages, provide essential services to the 9 million New York residents, including, but not limited to, ambulance, police and fire protection services, building and code enforcement, and highway maintenance, and have continued to do so throughout the ongoing health crisis; and

WHEREAS, the coronavirus pandemic has created significant financial stress for local governments in New York as an estimated \$2 billion in sales tax revenue has been lost, as well as other sources of revenue such as permit fees, justice court fines, and mortgage recording tax; and

WHEREAS, the depletion of different revenue sources for local governments, combined with lack of funding, will result in reducing essential services or shifting the cost onto real property taxpayers, many of whom are experiencing their own financial stress.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Trustees of the Village of East Aurora call upon Congressional Representatives Brian Higgins and Tom Reed (who came forth to help with the constituency of the 27<sup>th</sup> District which has no representation), Senator Charles Schumer and Senator Kirsten Gillibrand, to support Federal funding related to the coronavirus pandemic that is directly delivered to all municipalities, regardless of population size.

FURTHER BE IT RESOLVED, that the Mayor and Trustees of the Village of East Aurora urges the United States Senate and United States House of Representatives to support this Resolution.

The following resolution was seconded by Trustee Lazickas and carried with unanimous approval.

- The Administrator said this resolution is for local governments who have been left out of funding, especially the Village of East Aurora which has less than 5,000 people. This resolution would tell Congress we want to be included in the next round of money funding due to the pandemic.

- **RESOLUTION**

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

WHEREAS, Gretchen Rich is a part-time Account Clerk for the Village of East Aurora and has worked for the Village for four years; and

WHEREAS, Gretchen Rich has a part-time regular schedule, unlike any other Village employee; and

WHEREAS, Gretchen Rich adapts her schedule to that of the Village in order to get work done when needed; and

WHEREAS, the Village would like to give Gretchen Rich five (5) days per year paid time off (PTO); and

WHEREAS, these days should be used for holidays that fall on her regular works days; and

WHEREAS, Gretchen can schedule these days off as vacation or personal time on her regular workdays.

NOW, THEREFORE, BE IT RESOLVED that Gretchen Rich, part-time Account Clerk will earn five (5) PTO days every year on June 1st. Said days are to be used with in the fiscal year. Days cannot be carried over or paid out.

BE IT FURTHER RESOLVED that this Agreement will not be carried over to any person other than Gretchen Rich, including any new employee who may fill the same part-time Account Clerk position.

The following resolution was seconded by Trustee Lazickas and carried with unanimous approval.

- **ADOPT 2020-2021 BUDGET ADJUSTMENTS**

Trustee Scheer offered the following resolution and moved for its adoption: Make the following budget adjustments to the 2019/2020 budget.

A.5.1620.0433	Building - Water	\$125	A.5.1620.470	Building - Department Supplies	\$125
A.5.1640.0420	Central garage maintenance and repair	\$750	A.5.1640.0480	Central Garage - uniform	\$750
A.5.1640.0470	Central garage - Departmental supplies	\$200	A.5.1640.0480	Central Garage - uniform	\$200
A.5.1640.0460	Central garage - vehicle maintenance and repair	\$2,225	A.5.5110.0200	Street Maintenance-Equipment	\$2,225
A.5.1670.0420	Central Printing and mailing - maintenance	\$800	A.5.1670.0403	Central Printing and mailing	\$800
A.5.3420.0130	Police Dispatch partime	\$10,000	A.5.3420.0110	Police Dispatch Labor	\$10,000
A.5.7140.0433	Playground and recreation- water	\$200	A.5.7140.0420	Play ground and recreation expenditures	\$200
A.5.8010.0110	Zoning- Salary	\$50	A.5.8010.0440	Zoning- training	\$50
A.5.9045.0803	Life Insurance - Active	\$4,000	A.5.9060.0806	Health Ins. -retiree	\$4,000
A.5.9045.0804	Life Insurance- Retired	\$200	A.5.9060.0806	Health Ins. -retiree	\$200
A.5.9061.0807	Dental Insurance	\$2,500	A.5.9060.0806	Health Ins. -retiree	\$2,500
A.5.1325.0200	Village Administrator - equipment	\$10,000	A.5.9730.0600	BAN- Principal	\$10,000
A.5.1480.0410	Public Information Services	\$15,000	A.5.9730.0600	BAN- Principal	\$15,000
A.5.1325.0420	Village Administrator- Office Supplies	\$25,000	A.5.9730.0600	BAN- Principal	\$25,000
A.5.1420.0420	Village Attorney - CODE	\$8,000	A.5.9730.0600	BAN- Principal	\$8,000

F.5.8340.0420	Transmission - maintenance and repairs	\$4,500	F.5.9710.0706	Interest Ban Oakwood	\$4,500
F.5.8340.0403	Transmission - Office Supplies	\$450	F.5.8340.0440	Transmission training and travel	\$450
F.5.8340.0490	Transmission- water testing	\$1,000	F.5.8340.0480	transmission - uniforms	\$1,000
F.5.8340.0200	Transmission Equipment	\$21,000	F.5.9710.0606	BAN-Oakwood	\$21,000
F.5.8340.0200	Transmission Equipment	\$5,000	F.5.9710.0706	Interest Ban Oakwood	\$5,000

The following resolution was seconded by Trustee Cameron and was unanimously approved.

- Trustee Lazickas asked questions on the Budget and what certain items are being budgeted. The Clerk-Treasurer responded there is a budget for furniture and material needed to be purchased for when we move buildings. The Code on the website also needs to be updated. The budget for Administrator Equipment is for new Village landline phones. The Superintendent said the wheel loader that is being budgeted for the DPW is the machine used for plowing and loading trucks with stone and salt.
- A Motion by Trustee Porter, to Approve Change Order No.2 for the Oakwood Project seconded by Trustee Kimmel-Hurt and carried with unanimous approval.

#### **DEPARTMENT HEAD AND TRUSTEE REPORTS**

- DPW- The Superintendent said they are still chipping brush and reminded residents Yard Waste takes place every Saturday from 9am-2pm. They have also done some graffiti removal in the park. Trustee Kimmel-Hurt asked about the follow up with the tree request from Tony Rosati. The Superintendent said they are still following up but those over 90 are not hazardous.
- Police Chief- Chief Krieger said this Village has been slow except this weekend. Trustee Kimmel-Hurt and Trustee Cameron both commented that they have seen a lot of congregating around the Village. Trustee Schoeneman spoke about statistics. Chief Krieger said they are mostly concerned with large groups of people.
- Oakwood Coordinator- Tim Stroth said phase 1 has been completed minus the new Town Hall, He said phase 2 with the new water main will be completed this week. He said the roadwork on Hamburg St, started today and the Tim Hortons drive-through is working well.
- Code- Code Enforcement Officer Kramer said they have been working on the storm water report. They have also been doing inspections as they can with smaller projects and reviewing larger projects right now. Trustee Kimmel-Hurt asked about the Roycroft Stock House. CEO Kramer said they have been taken to court before Covid started and we will see what happens when it resumes.
- Administrator- The Administrator said they have been very busy in the office.
- Clerk-Treasurer- The Clerk-Treasurer said the Website and Phone Bids are out. She said she spoke with Nick, the IT for the Village for needs when we move buildings. The Clerk Treasurer has been ordering supplies on D-Lan. She said Elections have been set for September 15th which is the same time as water billing and moving buildings.
- Trustee Lazickas – None.

May 4, 2020

- Trustee Kimmel Hurt – None
- Trustee Cameron – None
- Trustee Porter- None
- Trustee Schoeneman- None
- Trustee Scheer- Trustee Scheer said he met with an Oakwood resident who is not dealing well with the road flare and had some Oakwood questions. He also commented that the new drive-through for Tim Hortons is working well.
- Mayor Mercurio- The Mayor thanked the residents for social distancing and supporting the local restaurants. He asked that everyone continues to do their part and keep safe. The Mayor also said the Town canceled their Independence Day Celebration and he is looking for ideas from residents on how they can replace this celebration, in a socially distant way.

**ADJOURNMENT**

A Motion was made by Trustee Cameron to adjourn the meeting at 8:37PM. Seconded by Trustee Kimmel-Hurt and unanimously carried.

Respectfully submitted,

Jessica Taneff  
Village Deputy Clerk



Village of East Aurora  
Warrant Report 4/20/2020

Bank Name	Voucher No	Vendor Name	Invoice Date	Invoice No	Invoice Amt	Invoice Description	Fiscal Year	Period	Due Date	Check No	Check Date
BANK OF HOLLAND GEN CHECK - 00100	59768	Amazon	05/09/2020	1H11-HMTQ-K3QD	\$19.75	VEA Office Supplies	2020	12	05/18/2020		
				<b>Line Number</b>	<b>Detail Description</b>	<b>Account Number</b>	<b>Account Description</b>	<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>	
				1	Yens Elite Bubble rolls	A.5.1325.0403	VILLAGE ADMINISTRATOR - OFFICE SUPPLIES	\$19.75			
Total vouchers for Amazon: 1					\$19.75						
BANK OF HOLLAND GEN CHECK - 00100	59765	AMCHAR WHOLESale, INC.	05/18/2020	00950737	\$717.64	Duty and Target Ammo for EAPD Officers	2020	12	05/18/2020		
				<b>Line Number</b>	<b>Detail Description</b>	<b>Account Number</b>	<b>Account Description</b>	<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>	
				1	P45HST2 premium 45 duty ammo	A.5.3120.0470	POLICE DEPARTMENT - DEPARTMENTAL SUPPLIES	\$717.64	2020000336	04/02/2020	
Total vouchers for AMCHAR WHOLESale, INC.: 1					\$717.64						
BANK OF HOLLAND GEN CHECK - 00100	59750	BATTERY POST, INC.	04/28/2020	8360	\$119.90	Fire Department Batteries- fire alarm	2020	12	05/18/2020		
				<b>Line Number</b>	<b>Detail Description</b>	<b>Account Number</b>	<b>Account Description</b>	<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>	
				1		A.5.3410.0420	FIRE DEPARTMENT - DEPARTMENT SUPPLIES	\$119.90	2020000358	04/28/2020	
Total vouchers for BATTERY POST, INC.: 1					\$119.90						
BANK OF HOLLAND GEN CHECK - 00100	59777	BUFFALO NEWS	05/11/2020	ACT #-15634456-8	\$261.00	52 WEEK DAILY NEWSPAPER SUBSCRIPTION FOR PERIOD BEG. 5/28/2020	2020	12	05/18/2020		
				<b>Line Number</b>	<b>Detail Description</b>	<b>Account Number</b>	<b>Account Description</b>	<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>	
				1	52 WEEK DAILY NEWSPAPER SUBSCRIPTION FOR PERIOD BEG. 5/28/2020	A.5.1210.0440	MAYOR - TRAINING, TRAVEL & DUES	\$261.00			
Total vouchers for BUFFALO NEWS: 1					\$261.00						
BANK OF HOLLAND GEN CHECK - 00100	59751	BUFFALO SPRING	05/01/2020	36371	\$2,491.22	EAFD #4	2020	12	05/18/2020		



Village of East Aurora  
Warrant Report 4/20/2020

Bank Name	Voucher No	Vendor Name	Invoice Date	Invoice No	Invoice Amt	Invoice Description	Fiscal Year	Period	Due Date	Check No	Check Date
		Line Number	Detail Description		Account Number	Account Description		Detail Amount	PO Number	PO Date	
		1			A.5.3410.0460	FIRE DEPARTMENT - VEHICLE MAINTENANCE & PARTS		\$2,491.22	2020000350	04/21/2020	
Total vouchers for BUFFALO SPRING: 1					\$2,491.22						
BANK OF HOLLAND GEN CHECK - 00100	59779	BURKE GROUP	05/12/2020	20-0508-01	\$2,750.00	completion of GASB 75 valuation report for fiscal year ending in 5/31/2020	2020	12	05/18/2020		
		1	completion of GASB 75 valuation report for fiscal year ending in 5/31/2020		A.5.1320.0491	AUDITOR - GASB 45		\$2,750.00			
Total vouchers for BURKE GROUP: 1					\$2,750.00						
BANK OF HOLLAND GEN CHECK - 00100	59754	CHURCHVILLE FIRE EQUIP	04/20/2020	183214	\$155.73	EAFD #5 & #7 parts	2020	12	05/18/2020		
		1			A.5.3410.0460	FIRE DEPARTMENT - VEHICLE MAINTENANCE & PARTS		\$155.73	2020000345	04/15/2020	
Total vouchers for CHURCHVILLE FIRE EQUIP: 1					\$155.73						
BANK OF HOLLAND GEN CHECK - 00100	59773	CLEAN MD COMMERCIAL CLEANING INC.	05/10/2020	9237	\$586.51	EAFD Monthly Cleaning for April, 2020	2020	12	05/18/2020		
		1	EAFD Monthly Cleaning for April, 2020		A.5.3410.0470	FIRE DEPARTMENT - JANITORIAL SUPPLIES		\$586.51			
Total vouchers for CLEAN MD COMMERCIAL CLEANING INC.: 1					\$586.51						
BANK OF HOLLAND GEN CHECK - 00100	59747	DELACY FORD	04/30/2020	PQ31018	\$408.78	EAPD Parts	2020	12	05/18/2020		
		1	EAPD Parts - Push bar		A.5.3120.0460	POLICE DEPARTMENT - VEHICLE MAINTENANCE & PARTS		\$408.78			
Total vouchers for DELACY FORD: 1					\$408.78						





**Village of East Aurora  
Warrant Report 4/20/2020**

Bank Name	Voucher No	Vendor Name	Invoice Date	Invoice No	Invoice Amt	Invoice Description	Fiscal Year	Period	Due Date	Check No	Check Date
BANK OF HOLLAND GEN CHECK - 00100	59772	ERIE COUNTY COMPTROLLER	05/13/2020	1800059282	\$978.05	NATIONAL FUEL GAS & TRANSPORTATION CHARGES FOR APRIL 2020	2020	12	05/18/2020		

Line Number	Detail Description	Account Number	Account Description	Detail Amount	PO Number	PO Date
1	571 MAIN ST VILLAGE HALL 3384-370; 2/17-3/16/2020	A.5.1620.0432	BUILDINGS - GAS	\$43.28		
2	400 PINE STREET DPW 3013-452	A.5.1640.0432	CENTRAL GARAGE - GAS	\$787.67		
3	575 OAKWOOD AVE FIRE DEPT 3348- 880	A.5.3410.0432	FIRE DEPARTMENT - GAS	\$0.00		
4	600 PINE ST OLD WATER PLANT 3013-451	F.5.1620.0432	BUILDINGS - GAS	\$163.46		
5	33 CENTER ST NEW FIRE HALL 7467- 613	A.5.3410.0432	FIRE DEPARTMENT - GAS	\$468.09		
6	571 Main; 3/16-4/17/2020	A.5.1620.0432	BUILDINGS - GAS	\$47.11		
7	2/17-3/16/2020	A.5.1620.0432	BUILDINGS - GAS	(\$531.56)		

Total vouchers for ERIE COUNTY COMPTROLLER: 2 \$1,211.65

Bank Name	Voucher No	Vendor Name	Invoice Date	Invoice No	Invoice Amt	Invoice Description	Fiscal Year	Period	Due Date	Check No	Check Date
BANK OF HOLLAND GEN CHECK - 00100	59759	GRECO TRAPP PLLC	05/04/2020	April Services	\$1,330.00	Invoices for Services through April, 2020	2020	12	05/18/2020		

Line Number	Detail Description	Account Number	Account Description	Detail Amount	PO Number	PO Date
1	Statement # 20566	A.5.1420.0411	VILLAGE ATTORNEY - OTHER LEGAL COUNSEL	\$133.00		
2	Statement #20567	A.5.1420.0411	VILLAGE ATTORNEY - OTHER LEGAL COUNSEL	\$285.00		
3	Statement #20568	A.5.1420.0411	VILLAGE ATTORNEY - OTHER LEGAL COUNSEL	\$361.00		
4	Statement #20569	A.5.1420.0411	VILLAGE ATTORNEY - OTHER LEGAL COUNSEL	\$361.00		
5	Statement #20570	A.5.1420.0411	VILLAGE ATTORNEY - OTHER LEGAL COUNSEL	\$190.00		

Total vouchers for GRECO TRAPP PLLC: 1 \$1,330.00

Bank Name	Voucher No	Vendor Name	Invoice Date	Invoice No	Invoice Amt	Invoice Description	Fiscal Year	Period	Due Date	Check No	Check Date
BANK OF HOLLAND GEN CHECK - 00100	59749	KURK FUEL COMPANY	04/22/2020	600372	\$836.55	Diesel Fuel 2/24/20-4/22/20	2020	12	05/18/2020		

Line Number	Detail Description	Account Number	Account Description	Detail Amount	PO Number	PO Date
1	Diesel Fuel 2/24/20-4/22/20	A.5.1640.0450	CENTRAL GARAGE - GASOLINE, OIL & GREASE	\$783.27		



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Bank Name	Voucher No	Vendor Name	Invoice Date	Invoice No	Invoice Amt	Invoice Description	Fiscal Year	Period	Due Date	Check No	Check Date
	2		Diesel Fuel 2/24/20-4/22/20		A.5.3410.0450	FIRE DEPARTMENT - GASOLINE, OIL & GREASE		\$53.28			
Total vouchers for KURK FUEL COMPANY: 1					\$836.55						
BANK OF HOLLAND GEN CHECK - 00100	59762	MARTYN PRINTING & GRAPHICS, INC.	05/08/2020	31951	\$274.00	VEA office envelopes	2020	12	05/18/2020		
		<b>Line Number</b>	<b>Detail Description</b>		<b>Account Number</b>	<b>Account Description</b>		<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>	
		1	5000 #10 window envelopes		A.5.1670.0403	CENTRAL PRINTING & MAILING - CENTRAL PRINTING AND MAILING		\$274.00			
Total vouchers for MARTYN PRINTING & GRAPHICS, INC.: 1					\$274.00						
BANK OF HOLLAND GEN CHECK - 00100	59752	Max Grafix LLC	04/30/2020	607	\$458.49	EAFD Decals	2020	12	05/18/2020		
		<b>Line Number</b>	<b>Detail Description</b>		<b>Account Number</b>	<b>Account Description</b>		<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>	
		1			A.5.3410.0420	FIRE DEPARTMENT - DEPARTMENT SUPPLIES		\$458.49	2020000332	04/02/2020	
Total vouchers for Max Grafix LLC: 1					\$458.49						
BANK OF HOLLAND GEN CHECK - 00100	59753	Medical Warehouse Inc.	04/23/2020	201425	\$264.36	EAFD EMS supplies	2020	12	05/18/2020		
		<b>Line Number</b>	<b>Detail Description</b>		<b>Account Number</b>	<b>Account Description</b>		<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>	
		1			A.5.3410.0420	FIRE DEPARTMENT - DEPARTMENT SUPPLIES		\$264.36	2020000354	04/23/2020	
Total vouchers for Medical Warehouse Inc.: 1					\$264.36						
BANK OF HOLLAND GEN CHECK - 00100	59756	NOVA HEALTHCARE ADMINISTRATORS, INC.	05/18/2020	May 2020 HRA Administrative Fee	\$171.00	Monthly Administrative Fee of \$4.50 per Enrollee - 38 Enrollees, May 2020	2020	12	05/18/2020		
		<b>Line Number</b>	<b>Detail Description</b>		<b>Account Number</b>	<b>Account Description</b>		<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>	
		1	General Fund Active Members - 25 Members, May 2020		A.5.9060.0805	HOSPITAL & MEDICAL INSURANCE - HEALTH INSURANCE		\$112.50			
		2	General Fund Retiree Enrollees - 12 Members, May 2020		A.5.9060.0806	HOSPITAL & MEDICAL INSURANCE - HEALTH INSURANCE-RETIREES		\$54.00			
		3	Water Fund Retiree - 1 Member, May 2020		F.5.9060.0806	HOSPITAL & MEDICAL INSURANCE - HEALTH INSURANCE-RETIREES		\$4.50			



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Bank Name	Voucher No	Vendor Name	Invoice Date	Invoice No	Invoice Amt	Invoice Description	Fiscal Year	Period	Due Date	Check No	Check Date
Total vouchers for NOVA HEALTHCARE ADMINISTRATORS, INC.: 1					\$171.00						
BANK OF HOLLAND GEN CHECK - 00100	59758	NYSEG	05/04/2020	ACCT 483, 491	\$18,141.98	ACCTS 483 & 491 ELECTRICITY USAGE; 4/1-4/30/20	2020	12	05/18/2020		
		<b>Line Number</b>	<b>Detail Description</b>	<b>Account Number</b>	<b>Account Description</b>	<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>			
		1	STREET LIGHT R3 NYSEG ACCT 1001-3627-483	A.5.5182.0431	STREET LIGHTING - ELECTRIC	\$17,855.67					
		2	STREET LIGHT R2 NYSEG ACCT NO 1001-3627-491	A.5.5182.0431	STREET LIGHTING - ELECTRIC	\$286.31					
Total vouchers for NYSEG: 1					\$18,141.98						
BANK OF HOLLAND GEN CHECK - 00100	59766	OFFICE DEPOT	05/18/2020	489756696001	\$165.08	office supplies, ink	2020	12	05/18/2020		
		<b>Line Number</b>	<b>Detail Description</b>	<b>Account Number</b>	<b>Account Description</b>	<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>			
		1	HP 131X (CF210X) Black High Yield Original LaserJet Toner Cartridge	A.5.3120.0403	POLICE DEPARTMENT - OFFICE SUPPLIES	\$151.82	2020000369	05/07/2020			
		2	Swingline® Rubber Fingertips, #11, 9/16" Diameter, Amber, Box Of 12	A.5.3120.0403	POLICE DEPARTMENT - OFFICE SUPPLIES	\$3.89	2020000369	05/07/2020			
		3	BIC® Wite-Out Brand EZ Correct Correction Tape, 3/16" x 471-3/16", White, Pack Of 10 Cartridges	A.5.3420.0470	POLICE & FIRE DISPATCH - DEPARTMENTAL SUPPLIES	\$9.37	2020000369	05/07/2020			
Total vouchers for OFFICE DEPOT: 1					\$165.08						
BANK OF HOLLAND GEN CHECK - 00100	59761	Quadient	05/03/2020	April Postage	\$1,000.00	Transaction date: 4/27/2020	2020	12	05/18/2020		
		<b>Line Number</b>	<b>Detail Description</b>	<b>Account Number</b>	<b>Account Description</b>	<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>			
		1	Transaction date: 4/27/2020	F.5.8310.0403	WATER ADMINISTRATION - POSTAGE, BILLS, NOTICES	\$1,000.00					
Total vouchers for Quadient: 1					\$1,000.00						
BANK OF HOLLAND GEN CHECK - 00100	59764	SAIA COMMUNICATIONS, INC.	05/18/2020	925006203-1	\$2,792.36	Motorola Mobile Radios XPR5550e complete car 21, 26, 38	2020	12	05/18/2020		
		<b>Line Number</b>	<b>Detail Description</b>	<b>Account Number</b>	<b>Account Description</b>	<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>			
		1	Motorola Mobile Radios XPR5550e	A.5.3120.0231	POLICE DEPARTMENT - STOP DWI	\$2,792.36	2020000352	04/21/2020			





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Bank Name	Voucher No	Vendor Name	Invoice Date	Invoice No	Invoice Amt	Invoice Description	Fiscal Year	Period	Due Date	Check No	Check Date
CHECK - 00100											
		<b>Line Number</b>	<b>Detail Description</b>	<b>Account Number</b>	<b>Account Description</b>	<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>			
		1	716-652-0960 DPW	A.5.1490.0434	PUBLIC WORKS ADMINISTRATION - TELEPHONE	\$0.00					
		2	716-652-1111 POLICE	A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE	\$1.69					
		3	716-652-1112 POLICE	A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE	\$0.17					
		4	716-652-1115 POLICE	A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE	\$5.32					
		5	716-652-1290 ADMINISTRATIVE	A.5.1325.0434	VILLAGE ADMINISTRATOR - TELEPHONE	\$0.04					
		6	716-652-1313 POLICE	A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE	\$0.00					
		7	716-652-6000 ADMINISTRATIVE	A.5.1325.0434	VILLAGE ADMINISTRATOR - TELEPHONE	\$4.09					
		8	716-652-6001 ADMINISTRATIVE	A.5.1325.0434	VILLAGE ADMINISTRATOR - TELEPHONE	\$10.68					
		9	716-652-6002 ADMINISTRATIVE	A.5.1325.0434	VILLAGE ADMINISTRATOR - TELEPHONE	\$0.05					
		10	716-652-6057 DPW	A.5.1490.0434	PUBLIC WORKS ADMINISTRATION - TELEPHONE	\$0.00					
		11	716-652-6109 DPW	A.5.1490.0434	PUBLIC WORKS ADMINISTRATION - TELEPHONE	\$1.67					
		12	716-652-8954 POLICE	A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE	\$0.06					
		13	716-652-2440 POLICE	A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE	\$0.03					
		14	716-652-3760 POLICE	A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE	\$0.10					
		15	716-652-1147 POLICE	A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE	\$0.54					
		16	FEDERAL STATE AND LOCAL SURCHARGES	A.5.1325.0434	VILLAGE ADMINISTRATOR - TELEPHONE	\$1.18					
Total vouchers for VERIZON - Long Distance: 1					\$25.62						

BANK OF HOLLAND GEN CHECK - 00100	59763	VERIZON WIRELESS	05/03/2020	9853851310	\$246.91	CELLULAR PHONES PROVIDED AS PER NYS OGS (STATE CONTRACT); 4/4-5/3/2020	2020	12	05/18/2020		
		<b>Line Number</b>	<b>Detail Description</b>	<b>Account Number</b>	<b>Account Description</b>	<b>Detail Amount</b>	<b>PO Number</b>	<b>PO Date</b>			
		2	716-913-1761 POLICE SUPERVISOR (LIETENANTS)	A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE	\$24.78					
		3	716-998-3734 MAYOR	A.5.1210.0434	MAYOR - TELEPHONE	\$0.00					
		4	716-383-1957 POLICE CHIEF SHANE KRIEGER	A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE	\$42.43					
		5	716-256-0983 FIRE CHIEF GREG EGLOFF MOBILE WIFI	A.5.3410.0434	FIRE DEPARTMENT - TELEPHONE	\$40.01					



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Bank Name	Voucher No	Vendor Name	Invoice Date	Invoice No	Invoice Amt	Invoice Description	Fiscal Year	Period	Due Date	Check No	Check Date
	6	CREDIT			A.5.3410.0434	FIRE DEPARTMENT - TELEPHONE		\$0.00			
	7	Village Administrator 716-289-0134			A.5.1325.0434	VILLAGE ADMINISTRATOR - TELEPHONE		\$42.43			
	8	Oakwood Ave. phone; 716-341-0371			H.5.8340.0031	TRANSMISSION AND DISTRIBUTION - OAKWOOD AVE WATERLINE		\$0.00			
	9	Detective Office; 716-359-0911. New Plan 4/14/20; 20 days on new plan. Actual cost will be \$39.99			A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE		\$26.66			
	10	Detective Office 716-359-0911. Month in advance 5/4-6/3(normal monthly charge)			A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE		\$39.99			
	11	Detective Office 716-359-0911. Usage and Purchase Charges			A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE		\$3.51			
	12	Oakwood Ave. Special Project Coordinator; 716-475-2122			H.5.8340.0031	TRANSMISSION AND DISTRIBUTION - OAKWOOD AVE WATERLINE		\$42.43			
	13	Detective Office 716-359-0911. 20 days refunded to new plan			A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE		(\$15.33)			

**Total vouchers for VERIZON WIRELESS: 1** \$246.91

BANK OF HOLLAND GEN CHECK - 00100	59778	Verizon-Local Svc.	05/06/2020	Monthly Service	\$936.05	Verizon Local Service; 5/7-6/6/2020	2020	12	05/18/2020		
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Line Number	Detail Description	Account Number	Account Description	Detail Amount	PO Number	PO Date
1	716-652-6000 Front office-Clerk's	A.5.1325.0434	VILLAGE ADMINISTRATOR - TELEPHONE	\$237.12		
2	716-652-6057 DPW	A.5.1490.0434	PUBLIC WORKS ADMINISTRATION - TELEPHONE	\$105.28		
3	716-N73-1487 Data Private Line Between Village Hall & DPW	A.5.1490.0434	PUBLIC WORKS ADMINISTRATION - TELEPHONE	\$91.24		
4	716-652-1111 Police	A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE	\$309.78		
5	716-N73-1438 Radio Transmitter Police Station to Boces/Ormsby Center (1010 Center St.)	A.5.3120.0434	POLICE DEPARTMENT - TELEPHONE	\$165.51		
6	716-652-0319 Fire Hall Elevator (33 Center St)	A.5.3410.0434	FIRE DEPARTMENT - TELEPHONE	\$0.00		
7	716-652-0319 Fire Hall Elevator (33 Center St)	A.5.3410.0434	FIRE DEPARTMENT - TELEPHONE	\$27.12		

**Total vouchers for Verizon-Local Svc.: 1** \$936.05

BANK OF HOLLAND GEN CHECK - 00100	59760	WINDSTREAM	05/04/2020	72574443	\$438.36	EAFD Monthly Telephone charge	2020	12	05/18/2020		
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Bank Name	Voucher No	Vendor Name	Invoice Date	Invoice No	Invoice Amt	Invoice Description	Fiscal Year	Period	Due Date	Check No	Check Date
		<b>Line Number</b>	<b>Detail Description</b>		<b>Account Number</b>	<b>Account Description</b>		<b>Detail Amount</b>	<b>PO Number</b>		<b>PO Date</b>
		1	EAFD Telephone		A.5.3410.0434	FIRE DEPARTMENT - TELEPHONE		\$438.36			
Total vouchers for WINDSTREAM: 1					\$438.36						
BANK OF HOLLAND GEN CHECK - 00100	59767	WNYNETWORKS	05/09/2020	2815	\$2,755.00	Systems Support; April 2020	2020	12	05/18/2020		
		<b>Line Number</b>	<b>Detail Description</b>		<b>Account Number</b>	<b>Account Description</b>		<b>Detail Amount</b>	<b>PO Number</b>		<b>PO Date</b>
		1	VEA Systems Support; April 2020		A.5.1480.0410	PUBLIC INFO SERVICES - PUBLIC INFO: SUPPLIES, MAINT AGR, INTERNET, SERVER, GIS		\$2,327.50			
		2	DPW Systems Support; April 2020		A.5.1490.0420	PUBLIC WORKS ADMINISTRATION - MAINTENANCE & REPAIRS		\$427.50			
Total vouchers for WNYNETWORKS: 1					\$2,755.00						
BANK OF HOLLAND GEN CHECK - 00100	59748	WOODCUTTERS HEADQUARTERS	04/29/2020	512736	\$306.00	Tree Equipment	2020	12	05/18/2020		
		<b>Line Number</b>	<b>Detail Description</b>		<b>Account Number</b>	<b>Account Description</b>		<b>Detail Amount</b>	<b>PO Number</b>		<b>PO Date</b>
		1	3/4" blue arborist block		A.5.8560.0200	SHADE TREES - EQUIPMENT		\$306.00	2020000357		04/28/2020
Total vouchers for WOODCUTTERS HEADQUARTERS: 1					\$306.00						



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**Posted Batch Totals**

Fund	Fund Description	Invoice Batch		Manual Checks		Purchase Cards		Total	
		Paid	Unpaid	Paid	Unpaid	Paid	Unpaid	Paid	Unpaid
A	GENERAL FUND	\$0.00	\$41,755.51	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$41,755.51
F	WATER FUND	\$0.00	\$1,757.77	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,757.77
H	CAPITAL PROJECTS	\$0.00	\$1,954.43	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,954.43
<b>Posted Batch Grand Totals</b>		<b>\$0.00</b>	<b>\$45,467.71</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$45,467.71</b>



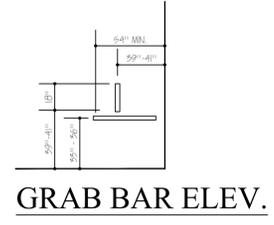
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\*\*\*\*\* Certificate of Financial Officer \*\*\*\*\*

I hereby certify that the attached Voucher Listing is complete and accurate to the best of my knowledge, and payment is hereby approved.

Signed: \_\_\_\_\_

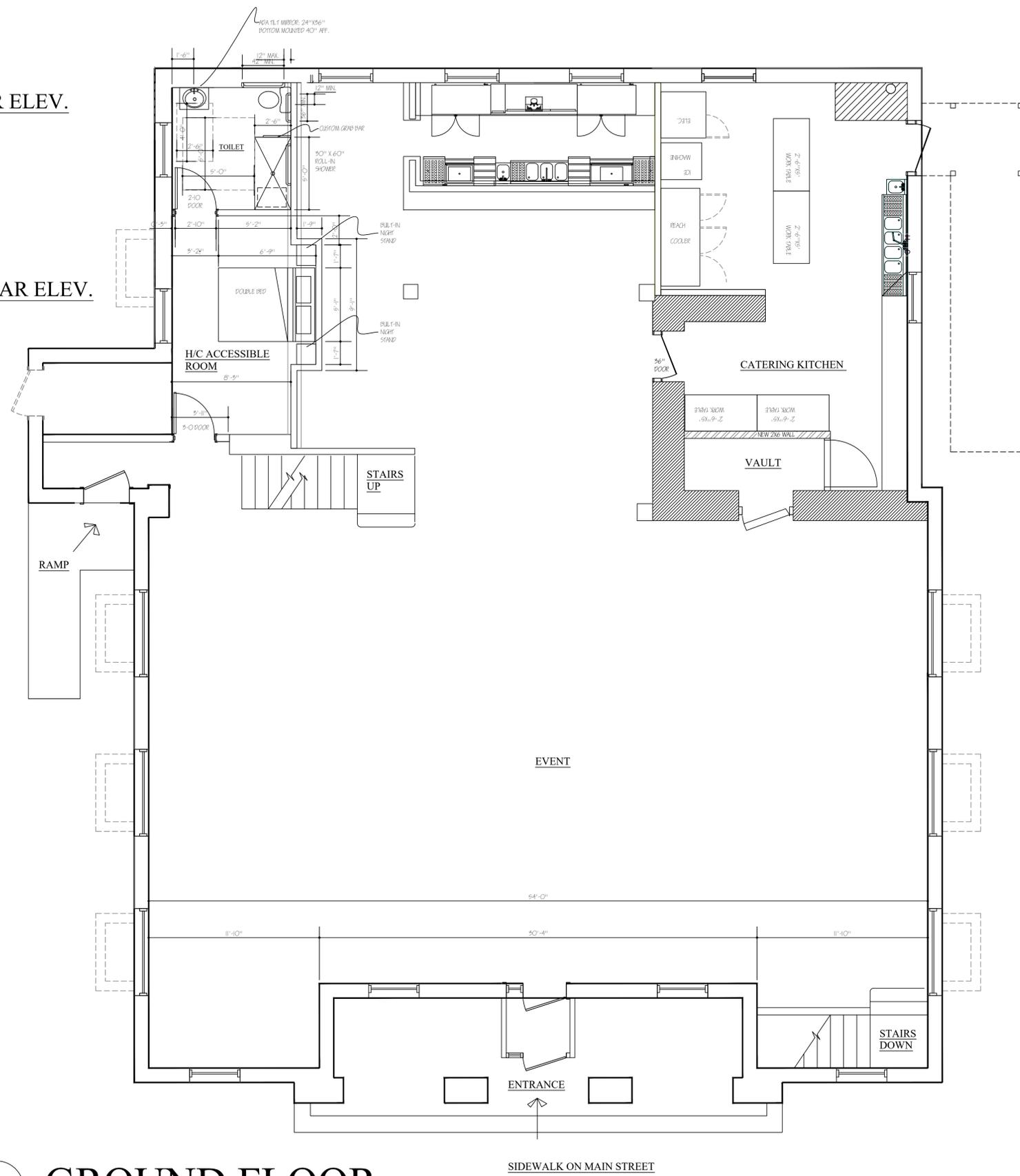
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**GRAB BAR ELEV.**  
1/4" = 1'-0"



**CUSTOM BAR ELEV.**  
1/4" = 1'-0"



**GROUND FLOOR**  
1/4" = 1'-0"

**SPECIFICATIONS**

**DIVISION 1: GENERAL REQUIREMENTS**

GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR EXECUTION OF WORK DESCRIBED IN THESE CONSTRUCTION DOCUMENTS.  
GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN ANY AND ALL PERTINENT PERMITS AND MAKE ALL ARRANGEMENTS FOR INSPECTIONS REQUIRED BY THE GOVERNING BODY OR MUNICIPALITY.  
ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH APPLICABLE CODES AND REGULATIONS AND SHALL BE IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE, LATEST EDITION.  
ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE NYS ENERGY CONSERVATION CONSTRUCTION CODE, LATEST EDITION.  
ALL WORK SHALL BE PERFORMED BY PERSONS EXPERIENCED WITH THIS TYPE OF WORK DESCRIBED HEREIN. MATERIALS USED FOR THIS PROJECT SHALL BE NEW AND MANUFACTURED FOR THE PURPOSE INDICATED ON THE CONSTRUCTION DOCUMENTS.  
CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY ALL DIMENSIONS, GRADE ELEVATIONS, UTILITY LOCATIONS AND SERVICE CONNECTIONS PRIOR TO THE COMMENCEMENT OF WORK.  
ANY DIMENSIONAL DISCREPANCIES SHALL BE BROUGHT TO THE ARCHITECT'S ATTENTION, IN WRITING, PRIOR TO THE FABRICATION OR ERECTION OF CONSTRUCTION COMPONENTS.

**DIVISION 3: CONCRETE**

CONCRETE FORMWORK SHALL BE WOOD OR METAL AS USED BY THE CONTRACTOR. ALL FORMWORK SHALL MEET OR EXCEED INDUSTRY STANDARDS FOR THE TYPE USED AND SHALL BE SET TRUE AND LEVEL.  
CONCRETE REINFORCING ALL REINFORCING SHALL MEET BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE. LATEST EDITION. WIRE REINFORCING SHALL CONFORM TO ASTM A62. STEEL REINFORCING SHALL CONFORM TO ASTM A63, GRADE 60. PROTECTION FOR REINFORCING CONCRETE IS AS FOLLOWS:  
FOOTINGS: 3" COVER BOTTOM AND SIDES PER AND WALLS 2" COVER ALL AROUND SLABS 3/4" COVER AT MAIN REINFORCING  
CAST-IN-PLACE CONCRETE ALL CONCRETE SHALL HAVE A COMPRESSIVE STRENGTH OF 3000 PSI AT 28 DAYS. EXTERIOR CONCRETE SHALL HAVE A COMPRESSIVE STRENGTH OF 4000 PSI. SIDEWALK SHALL INCLUDE 50% MESH REINFORCING. JOINTS AT MAX OF 4'-0", PITCH AWAY FROM BUILDING.

**DIVISION 5: METALS**

STRUCTURAL STEEL ALL STRUCTURAL STEEL SHALL BE AS INDICATED ON THE CONSTRUCTION DOCUMENTS, BUT NOT LIMITED TO SAME. ALL STRUCTURAL STEEL SHALL CONFORM TO SPECIFICATION FOR THE DESIGN, FABRICATION AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS OF THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION, LATEST EDITION.  
STEEL PLATES & SHAPES: ASTM A-56  
PIPE COLUMNS: ASTM A-53  
SEAMLESS GRATE SHAFTS & BOLTS: ASTM A-529  
ANCHOR BOLTS: ASTM A-307  
ALL STRUCTURAL STEEL SHALL RECEIVE A PRIME COAT OF RUST INHIBITIVE PAINT.

**DIVISION 6: WOOD & PLASTICS**

ROUGH CARPENTRY ALL FRAMING LUMBER SHALL BE INDICATED ON THE CONSTRUCTION DOCUMENTS. ALL PRESSURE TREATED WOOD SHALL BE EMPLOYED AT AREAS EXPOSED TO THE WEATHER OR IN CONTACT WITH SOIL OR FOUNDATIONS.  
EXTERIOR GRAPELY WOOD SHEATHING SHALL BE USED AT WALLS AND ROOF DECK AREAS.  
ALL STRUCTURAL FRAMING MEMBERS SHALL BE FOLGUS PER OR MANUFACTURED PRODUCTS AS INDICATED ON CONSTRUCTION DOCUMENTS.  
LUMBER PROPERTIES SHALL BE AS FOLLOWS: DOUG FIR F1450, F1450D, F1450S.  
ALL FRAMING SHALL BE 2X4 OR 2X6 STUDS AT 16" OC, MEM PER #2 F1450D, F1450S.  
ALL LAMINATED STRUCTURAL ELEMENTS SHALL BE AS MANUFACTURED BY LOUISIANA-PACIFIC OR AN EQUAL ALTERNATE. APPROVAL OF ALTERNATES SHALL BE SUBMITTED TO THE ARCHITECT IN WRITING.  
ARCHITECTURAL WOODWORK SPOKE PARTS SHALL BE CONSTRUCTED TO MEET BIC FOR STRUCTURAL CHARACTERISTICS AND SHALL INCLUDE ALL PARTS FOR CODE COMPLIANT INSTALLATION.  
PLASTIC FABRICATIONS ALL PLASTIC LAMINATES SHALL BE AS MANUFACTURED BY FORMICA OR APPROVED ALTERNATE. TOPS SHALL BE ADHERED TO WOOD SUBSTRATES PER INDUSTRY STANDARDS.

**DIVISION 7: THERMAL & MOISTURE PROTECTION**

DAMP PROOFING FOUNDATIONS SHALL BE DAMPROOFED WITH A (1) 15-MIL MAT INSTALLED PER MANUFACTURER'S REQUIREMENTS FOR FULL HEIGHT FOUNDATIONS OR 2 COATS OF SPRAY ON WATERPROOFING IF INDICATED OTHERWISE. CONTRACTOR SHALL ENSURE THAT ENTIRE SURFACE IS COVERED. MASONRY BLOCK WALLS SHALL BE SEALED PER MASONRY STANDARDS.  
INSULATION ALL INSULATIONS SHALL BE INSTALLED AS INDICATED ON THESE CONSTRUCTION DOCUMENTS AND / OR PER THE NYS ENERGY CONSERVATION CONSTRUCTION CODE, LATEST EDITION.  
FLASHING & SHEET METAL ALL FLASHING SHALL BE ALUMINUM AND SHALL PROVIDE MINIMUM 6"-0" VERTICAL PROTECTION. MATERIALS SHALL BE COMPATIBLE WITH ADJACENT MATERIALS.  
JOINT SEALERS ALL JOINT SEALERS SHALL BE EMPLOYED AT CONNECTIONS TO THE BUILDING AND AS INSTALLED IN A MANNER ACCEPTABLE TO THE INDUSTRY.

**DIVISION 8: DOORS & WINDOWS**

METAL DOORS & FRAMES EXTERIOR DOORS SHALL BE STEEL INSULATED IN A SILE AND COLOR AS SELECTED BY THE OWNER.  
WINDOWS WINDOWS AS INDICATED ON THE PLANS. MANUFACTURED BY "INDEPENDENT", 400 SERIES, OR "VELLA", PROFILE, OR APPROVED EQUAL. ALTERNATE WINDOWS MAY BE USED UNDER THE FOLLOWING CONDITIONS:  
THEY MEET LIGHT AND EGRESS REQUIREMENTS AS SET FORTH IN THE BIC AND ENERGY CONSERVATION CONSTRUCTION CODES.  
FINISH HARDWARE INTERIOR HARDWARE SHALL BE IN A COLOR AND MANUFACTURE AS SELECTED BY THE OWNER. EXTERIOR STEEL (HANDICAP ACCESSIBLE) OWNERS TO INDICATE LOCATIONS OF LOCKSETS AND ADDITIONAL HARDWARE NEEDS.  
GLAZING ALL GLAZING SHALL MEET BIC FOR STRUCTURAL CHARACTERISTICS. TYPE OF GLASS AS SELECTED BY OWNER IF ORNAMENTAL LOCATIONS ARE SPECIFIED.

**DIVISION 9: FINISHES**

OPTION BOND OPTION BOND IS REQUIRED ON ALL WALLS AND CEILING IN VARIABLE SPACES. WALLBOARD SHALL BE 1/2" THICK OR AS INDICATED ON THE CONSTRUCTION DOCUMENTS. SEE PLANS FOR THE EXTERIOR CONSTRUCTION APPLICATIONS. MOISTURE RESISTANT WALLBOARD SHALL BE USED IN BATHROOMS AND AREAS SUSCEPTIBLE TO MOISTURE.  
PAINTING PAINT AND INTERIOR SEAN SHALL BE AS MANUFACTURED BY "BENJAMIN MOORE" OR AN APPROVED EQUAL. ALL FINISHED PAINTING SHALL BE ONE COAT OF PRIMER AND TWO FINISHED COATS. ITEMS TO BE PAINTED SHALL INCLUDE FINAL COAT OF VARNISH.

**DIVISION 10: SPECIALTIES**

VERTICAL PLATFORM LIFT MODEL VPL-BL AS MANUFACTURED BY "SHIMHEBY" ENTER'S 500 SAME SIZE, LOW PROFILE CABRIAGE WITH FEATURES AS SELECTED BY OWNER.

**DIVISION 15: MECHANICAL**

ALL PLUMBING WORK SHALL BE AS PER NYS PLUMBING GUIDELINES FOR DESIGN AND INSTALLATION.  
ALL MATERIALS SHALL CONFORM TO INDUSTRY STANDARDS.

**PLUMBING / FIXTURE SCHEDULE**

ADA MIRROR: 24" X 36" FLUSH MOUNTED, 1/8" GA. 304 TYPE STAINLESS STEEL FRAME AS MANUFACTURED BY PREY KRAUSE OR APPROVED EQUAL.  
NON-ADA MIRROR: 24" X 36" FLUSH MOUNTED, 1/8" GA. 304 TYPE STAINLESS STEEL FRAME.  
ADA GRAB BARS: BORO-KO CONCEALED MOUNTING PATTERN GRAB BARS, STAINLESS STEEL WITH SATIN FINISH, LENGTHS: 18", 36" & 42"

**DIVISION 16: ELECTRICAL**

ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE FOR DESIGN AND INSTALLATION.  
ALL MATERIALS SHALL CONFORM TO INDUSTRY STANDARDS FOR THE SAME.

**LIGHTING SCHEDULE**

CONDUCTORS SHALL BE COPPER AND HAVE THIN INSULATION. ALL WIRE SHALL BE NEW AND WIRE SIZE AND INSULATION TYPE INDICATED ON IT'S COVER. ALL WIRE SHALL HAVE BEEN MANUFACTURED IN ACCORDANCE WITH THE LATEST APPLICABLE CODES. ALL WIRE SHALL BE IN ACCORDANCE WITH NEC, OSHA, AND LOCAL CODES.  
ANY ITEMS NOT SPECIFIED ON THE DOCUMENTS, BUT REQUIRED TO COMPLETE THIS PROJECT SHALL BE INSTALLED PER GENERALLY ACCEPTED STANDARDS.

CONDUIT SHALL BE EMT WITH ALL REQUIRED FITTINGS. WHERE FLEXIBLE RECEIVAY IS REQUIRED, USE MC CABLE IS ALLOWABLE BY LOCAL CODES.  
PROVIDE FIRE STOPPING THROUGH ALL FIRE WALLS.  
ALL RECEPTACLES, PHONE JACKS, ETC., SHALL BE FLUSH MOUNTED AT 18" AFF AND SHALL BE COMPLETE WITH THERMOPLASTIC COVER PLATE THAT MATCHES THE ADJACENT FINISHES.  
ALL PANELS SHALL BE MANUFACTURED BY "1E", "SQUARE D" OR APPROVED EQUAL.  
SMOKE DETECTORS SHALL BE TWO WIRE PHOTOELECTRIC - 2400 SERIES SYSTEM SHALL BE HARDWIRED AND INTERCONNECTED. LOCATIONS PER NFPA STANDARD CODES AND INSTALLED IN CONCERT WITH SECURITY SYSTEM IF APPLICABLE.

**HEADER SCHEDULE DESIGN DATA**

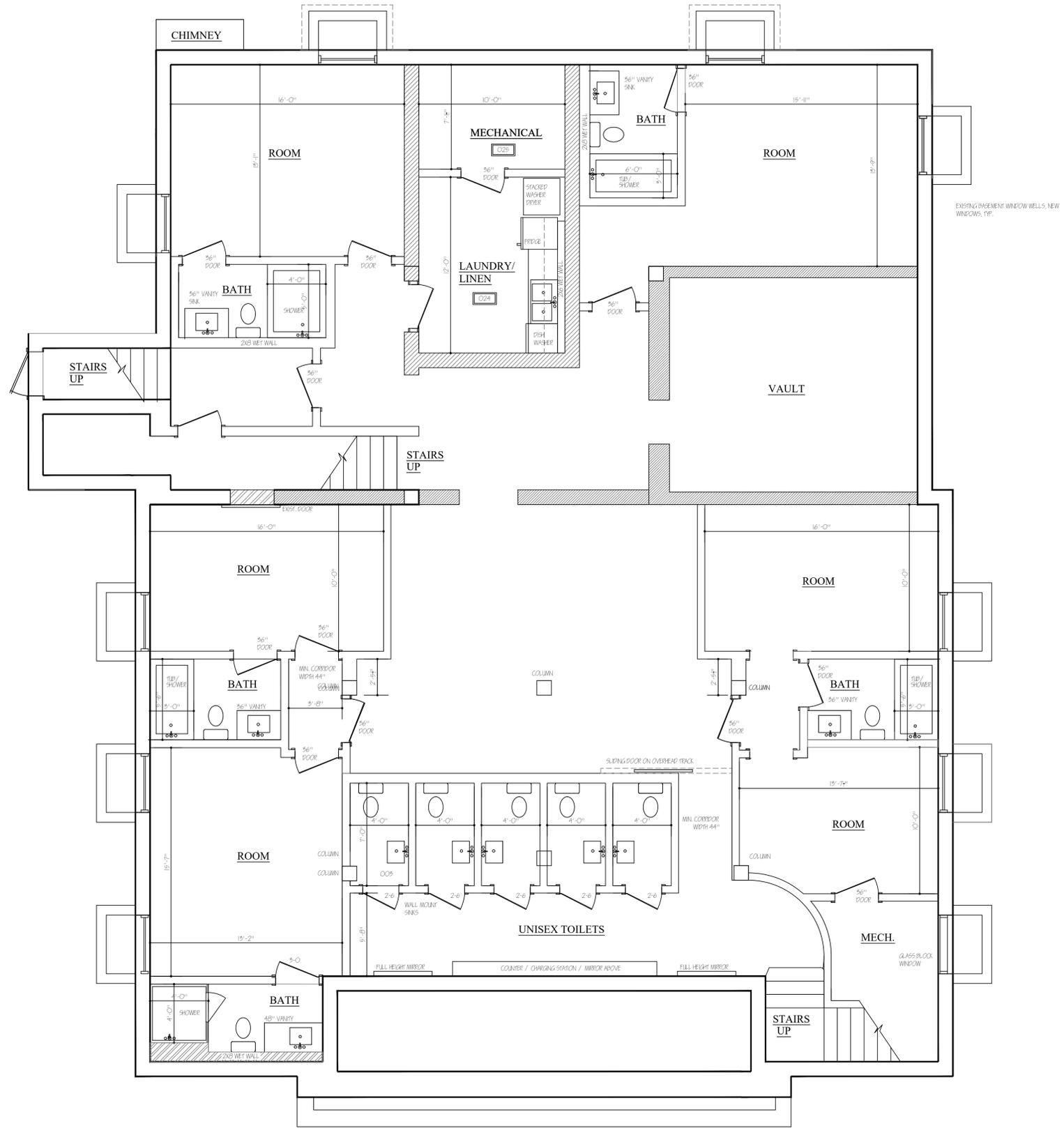
OPEN SIZE	HEADER	SNOW LOAD: 55# PER SQUARE FOOT
UP TO 3'-0"	(2) 2X6'S	WIND LOAD: 90 MILES PER HOUR
UP TO 6'-0"	(2) 2X10'S	SEISMIC DESIGN AREA: 4
UP TO 9'-0"	(2) 2X12'S	LIVE LOAD: 40# PER SQUARE FOOT
UP TO 15'-0"	(3) 2X12'S	

**THE BANK HOTEL OF EAST AURORA**  
649 MAIN STREET, EAST AURORA, NEW YORK 14052

HEATHER M. NEMEC ARCHITECT  
8659 FINCH ROAD  
GOLDEN, NEW YORK, 14055  
PHONE: (716) 907-1900  
E-MAIL: NEMECARCH@GMAIL.COM



**FLOOR PLANS**  
DECEMBER 7, 2018  
CADD FILE: 18A001R01.2018  
DRAWN BY: HAN  
COPYRIGHT 2018  
HEATHER M. NEMEC, ARCHITECT



# BASEMENT

1/4" = 1'-0"

**THE BANK HOTEL OF EAST AURORA**  
 649 MAIN STREET, EAST AURORA, NEW YORK 14052

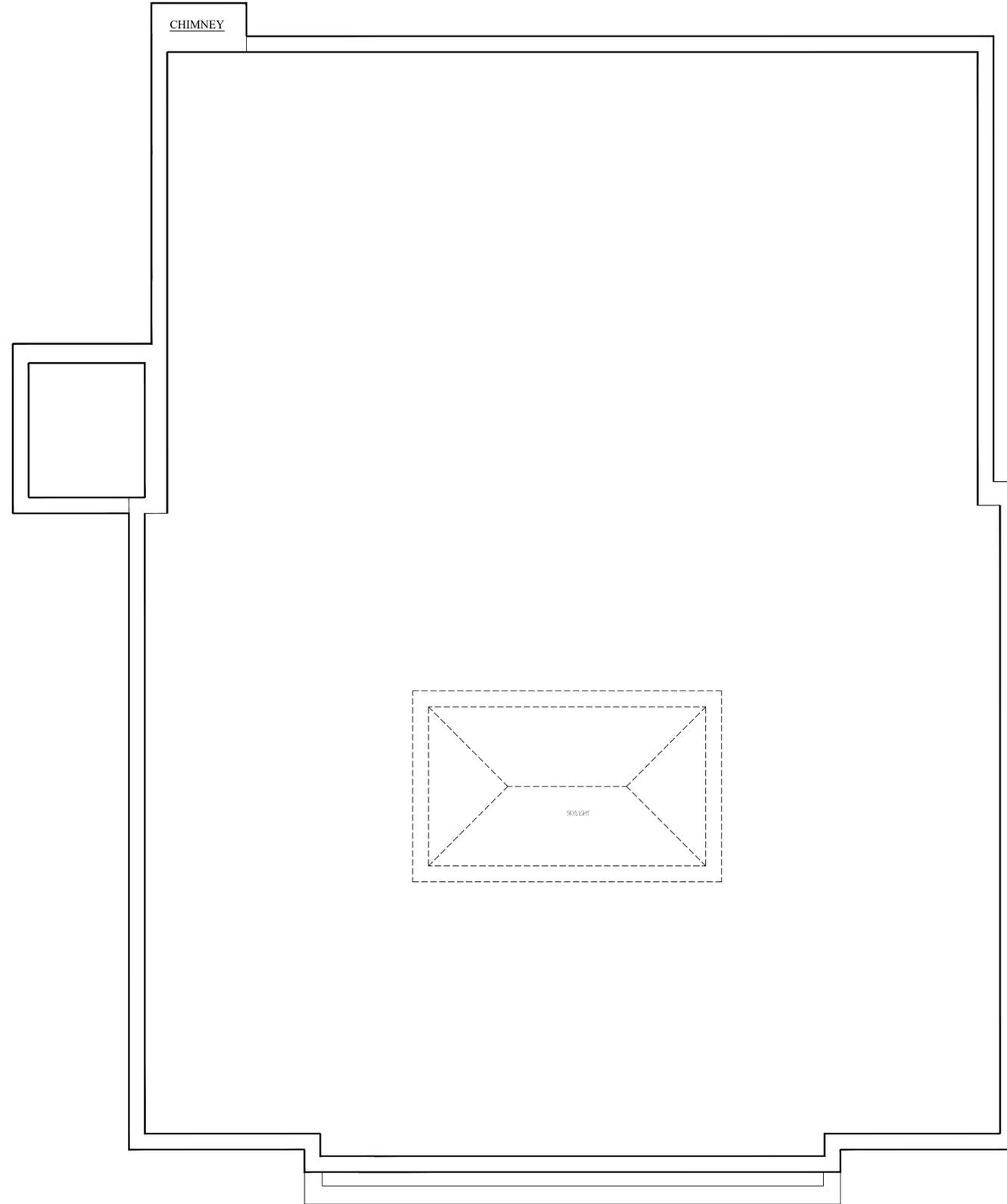
HEATHER M. NEMEC  
 ARCHITECT  
 8659 FINCH ROAD  
 GOLDEN, NEW YORK 14055  
 PHONE (716) 907-1500  
 E-MAIL: NEMECARCH@GMAIL.COM



**FLOOR PLANS**  
 DECEMBER 2, 2018  
 CAP FILE: BHANHOTEL2018  
 DRAWN BY: HAN  
 COPYRIGHT 2018  
 HEATHER M. NEMEC, ARCHITECT

**A-2**

28 JANUARY 2020



# ROOFTOP

1/4" = 1'-0"

**THE BANK HOTEL OF EAST AURORA**  
649 MAIN STREET, EAST AURORA, NEW YORK 14052

HEATHER M. NEMEC  
ARCHITECT  
8659 FINCH ROAD  
GOLDEN, NEW YORK 14055  
PHONE (716) 907-1500  
E-MAIL:  
NEMECARCH@PRINNER.COM

**PROPOSED  
PLANS**  
MAY 2018  
CADD FILE: 18A401B1.2018  
DRAWN BY: HAN  
COPYRIGHT 2018  
HEATHER M. NEMEC, ARCHITECT

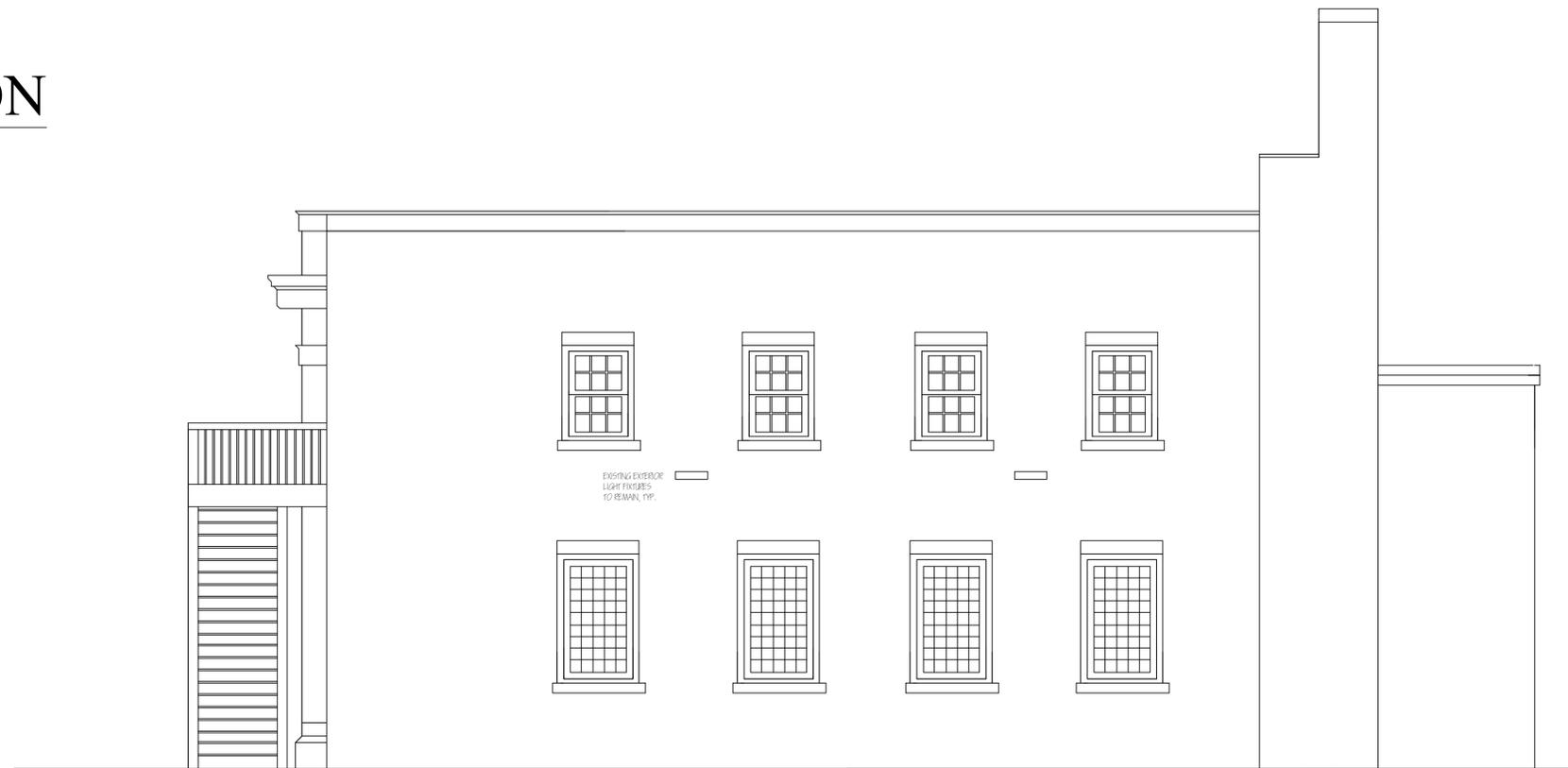
**A-4**

28 JANUARY 2020



NORTH FACING - MAIN STREET  
**FRONT ELEVATION**

1/4" = 1'-0"



SOUTH FACING MILLARD FILLMORE PL.  
**REAR ELEVATION**

1/4" = 1'-0"

**THE BANK HOTEL OF EAST AURORA**  
 649 MAIN STREET, EAST AURORA, NEW YORK 14052

HEATHER M. NEMEC  
 ARCHITECT  
 8659 FINCH ROAD  
 GOLDEN, NEW YORK 14055  
 PHONE (716) 907-1900  
 E-MAIL: NEMECARCH@GMAIL.COM



**PROPOSED PLANS**  
 OCTOBER 30, 2018  
 CAD FILE: 18A101018.2018  
 DRAWN BY: HAN  
 COPYRIGHT 2018  
 HEATHER M. NEMEC, ARCHITECT

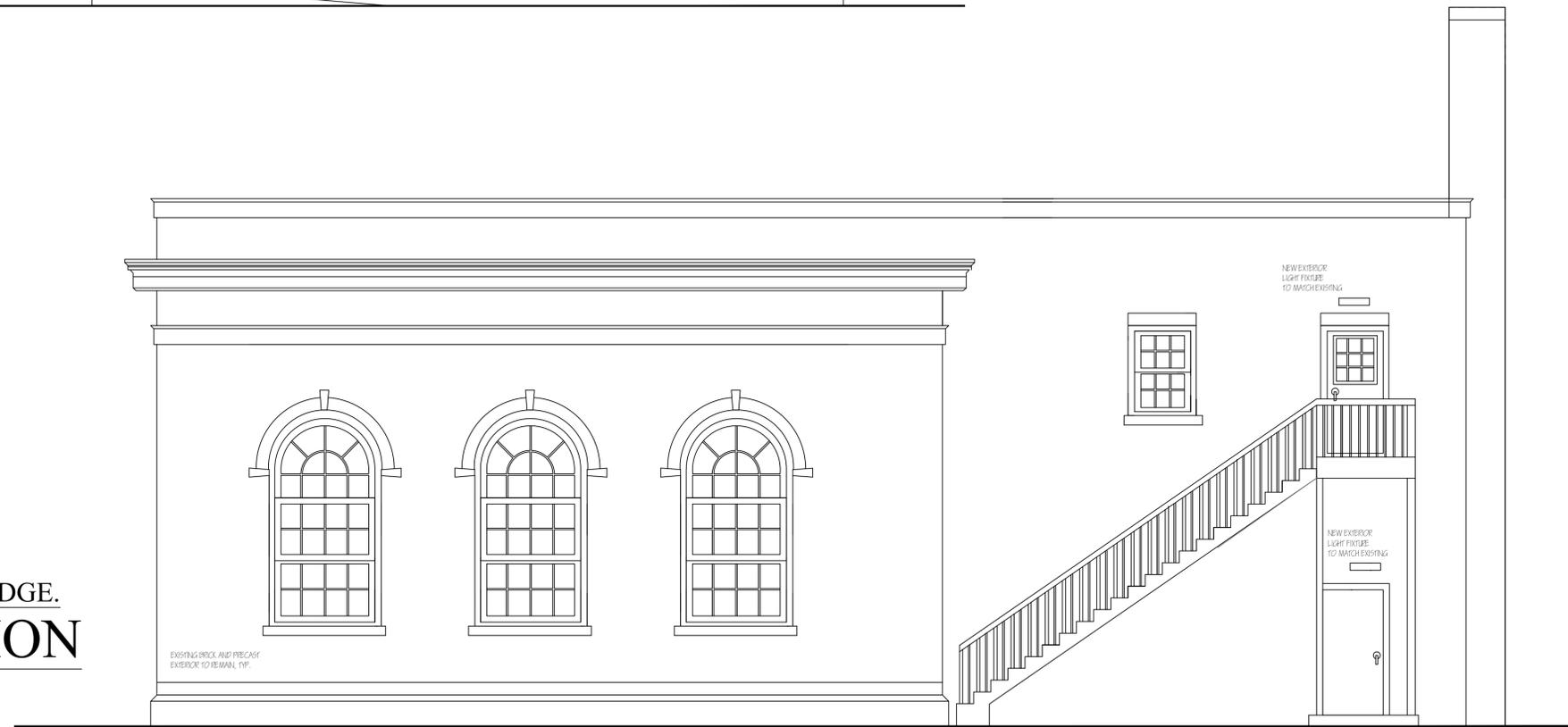
**A-5**

28 JANUARY 2020



EAST FACING CRAWFORD INSURANCE  
**SIDE ELEVATION**

1/4" = 1'-0"



WEST FACING MASONIC LODGE.  
**SIDE ELEVATION**

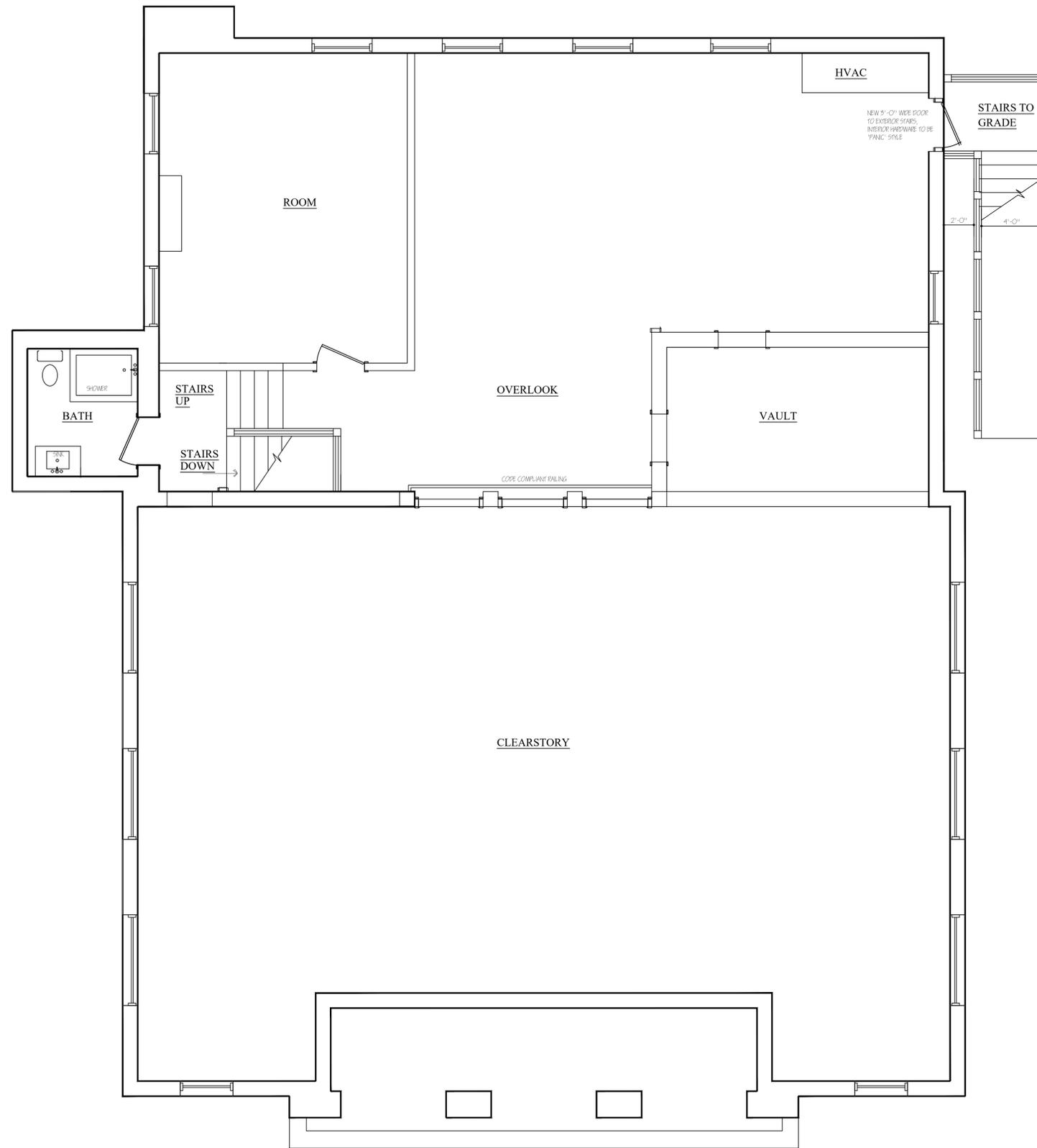
1/4" = 1'-0"

**THE BANK HOTEL OF EAST AURORA**  
 649 MAIN STREET, EAST AURORA, NEW YORK 14052

HEATHER M. NEMEC  
 ARCHITECT  
 8659 FRENCH ROAD  
 GOLDEN, NEW YORK 14055  
 PHONE (716) 907-1900  
 E-MAIL: NEMECARCHITECT@GMAIL.COM



**PROPOSED PLANS**  
 OCTOBER 30, 2018  
 CAD FILE: 18A101018.2018  
 DRAWN BY: HAN  
 COPYRIGHT 2018  
 HEATHER M. NEMEC, ARCHITECT



**UPPER FLOOR**  
1/4" = 1'-0"

**THE BANK HOTEL OF EAST AURORA**  
649 MAIN STREET, EAST AURORA, NEW YORK 14052

HEATHER M. NEMEC  
ARCHITECT  
8659 FINCH ROAD  
GOLDEN, NEW YORK 14055  
PHONE (716) 907-1900  
E-MAIL: NEMECARCH@PRINNER.COM



**FLOOR PLANS**  
DECEMBER 2, 2018  
CADD FILE: 18A1018L2018  
DRAWN BY: HAN  
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**A-3**

28 JANUARY 2020

## Village of East Aurora, NY

### Chapter 180. Peddlers and Solicitors

[HISTORY: Adopted by the Board of Trustees of the Village of East Aurora 9-21-1953; amended in its entirety 7-19-2004 by L.L. No. 6-2004 (Chapter 48 of the 1972 Code). Subsequent amendments noted where applicable.]

GENERAL REFERENCES Fees — See Ch. 137, Art. II.

#### Article I. General Provisions

##### § 180-1. Definitions.

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

##### CHARITABLE

Patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal.

##### CLERK

The Municipal Clerk.

##### CONTRIBUTIONS

Alms, money, subscription, property or any donations.

##### PEDDLER

Any person who goes upon the premises of any private residence, not having been invited by the occupant thereof, or any person who goes upon the streets, roads or highways within the Village of East Aurora, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This includes any person who solicits orders and as a separate transaction makes deliveries to purchasers.

##### PERSON

A person or any firm, corporation, association, club, society or organization.

##### SOLICITOR

Any person who goes upon the premises of any private residence, not having been invited by the occupant thereof, or any person who goes upon the streets, roads or highways within the Village of East Aurora, for the purpose taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This includes any person who, without invitation, goes upon private property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other noncommercial purposes.

##### § 180-2. Permit requirements and exemptions.

It shall be unlawful for any person to engage in peddling or solicitation activities within this municipality without first obtaining a permit issued by the Clerk; provided, however, that the following are exempt from the provisions of this section:

A. Notwithstanding any of the provisions herein contained, any person, corporation, partnership or association engaged in charitable, benevolent, veterans, religious or school purposes, or engaged in selling produce or products raised in the Village which are offered for sale, who are soliciting shall be permitted to obtain a permit in compliance with the regulations hereof, without payment of any fee therefore.

B. Persons under 19 years of age shall not be required to register and obtain a permit as heretofore provided for, in the event that they are soliciting for any purposes directly connected with a religious, charitable, benevolent, school or service organization native to the Village of East Aurora.

C. Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made.

D. Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation.

E. Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person.

### **§ 180-3. Permit for sponsoring juvenile peddlers.**

No person under the age of 18 shall be permitted to engage in peddling except as provided in this section.

A. A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one or more persons under 18 years of age.

B. The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.

C. The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification that identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting.

### **§ 180-4. Permit application.**

Every person subject to the provisions of this article shall file with the Clerk an application in writing on a form to be furnished by the Clerk, which shall provide the following information:

A. Proof of age, address and identification of the applicant;

B. A brief description of the business or activity to be conducted;

C. The length of time for which the right to peddle or solicit is desired; not exceeding 60 days;

D. If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;

E. A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or local law violation, the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;

F. The type of vehicle that will be used and its registration number;

G. Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this article; and

H. Two photographs of the applicant that shall have been taken within 60 days immediately prior to the date of filing of the application. The photographs shall measure one inch by two inches and show the head and shoulders of the applicant in a clear and distinguishing manner.

### **§ 180-5. Fees.**

A. At the time the application is filed with the Clerk, the applicant shall pay a fee to cover the cost of processing the application and investigating the facts stated therein. The permit fee shall be as set forth in Chapter [137](#), Article [II](#), of this Code.

[Amended 3-14-2006 by L.L. No. 1-2006]

B. No permit fee shall be required from any person or entity to whom a permit has been issued pursuant to § 32 of the New York General Business Law to hawk, peddle, vend and sell his own goods, wares and merchandise or to solicit or trade upon the streets and highways within the state, and no permit fee shall be required in any case whereby so doing it would unlawfully interfere with interstate commerce.

### **§ 180-6. Bond.**

[Amended 3-14-2006 by L.L. No. 1-2006]

All solicitors requiring cash deposits or taking orders for cash on delivery purchases (COD) or who require a contract of agreement to finance the sale of any goods, services, or merchandise for future delivery, or for services to be performed in the future, shall furnish to the Clerk a bond in an amount as set from time to time by resolution of the Board of Trustees.

### **§ 180-7. Application review and permit issuance.**

**A.** Upon receipt of an application, the Clerk shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.

**B.** If the Clerk finds the application to be satisfactory, such application shall be referred to the Police Department of the Village of East Aurora for approval, and after such approval has been received, the application shall be eligible for the issuance of such permit.

**C.** The permit shall show the name, address and photograph of the permit holder, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.

**D.** Permits will be issued within five business days from the receipt of the completed application.

### **§ 180-8. Denial of permit.**

**A.** Upon the review of the application, the Clerk may refuse to issue a permit to the applicant under this article for any of the following reasons:

**(1)** The location and time of solicitation or peddling would endanger safety and welfare of the solicitors, peddlers or their customers;

**(2)** An investigation reveals that the applicant falsified information on the application;

**(3)** The applicant has been convicted of a felony, misdemeanor or local law violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five years preceding the date of application;

**(4)** The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of application;

**(5)** The applicant offers no proof of authority to serve as an agent; or

**(6)** The applicant has been denied a permit under this article within the immediate past year, unless the applicant can and does show to the satisfaction of the Clerk that the reasons for such earlier denial no longer exist.

**B.** The disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

### **§ 180-9. Permit expiration.**

All permits issued under the provisions of this article shall expire 60 days from the date of issuance, unless an earlier expiration date is noted on the permit.

### **§ 180-10. Permit exhibition.**

Every person required to obtain a permit under the provisions of this article shall exhibit the permit when requested to do so by any prospective customer or individual.

### **§ 180-11. Transfer prohibited.**

It shall be unlawful for any person other than the permit holder to use or wear any permit or badge issued under the provisions of this article.

### **§ 180-12. Entry upon signed premises unlawful.**

Entering a private residence or business by a solicitor or peddler, as defined herein, for the purpose of selling or offering for sale or for soliciting orders for goods, wares, merchandise, contracts or personal services, or remaining in a private residence or on the premises thereof, or any place of business or on the premises thereof, after the owner or occupant thereof shall have requested any solicitor or peddler to leave, or going in and upon the premises of a private residence or place of business by a solicitor or peddler, as defined herein, for any such purposes when the owner or occupant has displayed a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import is prohibited and is declared to be an offense.

### **§ 180-13. Noise.**

No person engaged in soliciting or peddling shall hawk or cry his goods, wares, merchandise, offers, contracts or services upon any streets, roads or highways within the Village, nor shall he use any loudspeaker, horn or any other device for announcing his presence by which members of the public are annoyed.

### **§ 180-14. Hours of solicitation.**

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 8:00 p.m. and 9:00 a.m.

### **§ 180-15. Permit revocation.**

Any permit issued under this article may be revoked or suspended by the Clerk, after notice for any of the following reasons:

- A. Fraud, misrepresentation or false statement contained in the application for a permit;
- B. Fraud, misrepresentation or false statement made by the permit holder in the course of conducting solicitation or peddling activities;
- C. Conducting peddling or solicitation activities contrary to the provisions of the permit;
- D. Conviction for any crime involving moral turpitude; or
- E. Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

### **§ 180-16. Notice and hearing.**

Notice of a hearing for revocation of a permit issued under this article shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be faxed or mailed to the permit holder at the address shown on the permit application or at the last known address of the permit holder or by causing a copy of such notice to be personally delivered the applicant. In either case, the permit will be deemed revoked upon mailing or delivery of such notice.

### **§ 180-17. Appeals.**

- A.** Any person aggrieved by the action or decision of the Clerk to deny, suspend or revoke a permit applied for under the provisions of this article shall have the right to appeal such action or decision to the Mayor within 15 days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.
- B.** An appeal shall be taken by filing with the Clerk a written statement setting forth the grounds for the appeal.
- C.** The Clerk shall transmit the written statement to the Mayor within 10 days of its receipt and the Mayor shall set a time and place for a hearing on the appeal.
- D.** A hearing shall be set not later than 20 days from the date of receipt of the appellant's written statement.
- E.** Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- F.** The decision of the Mayor on the appeal shall be final and binding.

### **§ 180-18. Penalties for offenses.**

- A.** Violations of any of the provisions of this article shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both. Each day's continuance of a violation after notice shall be deemed a separate and distinct violation and shall be punishable accordingly.  
[Amended 3-14-2006 by L.L. No. 1-2006]
- B.** In addition to any criminal enforcement, the municipality or any individual may pursue any available civil remedies deemed appropriate and necessary.

## **Article II. Transient Retail Merchants**

### **§ 180-19. Purpose.**

This article is enacted for the purpose of regulating the conduct and business practices of transient merchants within the Village of East Aurora.

### **§ 180-20. Definitions.**

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

#### **PERSON**

An individual, firm, partnership, corporation, voluntary association, incorporated association and principal or agent thereof.

#### **TRANSIENT RETAIL BUSINESS**

A retail or wholesale business conducted in a temporary structure or tent; or from a truck, van or trailer; on a parking lot or vacant parcel of land; on a part of public right-of-way; or in any other place for a temporary period of time. Lack of a rental or leasing agreement of three months' or more duration, sealed by monetary consideration, shall be presumptive of a temporary situation. The type of merchandise being offered for sale will have no bearing on the designation. This section shall apply to traditional ice cream truck vendors that traverse the Village. This section shall not apply to Mobile Food Vendors to which Article III is applicable.

### **§ 180-21. Objectives.**

The purpose of this article is to assist the government of the Village of East Aurora, the management of its business, the preservation of good order and the peace, health, safety and welfare of its inhabitants and the protection and security of their property.

### § 180-22. License required; fee.

A. No person shall engage in business as a transient merchant unless he shall first obtain a license to do so from the Village Clerk no later than 14 business days before the first date of business.

B. The fee for a transient merchant's license shall be as set forth in Chapter 137, Article II, of this Code.

[Amended 3-14-2006 by L.L. No. 1-2006]

C. Any honorably discharged member of the United States Armed Forces who has procured a license under Article 4 of the General Business Law of the State of New York shall obtain a license as required under this article but shall be exempt from any fee.

D. All license applications of transient retail merchants shall require the approval of the Village of East Aurora Police Department, Village Attorney and Building Inspection Department.

[Amended 3-14-2006 by L.L. No. 1-2006]

### § 180-23. License application.

An application for a transient merchant's license shall provide the following information:

A. The address of the applicant's residence.

B. The firm or firms represented, together with copies of documents establishing the firm's state or county, form of organization, ownership and qualifications to do business in the State of New York, including but not limited to, doing business as certificates, certificates of incorporation, certificate of authority from the New York Sales Tax Department, Disability and Workers' Compensation Insurance and the exact relationship between the firm and the transient merchant.

C. A brief description of the firm and the kind of goods or commodities the applicant desires to sell.

D. The hotel, room or other location where the applicant proposes to sell such merchandise, and the time during which said business is to be conducted.

## **Article III. Mobile Food Vending**

### **§ 180-24. Purpose.**

This article is enacted for the purpose of regulating the conduct and business practices of Mobile Food Vending merchants within the Village of East Aurora.

### **§ 180-25. Definitions.**

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

#### **COMMERCIAL ZONING DISTRICTS**

Zoning Districts in the Village of East Aurora including Limited Commercial Residential (LCR), General Commercial (GC), Neighborhood Commercial (NC), Village Center (VC) and Mid-Main Overlay (MMO).

#### **MOBILE FOOD VEHICLE**

A mobile food unit, either self-powered or towed, other than a work site concession vehicle, from which prepared food is offered for sale to the public.

#### **MOBILE FOOD VENDING**

The act of vending prepared food through the utilization of a mobile food vehicle.

#### **PRIVATE CATERED EVENT**

Mobile food vending limited to serving the owners, occupants and guests of just a single- or two-family dwelling, a school, club, church, professional office, studio, fire station, medical building, nursing home, or any building offering personal services, and where the owner and/or occupants have given their written permission for the event.

## **RESIDENTIAL ZONING DISTRICTS**

Zoning Districts in the Village of East Aurora including Single-Family Residential (SFR), Low Density Residential (LDR) and General Residential (GR).

## **RESTAURANT**

A building where meals are served to customers.

## **WORK SITE CONCESSION VEHICLE**

A motor vehicle with a maximum gross weight as reflected upon its registration of not more than 8,600 pounds in which food is not cooked, baked, grilled, broiled or fried.

### **§ 180-26. Permit required.**

No mobile food vehicle shall be used for mobile food vending unless a permit issued pursuant to the provisions of this chapter shall first have been obtained, which permit shall at all times be displayed in a conspicuous location that is visible from the outside of the vehicle.

### **§ 180-27. Permit application.**

The owner of a mobile food vehicle who wishes to engage in mobile food vending within the Village of East Aurora shall make a written application to the Village Clerk for one or more mobile food vehicle permits on a form provided by the Village Clerk. The application for such permit(s) shall be signed and dated by the owner or by a corporate officer of the owner, shall identify the signor and shall include the following:

A. Name, address and telephone number of each owner of the mobile food vehicle and in the case of the corporate owner, the name, address and telephone number of each corporate officer.

B. As to each mobile food vehicle for which a permit is requested, a valid and current Erie County Department of Health certification of a successful health inspection as to both the vehicle to be used and the facility where the food is prepared.

C. As to each self-powered mobile food vehicle for which a permit is requested, a valid insurance certificate, New York State Department of Motor Vehicles registration, and certificate of inspection.

D. As to each mobile food vehicle for which a permit is requested, a valid and current certification of a successful fire inspection conducted within the prior 12 months by the County of Erie, by a municipality or fire department within the County of Erie, or by the Village of East Aurora Fire Inspector.

E. A signed statement that the vendor shall indemnify and hold harmless the Village and its officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on or under the terms of the permit.

### **§ 180-28. Fees.**

As to each permit application, the initial fee and renewal fee for a mobile food vending permit shall be set from time to time by Resolution of the East Aurora Village Board, with a base fee for the first mobile food vehicle, and an added fee for each additional mobile food vehicle.

### **§ 180-29. Permit term and restrictions.**

A. The Village Clerk of the Village of East Aurora retains the right, for good cause, to revoke any permit. A permittee whose license has been revoked by the Village Clerk may appeal such revocation at a public hearing before the Village Board.

B. Each mobile food vending permit shall expire on December 31 of every year.

C. The permit shall not be transferrable without the written approval of the Village of East Aurora.

**§ 180-30. Regulations.**

A. It shall be unlawful for a mobile food vendor to conduct business in a location within 100 feet of the primary entrance of a restaurant that is open to the public. This requirement shall be waived if written permission for the mobile food vending operation is first obtained from the owner of the restaurant.

B. In all Commercial Zoning Districts, it shall be unlawful for a mobile food vendor to conduct business at a single location within a public right-of-way for duration exceeding three hours.

C. It shall be unlawful for a mobile food vendor to conduct business at a single location upon a public right-of-way within any Residential Zoning District for a duration exceeding 20 minutes, except at the time and place of a block party approved by the Village of East Aurora Board of Trustees or for a private catered event. In the case of a block party approved by the Village of East Aurora Board of Trustees, it shall be unlawful for a mobile food vendor to conduct business at single location upon a public right-of-way within any Residential Zoning for a duration exceeding the duration of the block party. In the case of a private catered event, it shall be unlawful for a mobile food vendor to conduct business at a single location upon a public right-of-way within any Residential Zoning District for a duration of more than two hours.

D. Mobile food vendors must comply with all applicable federal, state and local statutes and ordinances.

E. All signage associated with the mobile food vendor must be permanently affixed to the mobile food vehicle. Accessory signage placed outside or around the mobile food vehicle is prohibited.

F. All mobile food vendors must provide trash receptacles of sufficient capacity to contain all trash and waste generated in association with the business of the mobile food vendor. All waste and trash shall be placed in the trash receptacles. All trash, waste, litter and debris shall be removed from the site of the vending operation at the end of each daily operation.

G. It shall be unlawful to discharge liquid waste, fats, oils or grease anywhere in the Village of East Aurora. Such discharges shall be held in appropriate containers and then disposed in a legally permissible manner.

H. Mobile food vendors shall not conduct operation from a site that contains a gasoline service.

I. When parked on the public right-of-way, mobile food vendors shall not dispense products from the street side of the mobile food vehicle.

J. A self-powered mobile food vehicle shall not be operated in reverse in order to attempt or make a sale.

K. Mobile food vending shall not be conducted within 60 feet of an intersection of two or more public highways/roads.

L. It shall be unlawful for any mobile food vendor to conduct business in a location within 500 feet of the boundary line of any fair, carnival, circus, festival, special event or civic event that is licensed and/or approved by the Village of East Aurora, except when the vendor has obtained a permit to so operate from the Village Clerk of the Village of East Aurora, with notice to the operator of the fair, carnival, circus, festival, special event or civic event. Permission may be conditioned upon the payment of fees charged other vendors with respect to said event.

M. In all Commercial Zoning Districts, mobile food vending shall not be conducted before 7 a.m. or after 11:00 p.m. In all Residential Zoning Districts, mobile food vending shall not be conducted before 9 a.m. or after 8 p.m.

N. Mobile food vending shall not be conducted within the General Manufacturing (GM) Zoning District, the Village Manufacturing (VM) Zoning District and in the Open Space (OS) Zoning District.

### **§ 180-31. Enforcement.**

A. A mobile food vehicle, while within the Village of East Aurora, may be inspected at any time for violations of this chapter by the Village of East Aurora Police Department, any Health Inspector with jurisdiction within the Village of East Aurora and the Code Enforcement Officer of the Village of East Aurora.

B. Enforcement of the mobile food vending rules and regulations set forth in this chapter shall be the responsibility of the Village of East Aurora Police Department, the Village of East Aurora Code Enforcement Officer and/or the Village Fire Inspector. The Village of East Aurora Police Department, the Village of East Aurora Code Enforcement Officer and/or the Village Fire Inspector shall administer this chapter and be authorized to issue appearance tickets for any violations of this chapter.

### **§ 180-32. Penalties for offenses.**

A. The penalty for engaging in mobile food vending without properly obtaining and/or displaying a permit shall be \$250 for the initial offense within a 12-month period and \$1,000 for every subsequent offense within said 12-month period. A permit shall be revoked after the second offense. One who is found guilty more than once within a 12-month period of engaging in mobile food vending without properly obtaining a permit shall in addition to applicable fines be barred from obtaining a permit for 24 months.

B. Except for violations of the New York State Vehicle and Traffic Law which shall be prosecuted as such, penalties for all other violations of this chapter not referenced in the preceding subsection shall be punishable by a minimum fine of \$250 or by a term of imprisonment not to exceed 15 days or both.

### **§ 180-33. Exemptions.**

This article shall not be held to apply to any of the following:

A.

Sales conducted pursuant to statute or otherwise regulated pursuant to the Village of East Aurora Building and Zoning Code.<sup>[1]</sup>

[1]

Editor's Note: See Ch. 285, Zoning.

B.

Sales conducted pursuant to the order by any court.

C.

Any person selling personal property at wholesale to dealers in such articles.

D.

The sale of fruits and vegetables raised on the property where being sold.

E.

Persons soliciting, collecting or operating a sale on behalf of any bona fide charitable educational, scientific, health, religious, patriotic or other organization of worthy cause deemed to be in the public interest.

F.

Any person selling personal property at a garage sale held at his residence.

**§ 180-34. Compliance.**

The laws of the Village of East Aurora, including but not limited to Chapter [285](#), Zoning, of the Village of East Aurora shall apply to all licenses granted under this article. The Village reserves the right to revoke any license that violates such laws of the Village of East Aurora.

**§ 180-35. Penalties for offenses.**

[Amended 3-14-2006 by L.L. No. 1-2006]

Except as specified in Section 180-32 pertaining to mobile food vending, violations of any of the provisions of this article shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both. Each day's continuance of a violation after notice shall be deemed a separate and distinct violation and shall be punishable accordingly.













**MS4 Municipal Compliance Certification(MCC) Form**

MCC form for period ending March 9,

Name of MS4

SPDES ID

**Section 4 - Certification Statement**

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

This form must be signed by either a principal executive officer or ranking elected official, or duly authorized representative of that person as described in GP-0-08-002 Part VI.J.

First Name  MI  Last Name

Title (Clearly print title of individual signing report)

Signature

Date  /  /



Send completed form and any attachments to the DEC Central Office at:

MS4 Permit Coordinator  
Division of Water  
4th Floor  
625 Broadway  
Albany, New York 12233-3505









**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

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**4. Evaluating Progress Toward Measurable Goals MCM 1**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.****B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.****C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this Measurable Goal during this reporting period?**

Yes  No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes  No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID  

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**4. Evaluating Progress Toward Measurable Goals MCM 1**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

**C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*



**D. Has your MS4 made progress toward this Measurable Goal during this reporting period?**

Yes  No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes  No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition 

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SPDES ID 

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**4. Evaluating Progress Toward Measurable Goals MCM 1**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

**C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this Measurable Goal during this reporting period?**

Teacher education packages are a bi-ennial BMP.

Yes  No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes  No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

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**4. Evaluating Progress Toward Measurable Goals MCM 1**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.****B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.****C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this Measurable Goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition 

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SPDES ID 

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**4. Evaluating Progress Toward Measurable Goals MCM 1**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

**C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this Measurable Goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**







### MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

### 3. Where can the public access copies of this annual report, Stormwater Management Program SWMP) Plan and submit comments on those documents?

Enter address/contact info and select radio button to indicate which document is available and whether comments may be submitted at that location. Submit additional pages as needed.

MS4/Coalition Office  Annual Report  SWMP Plan  Comments

Department

Address

City  Zip  -

Phone (  )  -

Library  Annual Report  SWMP Plan  Comments

Address

City  Zip  -

Phone (  )  -

Other  Annual Report  SWMP Plan  Comments

Address

City  Zip  -

Phone (  )  -

Web Page URL:  Annual Report  SWMP Plan  Comments

Please provide specific address of page where report can be accessed - not home page.

eMail  Comments



**MS4 Annual Report Form**

**This report is being submitted for the reporting period ending March 9,**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition  SPDES ID

**4.a. If this report was made available on the internet, what date was it posted?**

Leave blank if this report was not posted on the internet.

/   /

**4.b. For how many days was/will this report be posted?**

If submitting a report for single MS4, answer 5.a.. If submitting a joint report, answer 5.b..

**5.a. Was an Annual Report public meeting held in this reporting period?**

Yes  No

If Yes, what was the date of the meeting?

/   /

If No, is one planned?

Yes  No

**5.b. Was an Annual Report public meeting held for all MS4s contributing to this report during this reporting period?**

WNY Stormwater Coalition - 2020

Yes  No

If No, is one planned for each?

Yes  No

**6. Were comments received during this reporting period?**

Yes  No

If Yes, attach comments, responses and changes made to SWMP in response to comments to this report.

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

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**7. Evaluating Progress Toward Measurable Goals MCM 2**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.****B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.****C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID  

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**7. Evaluating Progress Toward Measurable Goals MCM 2**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**



**C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes  No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes  No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

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**7. Evaluating Progress Toward Measurable Goals MCM 2**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.****B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.****C. How many times was this observation measured or evaluated in this reporting period?**

Number of participants: 

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes  No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes  No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID  

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**7. Evaluating Progress Toward Measurable Goals MCM 2**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

**C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

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SPDES ID

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**7. Evaluating Progress Toward Measurable Goals MCM 2**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

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**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

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**C. How many times was this observation measured or evaluated in this reporting period?**

	N/A	
--	-----	--

*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

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**MS4 Annual Report Form**

**This report is being submitted for the reporting period ending March 9,**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

**Minimum Control Measure 3. Illicit Discharge Detection and Elimination**

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

**1. Enter the number and approx. percent of outfalls mapped:**  #  %

**2. How many of these outfalls have been screened for dry weather discharges during this reporting period (outfall reconnaissance inventory)?**

**3.a. What types of generating sites/sewersheds were targeted for inspection during this reporting period?**

- Auto Recyclers
- Building Maintenance
- Churches
- Commercial Carwashes
- Commercial Laundry/Dry Cleaners
- Construction Vehicle Washouts
- Cross-Connections
- Distribution Centers
- Food Processing Facilities
- Garbage Truck Washouts
- Hospitals
- Improper RV Waste Disposal
- Industrial Process Water
- Other:
- Landscaping (Irrigation)
- Marinas
- Metal Plateing Operations
- Outdoor Fluid Storage
- Parking Lot Maintenance
- Printing
- Residential Carwashing
- Restaurants
- Schools and Universities
- Septic Maintenance
- Swimming Pools
- Vehicle Fueling
- Vehicle Maint./Repair Shops
- None

Sewersheds:

**MS4 Annual Report Form**

**This report is being submitted for the reporting period ending March 9,**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

**3.b. What types of illicit discharges have been found during this reporting period?**

- Broken Lines From Sanitary Sewer
- Industrial Connections
- Cross Connections
- Inflow/Infiltration
- Failing Septic Systems
- Pump Station Failure
- Floor Drains Connected To Storm Sewers
- Sanitary Sewer Overflows
- Illegal Dumping
- Straight Pipe Sewer Discharges
- Other:
- None

**4. How many illicit discharges/potential illegal connections have been detected during this reporting period?**

**5. How many illicit discharges have been confirmed during this reporting period?**

**6. How many illicit discharges/illegal connections have been eliminated during this reporting period?**

**7. Has the storm sewershed mapping been completed in this reporting period?**

Yes  No

If No, approximately what percent was completed in this reporting period?

%

**8. Is the above information available in GIS?**

Yes  No

**Is this information available on the web? Outfalls only**

Yes  No

If Yes, provide URL(s):

Please provide specific address of page where map(s) can be accessed - not home page.

URL

URL



**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID  

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**12. Evaluating Progress Toward Measurable Goals MCM 3**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

**C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID  

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**12. Evaluating Progress Toward Measurable Goals MCM 3**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

**C. How many times was this observation measured or evaluated in this reporting period?**

--	--	--	--	--

*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition 

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SPDES ID  

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**12. Evaluating Progress Toward Measurable Goals MCM 3**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

**C. How many times was this observation measured or evaluated in this reporting period?**

--	--	--	--	--

*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

**Minimum Control Measures 4 and 5.**  
**Construction Site and Post-Construction Control**

The information in this section is being reported (check one):

- On behalf of an individual MS4  
 On behalf of a coalition

How many MS4s contributed to this report?

**1a. Has each MS4 contributing to this report adopted a law, ordinance or other regulatory mechanism that provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities?**  Yes  No

**1b. Has each Town, City and/or Village contributing to this report documented that the law is equivalent to a NYSDEC Sample Local Law for Stormwater Management and Erosion and Sediment Control through either an attorney certification or using the NYSDEC Gap Analysis Workbook?**  Yes  No  NT

If Yes, Towns, Cities and Villages provide date of equivalent NYS Sample Local Law.

09/2004  03/2006  NT

**2. Does your MS4/Coalition have a SWPPP review procedure in place?**  Yes  No

**3. How many Construction Stormwater Pollution Prevention Plans (SWPPPs) have been reviewed in this reporting period?**

**4. Does your MS4/Coalition have a mechanism for receipt and consideration of public comments related to construction SWPPPs?**  Yes  No  NT

If Yes, how many public comments were received during this reporting period?

**5. Does your MS4/Coalition provide education and training for contractors about the local SWPPP process?**  Yes  No

Via NYS 4 Hour Erosion & Sediment Control Training



**6. Identify which of the following types of enforcement actions you used during the reporting period for construction activities, indicate the number of actions, or note those for which you do not have authority:**

- Notices of Violation # 

--	--	--	--	--	--

 No Authority
- Stop Work Orders # 

--	--	--	--	--	--

 No Authority
- Criminal Actions # 

--	--	--	--	--	--

 No Authority
- Termination of Contracts # 

--	--	--	--	--	--

 No Authority
- Administrative Fines # 

--	--	--	--	--	--

 No Authority
- Civil Penalties # 

--	--	--	--	--	--

 No Authority
- Administrative Orders # 

--	--	--	--	--	--

 No Authority
- Enforcement Actions or Sanctions # 

--	--	--	--	--	--

 No Authority
- Other # 

--	--	--	--	--	--

 No Authority

**MS4 Annual Report Form**

**This report is being submitted for the reporting period ending March 9,**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

**Minimum Control Measure 4. Construction Site Stormwater Runoff Control**

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

1. **How many construction projects have been authorized for disturbances of one acre or more during this reporting period?**
  
  2. **How many construction projects disturbing at least one acre were active in your jurisdiction during this reporting period?**
  
  3. **What percent of active construction sites were inspected during this reporting period?**  NT    %
  
  4. **What percent of active construction sites were inspected more than once?**  NT    %
  
  5. **Do all inspectors working on behalf of the MS4s contributing to this report use the NYS Construction Stormwater Inspection Manual?**  Yes  No  NT
  
  6. **Does your MS4/Coalition provide public access to Stormwater Pollution Prevention Plans (SWPPPs) of construction projects that are subject to MS4 review and approval?**  Yes  No  NT
- If your MS4 is Non-Traditional, are SWPPPs of construction projects made available for public review?**  Yes  No

If Yes, use the following page to identify location(s) where SWPPPs can be accessed.

**MS4 Annual Report Form**

**This report is being submitted for the reporting period ending March 9,**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

**6. con't.:**

Submit additional pages as needed.

MS4/Coalition Office

Department

Address

City

Zip

 - 

Phone

(  )  -

Library

Address

City

Zip

 - 

Phone

(  )  -

Other

Address

City

Zip

 - 

Phone

(  )  -

Web Page URL(s): Please provide specific address where SWPPPs can be accessed - not home page.

URL

URL

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

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**7. Evaluating Progress Toward Measurable Goals MCM 4**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

**C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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Name of MS4/Coalition

SPDES ID

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**7. Evaluating Progress Toward Measurable Goals MCM 4**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.****B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.****C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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Name of MS4/Coalition

SPDES ID

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**7. Evaluating Progress Toward Measurable Goals MCM 4**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.****B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.****C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

**This report is being submitted for the reporting period ending March 9,**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

**Minimum Control Measure 5. Post-Construction Stormwater Management**

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

**1. How many and what type of post-construction stormwater management practices has your MS4/Coalition inventoried, inspected and maintained in this reporting period?**

	# Inventoried	# Inspections	# Times Maintained
<input type="radio"/> Alternative Practices	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="radio"/> Filter Systems	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="radio"/> Infiltration Basins	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="radio"/> Open Channels	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="radio"/> Ponds	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="radio"/> Wetlands	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="radio"/> Other	<input type="text"/>	<input type="text"/>	<input type="text"/>

**2. Do you use an electronic tool (e.g. GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance?**  Yes  No

**3. What types of non-structural practices have been used to implement Low Impact Development/Better Site Design/Green Infrastructure principles?**

- Building Codes       Municipal Comprehensive Plans
- Overlay Districts     Open Space Preservation Program
- Zoning                     Local Law or Ordinance
- None                       Land Use Regulation/Zoning
- Watershed Plans       Other Comprehensive Plan

Other:

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition 

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SPDES ID 

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**4a. Are the MS4s contributing to this report involved in a regional/watershed wide planning effort?**

Yes  No

**4b. Does the MS4 have a banking and credit system for stormwater management practices?**

Yes  No

**4c. Do the SWMP Plans for each MS4 contributing to this report include a protocol for evaluation and approval of banking and credit of alternative siting of a stormwater management practice?**

Yes  No

**4d. How many stormwater management practices have been implemented as part of this system in this reporting period?**

--	--	--

**5. What percent of municipal officials/MS4 staff responsible for program implementation attended training on Low Impace Development (LID), Better Site Design (BSD) and other Green Infrastructure principles in this reporting period?**

--	--	--	--

 %

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID  

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**6. Evaluating Progress Toward Measurable Goals MCM 5**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

**C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID6

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**6. Evaluating Progress Toward Measurable Goals MCM 5**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.****B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.****C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

**This report is being submitted for the reporting period ending March 9,**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

**Minimum Control Measure 6. Stormwater Management for Municipal Operations**

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

**1. Choose/list each municipal operation/facility that contributes or may potentially contribute Pollutants of Concern to the MS4 system. For each operation/facility indicate whether the operation/facility has been addressed in the MS4's/Coalition's Stormwater Management Program(SWMP) Plan and whether a self-assessment has been performed during the reporting period. A self-assessment is performed to: 1) determine the sources of pollutants potentially generated by the permittee's operations and facilities; 2) evaluate the effectiveness of existing programs and 3) identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it's not done already.**

<u>Operation/Activity/Facility</u>	<u>Addressed in SWMP?</u>		<u>Self-Assessment Operation/Activity/Facility performed within the past 3 years?</u>	
	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No
Street Maintenance.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bridge Maintenance.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Winter Road Maintenance.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Salt Storage.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Solid Waste Management.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
New Municipal Construction and Land Disturbance..	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Right of Way Maintenance.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marine Operations.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hydrologic Habitat Modification.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Parks and Open Space.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Municipal Building.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Stormwater System Maintenance.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vehicle and Fleet Maintenance.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**MS4 Annual Report Form**

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Name of MS4/Coalition

SPDES ID

**2. Provide the following information about municipal operations good housekeeping programs:**

- Parking Lots Swept (Number of acres X Number of times swept) # Acres
- Streets Swept (Number of miles X Number of times swept) # Miles
- Catch Basins Inspected and Cleaned Where Necessary #
- Post Construction Control Stormwater Management Practices Inspected and Cleaned Where Necessary #
- Phosphorus Applied In Chemical Fertilizer # Lbs.
- Nitrogen Applied In Chemical Fertilizer # Lbs.
- Pesticide/Herbicide Applied # Acres .   
(Number of acres to which pesticide/herbicide was applied X Number of times applied to the nearest tenth.)

**3. How many stormwater management trainings have been provided to municipal employees during this reporting period?**

**4. What was the date of the last training?**  /  /

**5. How many municipal employees have been trained in this reporting period?**

**6. What percent of municipal employees in relevant positions and departments receive stormwater management training?**  %

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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Name of MS4/Coalition

SPDES ID

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**7. Evaluating Progress Toward Measurable Goals MCM 6**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.****B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.****C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

**This report is being submitted for the reporting period ending March 9,**

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition 

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SPDES ID  

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**7. Evaluating Progress Toward Measurable Goals MCM 6**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

**C. How many times was this observation measured or evaluated in this reporting period?**

--	--	--	--

*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

**MS4 Annual Report Form**

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Name of MS4/Coalition

SPDES ID

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**7. Evaluating Progress Toward Measurable Goals MCM 6**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.****B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.****C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this Measurable Goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

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**Additional Watershed Improvement Strategy Best Management Practices**

N/A

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

**MS4s must answer the questions or check NA as indicated in the table below.**

MS4 Description	Answer	Check NA	(POC)
<b>NYC EOH Watershed</b>	-	-	-
Traditional Land Use	1,2,3,4,5,6,7a-d,8a,8b,9	10,11,12	Phosphorus
Traditional Non-Land Use	1,2,3,4,7a-d,8a,8b,9	5,10,11,12	Phosphorus
Non-Traditional	1,2,77a-d,8a,8b,9	3,4,5,10,11,12	Phosphorus
<b>Onondaga Lake Watershed</b>	-	-	-
Traditional Land Use	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Non-Traditional	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
<b>Greenwood Lake Watershed</b>	-	-	-
Traditional Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Non-Traditional	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
<b>Oyster Bay</b>	-	-	-
Traditional Land Use	1,4,7a-d,9,10,11,12	2,3,5,6,8a,8b	Pathogens
Traditional Non-Land Use	1,4,7a-d,9,10,11,12	2,3,5,6,8a,8b	Pathogens
Non-Traditional	1,4,7a-d,9	2,3,4,5,8a,8b,10,11,12	Pathogens
<b>Peconic Estuary</b>	-	-	-
Traditional Land Use	1,4,7a-d,8a,9,10,11,12	2,3,5,6,8b	Pathogens and Nitrogen
Traditional Non-Land Use	1,4,7a-d,8a,9,10,11,12	2,3,5,6,8b	Pathogens and Nitrogen
Non-Traditional	1,4,7a-d,8a,9	2,3,4,5,8b,10,11,12	Pathogens and Nitrogen
<b>Oscawana Lake Watershed</b>	-	-	-
Traditional Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Non-Traditional	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
<b>LI 27 Embayments</b>	-	-	-
Traditional Land Use	1,2,3,4,7a-d,9,10,11,12	5,6,8a,8b	Pathogens
Traditional Non-Land Use	1,2,3,4,7a-d,9,10,11,12	5,6,8a,8b	Pathogens
Non-Traditional	1,2,3,4,7a-d,9	5,6,8a,8b,10,11,12	Pathogens

**1. Does your MS4/Coalition have an education program addressing impacts of phosphorus/nitrogen/pathogens on waterbodies?**  Yes  No  N/A

**2. Has 100% of the MS4/Coalition conveyance system been mapped in GIS?**  Yes  No  N/A

If N/A, go to question 3.

If No, estimate what percentage of the conveyance system has been mapped so far.    %

Estimate what percentage was mapped in this reporting period.    %

**MS4 Annual Report Form**

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SPDES ID

**3. Does your MS4/Coalition have a Stormwater Conveyance System (infrastructure) Inspection and Maintenance Plan Program?**  Yes  No  N/A

**4. Estimate the percentage of on-site wastewater treatment systems that have been inspected and maintained or rehabilitated as necessary in this reporting period?**    %

**5. Has your MS4/Coalition developed a program that provides protection equivalent to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) to reduce pollutants in stormwater runoff from construction activities that disturb five thousand square feet or more?**  Yes  No  N/A

**6. Has your MS4/Coalition developed a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre that provides equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001), including the New York State Stormwater Design Manual Enhanced Phosphorus Removal Standards?**  Yes  No  N/A

**7a. Does your MS4/Coalition have a retrofitting program to reduce erosion or phosphorus/nitrogen/pathogen loading?**  Yes  No  N/A

**7b. How many projects have been sited in this reporting period?**

**7c. What percent of the projects included in 7b have been completed in this reporting period?**    %

**7d. What percent of projects planned in previous years have been completed?**    %  
 No Projects Planned

**8a. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper fertilizer application on municipally owned lands?**  Yes  No  N/A

**8b. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper disposal of grass clippings and leaves from municipally owned lands?**  Yes  No  N/A

**MS4 Annual Report Form**

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Name of MS4/Coalition 

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SPDES ID 

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- 9. **Has your MS4/Coalition developed and implemented a program of native planting?**  
 Yes    No    N/A
  
- 10. **Has your MS4/Coalition enacted a local law prohibiting pet waste on municipal properties and prohibiting goose feeding?**  
 Yes    No    N/A
  
- 11. **Does your MS4/Coalition have a pet waste bag program?**  
 Yes    No    N/A
  
- 12. **Does your MS4/Coalition have a program to manage goose populations?**  
 Yes    No    N/A

**RESOLUTION OF THE VILLAGE OF EAST AURORA APPROVING THE REVISED DEVELOPMENT PLAN REGARDING RENOVATIONS AND IMPROVEMENTS FOR PROPERTY KNOWN AS THE BANK AT 649 MAIN STREET IN THE VILLAGE OF EAST AURORA**

WHEREAS, an application has been submitted for a proposed revised development plan at the above referenced property by Todd Stine (hereinafter referred to as the Applicant), and

WHEREAS, the Planning Commission of the Village of East Aurora, having considered the application, has submitted a recommendation for approval to the Village Board, with any stated conditions to that recommendation; and

WHEREAS, the Village Board held a public hearing and meetings, all of which were properly noticed to the public, and reviewed and considered the comments and all written materials submitted by the applicant, any and all public comments and submissions, and all other information and recommendations before the Board; including minutes of prior Village Board meetings, and minutes of the Village Planning Commission where the revised development plan was discussed, along with recommendations of approval by Planning Commission; and

WHEREAS, the Village Board received and considered the application for a Revised Development Plan with regards to the above referenced renovations and improvements for the use of property known as 649 Main Street, "The Bank" project.

NOW, THEREFORE, BE IT RESOLVED, by the East Aurora Village Board the following:

1. The recommendations of the Planning Commission, the revised development plan, including the above referenced improvement renderings filed with the Village comprised of drawings by architect Heather M. Nemec, Drawing Nos. A-1, A-2 and A-3, all dated December 2, 2018, with revision dates of January 28, 2020 and Drawing No. A-4 dated May, 2018, with a revision date of January 28, 2020 and Drawing No. A-5 dated October 30, 2018, with a revision date of January 28, 2020, Drawing No. A-6 dated October 30, 2018, and all information included in the minutes taken in relation to the above mentioned Village Board meetings are attached hereto and incorporated herein by reference.

2. Approval is granted for the Revised Development Plan Application for renovations and improvements to 649 Main Street, known as "The Bank" in the Village of East Aurora subject to the following conditions being met by the Applicant:

a. That the applicant shall be solely responsible to comply with ADA standards and regulations, including that there shall be a permanent, fully-ADA compliant toilet room on the first (main) floor. Further, that current ADA regulations may require that a ramp entrance be constructed to make accessible the main front entrance of the building. This requirement, however, may fall under an exception in the ADA regulations in the event that the building obtains historical designation at the local, State or Federal level, which designation is currently being pursued by the applicant. In the event that such designation is not actively pursued, in the sole determination of the Village Board, or such designation is not obtained, the applicant shall have six (6) months from the date of such determination or denial to bring the building with respect to the ramp entrance into full compliance.

b. The applicant, both individually and within his representative capacity, shall enter into an agreement with the Village to provide that should any future determination by the DOJ result in any orders that mandate changes to The Bank development in order to comply with ADA standards, rules and/or regulations, that the applicant shall be fully and solely-responsible for complying with such orders and the applicant shall fully hold harmless, defend, and indemnify the Village with respect to same and not have any recourse against the Village relative to complying with such orders, directives, and/or determinations. The statement and agreement shall also provide that same shall apply to the applicant, any heirs, partners, transferees, lessees, grantees, tenants, subsidiaries, successors, and assigns.

[Additional conditions may be inserted here.]

c.

d.

3. To the extent not modified above, should any part of the application and Revised Development Plan approval be in conflict with any segment of the underlying Village Code (e.g., Zoning, etc.), the terms of the Village Code provisions shall take precedence. Further, the applicant is responsible to ensure compliance with all Federal, State and County laws applicable to this development.

4. The Village shall have the right to periodically inspect the property for compliance with the Village Code, the Revised Development Plan, and its conditions.

5. The nature, duration, and intensity of the operations which are involved in, or conducted in connection with, this Revised Development Plan shall not be increased or expanded without the prior approval of the Village Board in accordance with any procedures which may be adopted.

6. This Revised Development Plan approval shall expire if meaningful construction, as determined solely by the Village Board after a reasonable opportunity to be heard has been granted, has not been commenced within one (1) year of the date of this resolution, and has not been completed within two (2) years of the date of this resolution or, if no construction is involved, the use has not been commenced within one (1) year of the date of this resolution.

7. This Revised Development Plan approval shall expire if the use, once begun, ceases operation, for any reason, for more than six (6) consecutive months.

8. This Revised Development Plan approval may be revoked by the Village Board if it is determined that there has been a material failure of compliance with any one of the terms, conditions, limitations or requirements imposed by the approved Revised Development Plan. Revocation may also occur in the event of Village or other Code violations occurring at the property. The Village Board shall hold a public hearing within thirty (30) calendar days after written notice has been served upon the Applicant to consider whether or not the Applicant has violated the terms and conditions of the Revised Development Plan or if any Village Code violations have occurred. Notice of the violations and of the date, place, and time of the public hearing shall be mailed to the Applicant by certified mail, return receipt requested, directed to the last known address of the Applicant. Failure to accept the notice shall not excuse the Applicant from complying with any directives from the Village nor delay the public hearing.

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

Trustee Lazickas	_____ (Aye or Nay)
Trustee Porter	_____ (Aye or Nay)
Trustee Kimmel-Hurt	_____ (Aye or Nay)
Trustee Schoeneman	_____ (Aye or Nay)
Trustee Cameron	_____ (Aye or Nay)
Trustee Scheer	_____ (Aye or Nay)
Mayor Mercurio	_____ (Aye or Nay)

\_\_\_\_\_ Approved

\_\_\_\_\_ Not Approved

Dated: May 18, 2020

## Village of East Aurora, NY

### Chapter 180. Peddlers and Solicitors

[HISTORY: Adopted by the Board of Trustees of the Village of East Aurora 9-21-1953; amended in its entirety 7-19-2004 by L.L. No. 6-2004 (Chapter 48 of the 1972 Code). Subsequent amendments noted where applicable.]

GENERAL REFERENCES Fees — See Ch. 137, Art. II.

#### Article I. General Provisions

##### § 180-1. Definitions.

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

##### CHARITABLE

Patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal.

##### CLERK

The Municipal Clerk.

##### CONTRIBUTIONS

Alms, money, subscription, property or any donations.

##### PEDDLER

Any person who goes upon the premises of any private residence, not having been invited by the occupant thereof, or any person who goes upon the streets, roads or highways within the Village of East Aurora, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This includes any person who solicits orders and as a separate transaction makes deliveries to purchasers.

##### PERSON

A person or any firm, corporation, association, club, society or organization.

##### SOLICITOR

Any person who goes upon the premises of any private residence, not having been invited by the occupant thereof, or any person who goes upon the streets, roads or highways within the Village of East Aurora, for the purpose taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This includes any person who, without invitation, goes upon private property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other noncommercial purposes.

##### § 180-2. Permit requirements and exemptions.

It shall be unlawful for any person to engage in peddling or solicitation activities within this municipality without first obtaining a permit issued by the Clerk; provided, however, that the following are exempt from the provisions of this section:

A. Notwithstanding any of the provisions herein contained, any person, corporation, partnership or association engaged in charitable, benevolent, veterans, religious or school purposes, or engaged in selling produce or products raised in the Village which are offered for sale, who are soliciting shall be permitted to obtain a permit in compliance with the regulations hereof, without payment of any fee therefore.

B. Persons under 19 years of age shall not be required to register and obtain a permit as heretofore provided for, in the event that they are soliciting for any purposes directly connected with a religious, charitable, benevolent, school or service organization native to the Village of East Aurora.

C. Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made.

D. Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation.

E. Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person.

### **§ 180-3. Permit for sponsoring juvenile peddlers.**

No person under the age of 18 shall be permitted to engage in peddling except as provided in this section.

A. A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one or more persons under 18 years of age.

B. The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.

C. The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification that identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting.

### **§ 180-4. Permit application.**

Every person subject to the provisions of this article shall file with the Clerk an application in writing on a form to be furnished by the Clerk, which shall provide the following information:

A. Proof of age, address and identification of the applicant;

B. A brief description of the business or activity to be conducted;

C. The length of time for which the right to peddle or solicit is desired; not exceeding 60 days;

D. If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;

E. A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or local law violation, the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;

F. The type of vehicle that will be used and its registration number;

G. Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this article; and

H. Two photographs of the applicant that shall have been taken within 60 days immediately prior to the date of filing of the application. The photographs shall measure one inch by two inches and show the head and shoulders of the applicant in a clear and distinguishing manner.

### **§ 180-5. Fees.**

A. At the time the application is filed with the Clerk, the applicant shall pay a fee to cover the cost of processing the application and investigating the facts stated therein. The permit fee shall be as set forth in Chapter [137](#), Article [II](#), of this Code.

[Amended 3-14-2006 by L.L. No. 1-2006]

B. No permit fee shall be required from any person or entity to whom a permit has been issued pursuant to § 32 of the New York General Business Law to hawk, peddle, vend and sell his own goods, wares and merchandise or to solicit or trade upon the streets and highways within the state, and no permit fee shall be required in any case whereby so doing it would unlawfully interfere with interstate commerce.

### **§ 180-6. Bond.**

[Amended 3-14-2006 by L.L. No. 1-2006]

All solicitors requiring cash deposits or taking orders for cash on delivery purchases (COD) or who require a contract of agreement to finance the sale of any goods, services, or merchandise for future delivery, or for services to be performed in the future, shall furnish to the Clerk a bond in an amount as set from time to time by resolution of the Board of Trustees.

### **§ 180-7. Application review and permit issuance.**

**A.** Upon receipt of an application, the Clerk shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.

**B.** If the Clerk finds the application to be satisfactory, such application shall be referred to the Police Department of the Village of East Aurora for approval, and after such approval has been received, the application shall be eligible for the issuance of such permit.

**C.** The permit shall show the name, address and photograph of the permit holder, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.

**D.** Permits will be issued within five business days from the receipt of the completed application.

### **§ 180-8. Denial of permit.**

**A.** Upon the review of the application, the Clerk may refuse to issue a permit to the applicant under this article for any of the following reasons:

**(1)** The location and time of solicitation or peddling would endanger safety and welfare of the solicitors, peddlers or their customers;

**(2)** An investigation reveals that the applicant falsified information on the application;

**(3)** The applicant has been convicted of a felony, misdemeanor or local law violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five years preceding the date of application;

**(4)** The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of application;

**(5)** The applicant offers no proof of authority to serve as an agent; or

**(6)** The applicant has been denied a permit under this article within the immediate past year, unless the applicant can and does show to the satisfaction of the Clerk that the reasons for such earlier denial no longer exist.

**B.** The disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

### **§ 180-9. Permit expiration.**

All permits issued under the provisions of this article shall expire 60 days from the date of issuance, unless an earlier expiration date is noted on the permit.

### **§ 180-10. Permit exhibition.**

Every person required to obtain a permit under the provisions of this article shall exhibit the permit when requested to do so by any prospective customer or individual.

### **§ 180-11. Transfer prohibited.**

It shall be unlawful for any person other than the permit holder to use or wear any permit or badge issued under the provisions of this article.

### **§ 180-12. Entry upon signed premises unlawful.**

Entering a private residence or business by a solicitor or peddler, as defined herein, for the purpose of selling or offering for sale or for soliciting orders for goods, wares, merchandise, contracts or personal services, or remaining in a private residence or on the premises thereof, or any place of business or on the premises thereof, after the owner or occupant thereof shall have requested any solicitor or peddler to leave, or going in and upon the premises of a private residence or place of business by a solicitor or peddler, as defined herein, for any such purposes when the owner or occupant has displayed a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import is prohibited and is declared to be an offense.

### **§ 180-13. Noise.**

No person engaged in soliciting or peddling shall hawk or cry his goods, wares, merchandise, offers, contracts or services upon any streets, roads or highways within the Village, nor shall he use any loudspeaker, horn or any other device for announcing his presence by which members of the public are annoyed.

### **§ 180-14. Hours of solicitation.**

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 8:00 p.m. and 9:00 a.m.

### **§ 180-15. Permit revocation.**

Any permit issued under this article may be revoked or suspended by the Clerk, after notice for any of the following reasons:

- A. Fraud, misrepresentation or false statement contained in the application for a permit;
- B. Fraud, misrepresentation or false statement made by the permit holder in the course of conducting solicitation or peddling activities;
- C. Conducting peddling or solicitation activities contrary to the provisions of the permit;
- D. Conviction for any crime involving moral turpitude; or
- E. Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

### **§ 180-16. Notice and hearing.**

Notice of a hearing for revocation of a permit issued under this article shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be faxed or mailed to the permit holder at the address shown on the permit application or at the last known address of the permit holder or by causing a copy of such notice to be personally delivered the applicant. In either case, the permit will be deemed revoked upon mailing or delivery of such notice.

### § 180-17. Appeals.

- A. Any person aggrieved by the action or decision of the Clerk to deny, suspend or revoke a permit applied for under the provisions of this article shall have the right to appeal such action or decision to the Mayor within 15 days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.
- B. An appeal shall be taken by filing with the Clerk a written statement setting forth the grounds for the appeal.
- C. The Clerk shall transmit the written statement to the Mayor within 10 days of its receipt and the Mayor shall set a time and place for a hearing on the appeal.
- D. A hearing shall be set not later than 20 days from the date of receipt of the appellant's written statement.
- E. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- F. The decision of the Mayor on the appeal shall be final and binding.

### § 180-18. Penalties for offenses.

- A. Violations of any of the provisions of this article shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both. Each day's continuance of a violation after notice shall be deemed a separate and distinct violation and shall be punishable accordingly.  
[Amended 3-14-2006 by L.L. No. 1-2006]
- B. In addition to any criminal enforcement, the municipality or any individual may pursue any available civil remedies deemed appropriate and necessary.

## Article II. Transient Retail Merchants

### § 180-19. Purpose.

This article is enacted for the purpose of regulating the conduct and business practices of transient merchants within the Village of East Aurora.

### § 180-20. Definitions.

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

#### PERSON

An individual, firm, partnership, corporation, voluntary association, incorporated association and principal or agent thereof.

#### TRANSIENT RETAIL BUSINESS

A retail or wholesale business conducted in a temporary structure or tent; or from a truck, van or trailer; on a parking lot or vacant parcel of land; on a part of public right-of-way; or in any other place for a temporary period of time. Lack of a rental or leasing agreement of three months' or more duration, sealed by monetary consideration, shall be presumptive of a temporary situation. The type of merchandise being offered for sale will have no bearing on the designation. This section shall apply to traditional ice cream truck vendors that traverse the Village. This section shall not apply to Mobile Food Vendors to which Article III is applicable.

### § 180-21. Objectives.

The purpose of this article is to assist the government of the Village of East Aurora, the management of its business, the preservation of good order and the peace, health, safety and welfare of its inhabitants and the protection and security of their property.

### **§ 180-22. License required; fee.**

**A.** No person shall engage in business as a transient merchant unless he shall first obtain a license to do so from the Village Clerk no later than 14 business days before the first date of business.

**B.** The fee for a transient merchant's license shall be as set forth in Chapter [137](#), Article [II](#), of this Code.

[Amended 3-14-2006 by L.L. No. 1-2006]

**C.** Any honorably discharged member of the United States Armed Forces who has procured a license under Article 4 of the General Business Law of the State of New York shall obtain a license as required under this article but shall be exempt from any fee.

**D.** All license applications of transient retail merchants shall require the approval of the Village of East Aurora Police Department, Village Attorney and Building Inspection Department.

[Amended 3-14-2006 by L.L. No. 1-2006]

### **§ 180-23. License application.**

An application for a transient merchant's license shall provide the following information:

**A.** The address of the applicant's residence.

**B.** The firm or firms represented, together with copies of documents establishing the firm's state or county, form of organization, ownership and qualifications to do business in the State of New York, including but not limited to, doing business as certificates, certificates of incorporation, certificate of authority from the New York Sales Tax Department, Disability and Workers' Compensation Insurance and the exact relationship between the firm and the transient merchant.

**C.** A brief description of the firm and the kind of goods or commodities the applicant desires to sell.

**D.** The hotel, room or other location where the applicant proposes to sell such merchandise, and the time during which said business is to be conducted.

## **Article III. Mobile Food Vending**

### **§ 180-24. Purpose.**

This article is enacted for the purpose of regulating the conduct and business practices of Mobile Food Vending merchants within the Village of East Aurora.

### **§ 180-25. Definitions.**

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

#### **COMMERCIAL ZONING DISTRICTS**

Zoning Districts in the Village of East Aurora including Limited Commercial Residential (LCR), General Commercial (GC), Neighborhood Commercial (NC), Village Center (VC) and Mid-Main Overlay (MMO).

#### **MOBILE FOOD VEHICLE**

A mobile food unit, either self-powered or towed, other than a work site concession vehicle, from which prepared food is offered for sale to the public.

#### **MOBILE FOOD VENDING**

The act of vending prepared food through the utilization of a mobile food vehicle.

#### **PRIVATE CATERED EVENT**

Mobile food vending limited to serving the owners, occupants and guests of just a single- or two-family dwelling, a school, club, church, professional office, studio, fire station, medical building, nursing home, or any building offering personal services, and where the owner and/or occupants have given their written permission for the event.

## **RESIDENTIAL ZONING DISTRICTS**

Zoning Districts in the Village of East Aurora including Single-Family Residential (SFR), Low Density Residential (LDR) and General Residential (GR).

## **RESTAURANT**

A building where meals are served to customers.

## **WORK SITE CONCESSION VEHICLE**

A motor vehicle with a maximum gross weight as reflected upon its registration of not more than 8,600 pounds in which food is not cooked, baked, grilled, broiled or fried.

### **§ 180-26. Permit required.**

No mobile food vehicle shall be used for mobile food vending unless a permit issued pursuant to the provisions of this chapter shall first have been obtained, which permit shall at all times be displayed in a conspicuous location that is visible from the outside of the vehicle.

### **§ 180-27. Permit application.**

The owner of a mobile food vehicle who wishes to engage in mobile food vending within the Village of East Aurora shall make a written application to the Village Clerk for one or more mobile food vehicle permits on a form provided by the Village Clerk. The application for such permit(s) shall be signed and dated by the owner or by a corporate officer of the owner, shall identify the signor and shall include the following:

A. Name, address and telephone number of each owner of the mobile food vehicle and in the case of the corporate owner, the name, address and telephone number of each corporate officer.

B. As to each mobile food vehicle for which a permit is requested, a valid and current Erie County Department of Health certification of a successful health inspection as to both the vehicle to be used and the facility where the food is prepared.

C. As to each self-powered mobile food vehicle for which a permit is requested, a valid insurance certificate, New York State Department of Motor Vehicles registration, and certificate of inspection.

D. As to each mobile food vehicle for which a permit is requested, a valid and current certification of a successful fire inspection conducted within the prior 12 months by the County of Erie, by a municipality or fire department within the County of Erie, or by the Village of East Aurora Fire Inspector.

E. A signed statement that the vendor shall indemnify and hold harmless the Village and its officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on or under the terms of the permit.

### **§ 180-28. Fees.**

As to each permit application, the initial fee and renewal fee for a mobile food vending permit shall be set from time to time by Resolution of the East Aurora Village Board, with a base fee for the first mobile food vehicle, and an added fee for each additional mobile food vehicle.

### **§ 180-29. Permit term and restrictions.**

A. The Village Clerk of the Village of East Aurora retains the right, for good cause, to revoke any permit. A permittee whose license has been revoked by the Village Clerk may appeal such revocation at a public hearing before the Village Board.

B. Each mobile food vending permit shall expire on December 31 of every year.

C. The permit shall not be transferrable without the written approval of the Village of East Aurora.

**§ 180-30. Regulations.**

A. It shall be unlawful for a mobile food vendor to conduct business in a location within 100 feet of the primary entrance of a restaurant that is open to the public. This requirement shall be waived if written permission for the mobile food vending operation is first obtained from the owner of the restaurant.

B. In all Commercial Zoning Districts, it shall be unlawful for a mobile food vendor to conduct business at a single location within a public right-of-way for duration exceeding three hours.

C. It shall be unlawful for a mobile food vendor to conduct business at a single location upon a public right-of-way within any Residential Zoning District for a duration exceeding 20 minutes, except at the time and place of a block party approved by the Village of East Aurora Board of Trustees or for a private catered event. In the case of a block party approved by the Village of East Aurora Board of Trustees, it shall be unlawful for a mobile food vendor to conduct business at single location upon a public right-of-way within any Residential Zoning for a duration exceeding the duration of the block party. In the case of a private catered event, it shall be unlawful for a mobile food vendor to conduct business at a single location upon a public right-of-way within any Residential Zoning District for a duration of more than two hours.

D. Mobile food vendors must comply with all applicable federal, state and local statutes and ordinances.

E. All signage associated with the mobile food vendor must be permanently affixed to the mobile food vehicle. Accessory signage placed outside or around the mobile food vehicle is prohibited.

F. All mobile food vendors must provide trash receptacles of sufficient capacity to contain all trash and waste generated in association with the business of the mobile food vendor. All waste and trash shall be placed in the trash receptacles. All trash, waste, litter and debris shall be removed from the site of the vending operation at the end of each daily operation.

G. It shall be unlawful to discharge liquid waste, fats, oils or grease anywhere in the Village of East Aurora. Such discharges shall be held in appropriate containers and then disposed in a legally permissible manner.

H. Mobile food vendors shall not conduct operation from a site that contains a gasoline service.

I. When parked on the public right-of-way, mobile food vendors shall not dispense products from the street side of the mobile food vehicle.

J. A self-powered mobile food vehicle shall not be operated in reverse in order to attempt or make a sale.

K. Mobile food vending shall not be conducted within 60 feet of an intersection of two or more public highways/roads.

L. It shall be unlawful for any mobile food vendor to conduct business in a location within 500 feet of the boundary line of any fair, carnival, circus, festival, special event or civic event that is licensed and/or approved by the Village of East Aurora, except when the vendor has obtained a permit to so operate from the Village Clerk of the Village of East Aurora, with notice to the operator of the fair, carnival, circus, festival, special event or civic event. Permission may be conditioned upon the payment of fees charged other vendors with respect to said event.

M. In all Commercial Zoning Districts, mobile food vending shall not be conducted before 7 a.m. or after 11:00 p.m. In all Residential Zoning Districts, mobile food vending shall not be conducted before 9 a.m. or after 8 p.m.

N. Mobile food vending shall not be conducted within the General Manufacturing (GM) Zoning District, the Village Manufacturing (VM) Zoning District and in the Open Space (OS) Zoning District.

### **§ 180-31. Enforcement.**

A. A mobile food vehicle, while within the Village of East Aurora, may be inspected at any time for violations of this chapter by the Village of East Aurora Police Department, any Health Inspector with jurisdiction within the Village of East Aurora and the Code Enforcement Officer of the Village of East Aurora.

B. Enforcement of the mobile food vending rules and regulations set forth in this chapter shall be the responsibility of the Village of East Aurora Police Department, the Village of East Aurora Code Enforcement Officer and/or the Village Fire Inspector. The Village of East Aurora Police Department, the Village of East Aurora Code Enforcement Officer and/or the Village Fire Inspector shall administer this chapter and be authorized to issue appearance tickets for any violations of this chapter.

### **§ 180-32. Penalties for offenses.**

A. The penalty for engaging in mobile food vending without properly obtaining and/or displaying a permit shall be \$250 for the initial offense within a 12-month period and \$1,000 for every subsequent offense within said 12-month period. A permit shall be revoked after the second offense. One who is found guilty more than once within a 12-month period of engaging in mobile food vending without properly obtaining a permit shall in addition to applicable fines be barred from obtaining a permit for 24 months.

B. Except for violations of the New York State Vehicle and Traffic Law which shall be prosecuted as such, penalties for all other violations of this chapter not referenced in the preceding subsection shall be punishable by a minimum fine of \$250 or by a term of imprisonment not to exceed 15 days or both.

### **§ 180-33. Exemptions.**

This article shall not be held to apply to any of the following:

A.

Sales conducted pursuant to statute or otherwise regulated pursuant to the Village of East Aurora Building and Zoning Code.<sup>[1]</sup>

[1]

Editor's Note: See Ch. 285, Zoning.

B.

Sales conducted pursuant to the order by any court.

C.

Any person selling personal property at wholesale to dealers in such articles.

D.

The sale of fruits and vegetables raised on the property where being sold.

E.

Persons soliciting, collecting or operating a sale on behalf of any bona fide charitable educational, scientific, health, religious, patriotic or other organization of worthy cause deemed to be in the public interest.

F.

Any person selling personal property at a garage sale held at his residence.

**§ 180-34. Compliance.**

The laws of the Village of East Aurora, including but not limited to Chapter [285](#), Zoning, of the Village of East Aurora shall apply to all licenses granted under this article. The Village reserves the right to revoke any license that violates such laws of the Village of East Aurora.

**§ 180-35. Penalties for offenses.**

[Amended 3-14-2006 by L.L. No. 1-2006]

Except as specified in Section 180-32 pertaining to mobile food vending, violations of any of the provisions of this article shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both. Each day's continuance of a violation after notice shall be deemed a separate and distinct violation and shall be punishable accordingly.

Application Fee \$25.00 \_\_\_\_\_ (Fees are payable at time of application)  
Permit Fee \$25.00 \_\_\_\_\_  
Mailers Fee \$50.00 \_\_\_\_\_  
\*Public Hearing \$50.00 \_\_\_\_\_

VILLAGE OF EAST AURORA, 571 MAIN STREET, EAST AURORA, NY 14052

APPLICATION FOR PERMIT FOR KEEPING OTHER THAN HOUSEHOLD PETS  
(\*\*pursuant to provisions of Section 104-3 A of the Code of the Village of East Aurora)

APPLICANT: Shaun + Kelly Canaski  
(Name)  
789 Warren Drive  
(Address)  
KCanaski@gmail.com  
(Email Address)

none  
(Home Phone Number)  
716-698-9838  
(Work/Cell Phone)

OWNER OF PROPERTY: Shaun + Kelly Canaski  
(Name)  
789 Warren Drive  
(Address)  
East Aurora, NY 14052  
(City, State) (Zip)

**DESCRIBE WHAT IS TO BE KEPT ON PREMISES:**

Chicken coop and chickens (3' x 10')

**DESCRIPTION OF AREA WHERE IT/THEY WILL BE KEPT:**

*A survey map of the property must be attached to this application, with the area specified.*

Against the house in the backyard (detached from house) in a fenced in  
backyard.  
See included survey.

**REASON FOR REQUESTING PERMIT:**

To have chickens

**LIST NAMES AND ADDRESSES OF ALL NEIGHBORS: (Attach list to application)**

It is understood that if this permit is granted, it will only apply to what has been specifically listed above and will automatically expire when/if any of the above information changes.

Applicant agrees to allow duly authorized official(s) of the Village of East Aurora to inspect the premises and the site proposed for the keeping of other than household pets as a part of processing this application.

Applicant hereby certifies that he or she is the applicant, and that the information contained in this application is true and correct.

May 5 2020  
(Date)

Kelly Canaski  
(Applicant's Signature)

NOTE: This application must be filed with the Village Administrator, Village Hall, 571 Main Street, East Aurora, New York 14052. \*The Village Board of Trustees reserves the right to require a public hearing

\*\*§104-3 A of the Village Code: No person or persons shall keep or house horses, cattle, swine, poultry, pigeons or any other animals or bees other than household pets within the limits of the Village of East Aurora without a permit from the Board of Trustees, after investigation., that the keeping of the animal or animals or bees in question will not be objectionable or offensive by reasons of noise, smell or other cause. Such a permit shall be revocable at any time by the Board of Trustees.

Frank and Kelly

793 Warren Drive

East Aurora, NY 14052

Charlene

97 Mary Ann Drive

East Aurora, NY 14052

Todd

785 Warren Drive

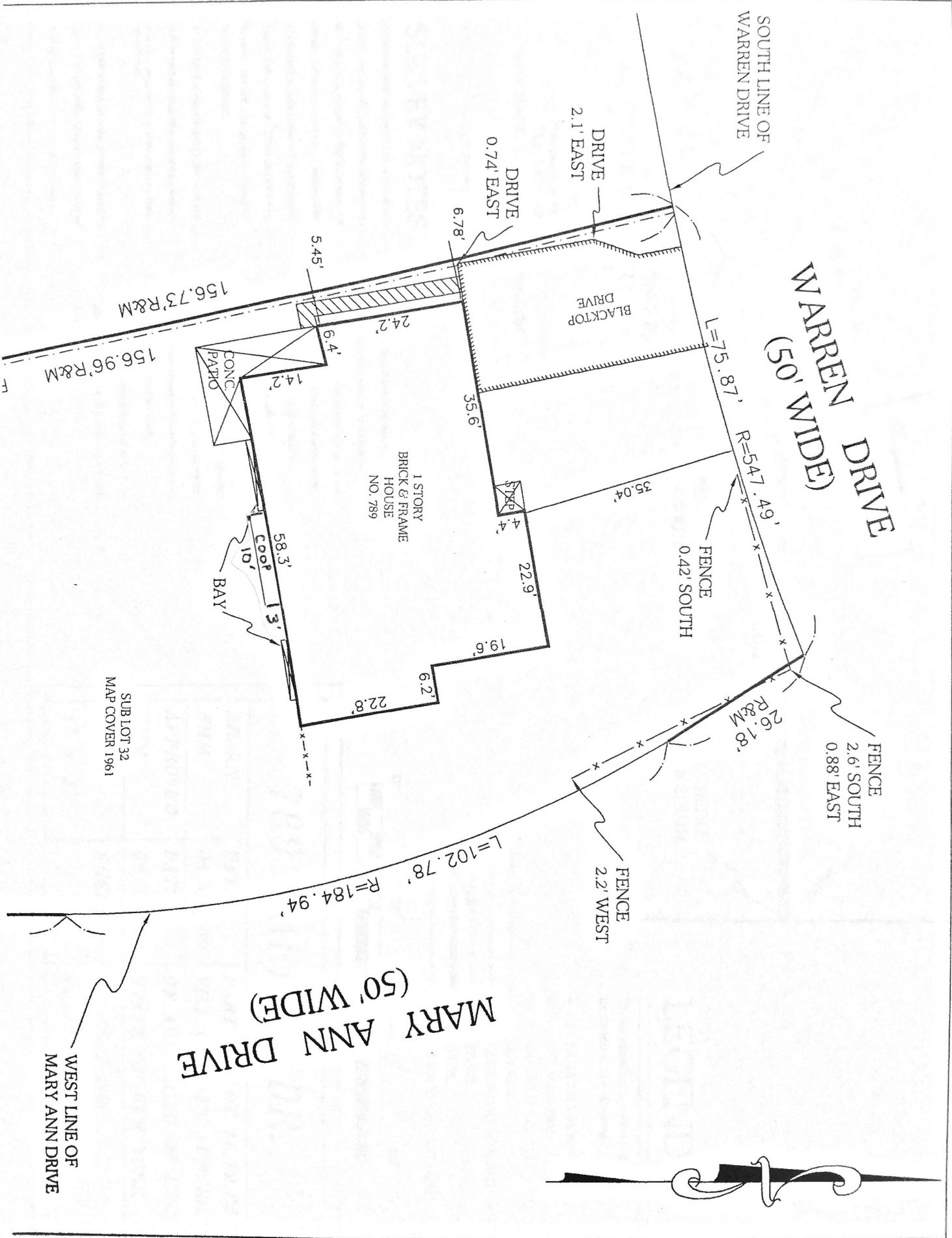
East Aurora, NY 14052



# MARY ANN DRIVE (50' WIDE)

WEST LINE OF  
MARY ANN DRIVE

SUB LOT 32  
MAP COVER 1961

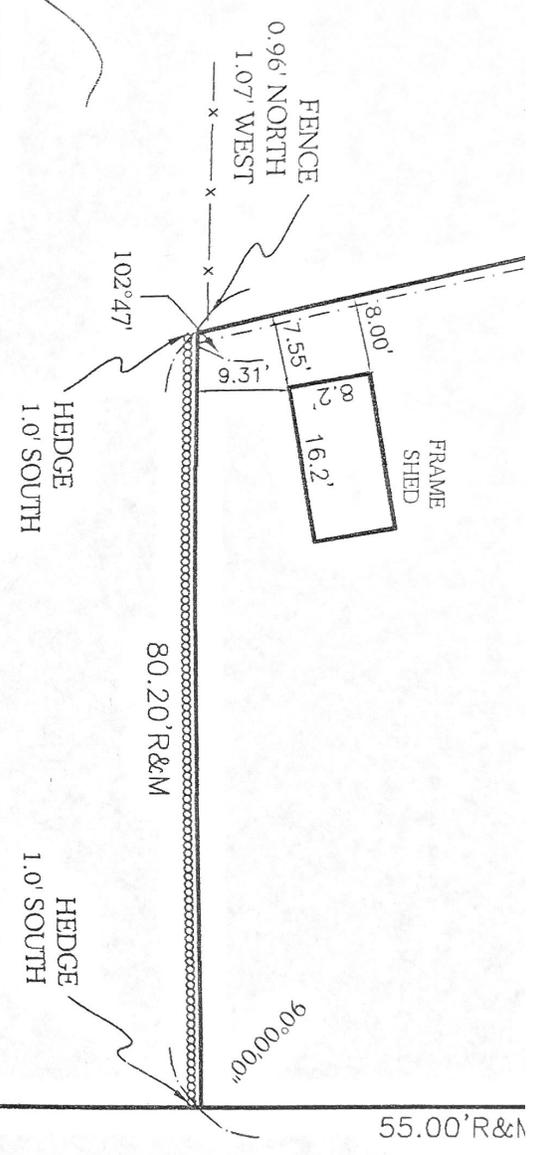


*Handwritten signature*

**MANGUSO LAND SURVEYING, P.C.**

**FREDERICK M. MANGUSO**  
 PROF. LAND SURVEYOR  
 572 TUSCARORA RD.  
 ANGOLA, NY 14006  
 PHONE 716 549 4717  
 LIC NO 049775-1  
 EMAIL MANGUSOSURVEYORS@AOL.COM

SUCCESSOR TO THE RECORDS OF  
 WILLIAM C. BUCKLAND L.S.  
 NORMAN E. JOHNSON L.S.  
 WILSON M. HUNTER L.S.



**LEGEND**

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE
- SET IRON PIPE
- UTILITY POLE
- BOUNDARY
- CENTERLINE OF ROAD
- FENCE
- DRIVE
- OVERHEAD UTILITY LINE



**SURVEY NOTES**

1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYORS SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
2. REPRODUCTION OF COPYING OF THIS DOCUMENT MAY BE A VIOLATION OF COPYRIGHT LAW UNLESS PERMISSION OF THE AUCTION AND/OR COPYRIGHT HOLDER IS OBTAINED.
3. ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S EMBOSSED SEAL AND GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND ORIGIN.
4. A COPY OF THIS DOCUMENT WITHOUT A PROVER APPLICATION OF THE SURVEYOR'S EMBOSSED SEAL SHOULD BE ASSUMED TO BE AN UNAUTHORIZED COPY.
5. ONLY TITLE SURVEYS BEARING THE MAKERS EMBOSSED SEAL SHOULD BE RELIED UPON SINCE OTHER THAN EMBOSSED SEAL COPIES MAY CONTAIN UNAUTHORIZED AND UNDETECTABLE MODIFICATIONS, DELETIONS, ADDITIONS, AND CHANGES.
6. THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE SHOWN, THE IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS CERTIFICATE.
7. SURVEY PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY FACTS THAT MAY ARISE THEREON.

**789 WARREN DR.**

<b>DRAWN</b>	<b>DATE</b>	<b>PART OF LOT 16, T9, R6</b>
<b>FMM</b>	<b>05/04/09</b>	<b>VILL OF EAST AURORA, TO</b>
<b>APPROVED</b>	<b>DATE</b>	<b>OF AURORA, CO OF ERIE</b>
<b>FMM</b>	<b>05/04/09</b>	<b>STATE OF NEW YORK</b>
<b>SCALE</b>	<b>SHEET</b>	<b>PROJECT NO.</b>
<b>1" = 20'</b>		<b>2009157</b>

Honorable Peter M. Mercurio  
Mayor, Village of East Aurora  
571 Main Street  
East Aurora, New York 14052

RE: Letter of Intent – Attorney for Village Service Agreement

Dear Mayor Mercurio:

Thank you for giving me this opportunity to contract with the Village of East Aurora to provide legal services to the Village effective April 6, 2020 in the capacity as Attorney for the Village. I propose to provide this service under the following terms, which if acceptable, are hereby agreed to and acknowledged by your signature hereon.

My official title will be “Attorney for Village,” allowing me under applicable State and Local Law Rules, Regulations and Code Provisions to perform certain responsibilities on behalf of the Village. I will not be deemed to be a municipal employee entitled to any benefits or obligations, but instead shall be deemed an independent contractor retained solely for the stated purposes herein.

I will be paid a maximum of \$17,000 per year (\$1,416.67 per month) for the term of this agreement, during which I will provide the following services for a period of not less than 10 hours per month.

In the event the total time required to perform the necessary services for a three month period exceeds an average of 10 hours per month, the tasks assigned me and the time needed to complete them will be reviewed in discussions with myself and the Administrator and Mayor, for the purpose of either making any needed changes in the scope of services, my work methods, or informing the Board that the cost of my services per year should be adjusted to exceed the \$17,000 annually. It shall be solely within the discretion of the Board whether to agree to any increase in compensation and I shall not be entitled to any amounts other than set forth above in the absence of such written agreement by the Board.

I will attend all regularly scheduled meetings of the Village Board of Trustees and will attend special Board meetings and work session meetings, as requested. If the Deputy Village Attorney is unavailable to attend a public meeting of the Planning Board and/or Zoning Board of Appeals where items on the agenda are such that attendance by an attorney is required due to specific legal issues, I will attend those meetings.

I will be available for consultation as requested by the Village Administrator, Mayor, Trustees, Board and Commission members or Department Heads, including, but not limited to, assistance, review and preparation of legal documents.

I will perform all duties commonly considered to be necessary and appropriate in providing comprehensive legal services for a municipality in the State of New York, and any other duties as requested by the Village Board, except I will not be responsible for defending the Village against personal injury claims or other claims of negligence and will not represent it in negotiations with municipal unions or in defense of grievances by union members or other related labor matters.

I will use my best professional efforts on behalf of the Village but, of course, I make no representation or promise that every matter for which I am responsible will be resolved in a manner that is completely satisfactory to the Board of Trustees.

I may resign the office upon 60 days advance notice given in writing.

My agreement may be terminated by the Mayor at any time for any reason or no reason upon 30 days advance notice given in writing. In such event the only obligation of the Village will be payment of my compensation for services previously performed.

This agreement will continue in effect unless modified by agreement stated in writing.

If these terms are acceptable, please indicate acceptance by signing the copy provided.

Accepted for the Village Board of Trustees:

Dated April 6, 2020

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Peter M. Mercurio, Mayor  
Village of East Aurora

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Robert J. Pierce, Attorney

Honorable Peter M. Mercurio  
Mayor, Village of East Aurora  
571 Main Street  
East Aurora, New York 14052

RE: Letter of Intent – Attorney for Village Service Agreement

Dear Mayor Mercurio:

Thank you for giving me this opportunity to contract with the Village of East Aurora to provide legal services to the Village effective April 6, 2020 in the capacity as Deputy Attorney for the Village. I propose to provide this service under the following terms, which if acceptable, are hereby agreed to and acknowledged by your signature hereon.

My official title will be “Deputy Attorney for Village,” allowing me under applicable State and Local Law Rules, Regulations and Code Provisions to perform certain responsibilities on behalf of the Village. I will not be deemed to be a municipal employee entitled to any benefits or obligations, but instead shall be deemed an independent contractor retained solely for the stated purposes herein.

I will be paid a maximum of \$10,000 per year (\$833.33 per month) for the term of this agreement, during which I will provide the following services for a period of not less than 10 hours per month.

In the event the total time required to perform the necessary services for a three month period exceeds an average of 10 hours per month, the tasks assigned me and the time needed to complete them will be reviewed in discussions with myself and the Administrator and Mayor, for the purpose of either making any needed changes in the scope of services, my work methods, or informing the Board that the cost of my services per year should be adjusted to exceed the \$10,000 annually. It shall be solely within the discretion of the Board whether to agree to any increase in compensation and I shall not be entitled to any amounts other than set forth above in the absence of such written agreement by the Board.

In the event the Village Attorney is unavailable to attend a regularly scheduled meeting of the Village Board of Trustees, I will attend in his absence, and also attend special meetings and work sessions of the Village Board, as requested. I will attend public meetings of the Planning Board and the Zoning Board of Appeals if advised by the Board Chairs that items on the agenda are such that my attendance is required due to specific legal issues.

I will be available for consultation as requested by the Village Administrator, Mayor, Trustees, Board and Commission members or Department Heads, including, but not limited to, assistance, review and preparation of legal documents.

I will perform all duties commonly considered to be necessary and appropriate in providing comprehensive legal services for a municipality in the State of New York, and any other duties as requested by the Village Board, except I will not be responsible for defending the Village against personal injury claims or other claims of negligence and will not represent it in negotiations with municipal unions or in defense of grievances by union members or other related labor matters.

I will use my best professional efforts on behalf of the Village but, of course, I make no representation or promise that every matter for which I am responsible will be resolved in a manner that is completely satisfactory to the Board of Trustees.

I may resign the office upon 60 days advance notice given in writing.

My agreement may be terminated by the Mayor at any time for any reason or no reason upon 30 days advance notice given in writing. In such event the only obligation of the Village will be payment of my compensation for services previously performed.

This agreement will continue in effect unless modified by agreement stated in writing.

If these terms are acceptable, please indicate acceptance by signing the copy provided.

Accepted for the Village Board of Trustees:

Dated April 6, 2020

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Peter M. Mercurio, Mayor  
Village of East Aurora

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Chris G. Trapp, Attorney

Resolution

5.18.20

I, Mayor Peter M. Mercurio, here by appoint

Cathryn C. Thomas as Affirmative Action Officer for a one-year term ending April 5, 2021.

Roll call vote:

Trustee Lazickas:

Trustee Kimmel-Hurt:

Trustee Cameron:

Trustee Schoeneman:

Trustee Porter:

Trustee Scheer:

Mayor Mercurio:

**AWARD PHONES**

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

**BE IT RESOLVED**, that upon the recommendation of the Village Administrator, and Clerk-Treasurer as the best value, the Phone RFP from the opening May 12, 2020 for Village phone system and service shall be awarded to:

The following resolution was seconded by Trustee \_\_\_\_\_, and unanimously approved.

**AWARD WEBSITE**

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

**BE IT RESOLVED**, that upon the recommendation of the Village Administrator, and Clerk-Treasurer as the best value, the Website RFP from the opening May 12, 2020 for Village Website creation and maintance shall be awarded to:

The following resolution was seconded by Trustee \_\_\_\_\_, and unanimously approved.